

**BEFORE THE PUBLIC SERVICE COMMISSION**  
**OF THE STATE OF MISSOURI**

In the Matter of an Investigation into a     )  
Pending Sale of Assets of Aquila, Inc.       )                      Case No. EO-2004-

**MOTION TO OPEN CASE**

COMES NOW the Staff of the Missouri Public Service Commission (Staff) and for its Motion to Open Case states:

1. The Missouri Public Service Commission (Commission) has the authority to establish a case for the purpose of receiving information from public utilities under its jurisdiction. §§393.130.1, RSMo Supp 2002, and 393.140(1), (2), (3), (5), (9), (10) and (12), RSMo. 2000. Aquila, Inc. is an electrical corporation as defined in section 386.020 (15) RSMo. 2000, and, as such, is a public utility subject to the Commission's jurisdiction pursuant to Chapters 386 and 393 RSMo.

2. Aquila provides electric service in and about Kansas City and St. Joseph, Missouri.

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WHEREFORE the Staff requests that the Commission direct its Staff to investigate the facts pertaining to the scope of the Commission's jurisdiction over Aquila's interests in \*\* HC \*\*, in particular whether sale of Aquila's interests in \*\* HC \*\* requires this Commission's approval, and that the Commission open a case to receive the results of the Staff's investigation.

Respectfully submitted,

DANA K. JOYCE  
General Counsel

/s/ Nathan Williams

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Nathan Williams  
Senior Counsel  
Missouri Bar No. 35512

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### **Certificate of Service**

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or electronically mailed to all counsel of record this 14<sup>th</sup> day of November 2003.

/s/ Nathan Williams

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**NP**