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

In the matter of Aquila, Inc. d/b/a Aquila Networks-MPS and Aquila Networks-L&P, for authority to file tariffs increasing electric rates for the service provided to customers	) ) )	Case No. ER-2004-0034
in the Aquila Networks-MPS and Aquila Networks-L&P area	)	G000 140. E14 200 1 000 1
In the matter of Aquila, Inc. d/b/a Aquila Networks-L&P, for authority to file tariffs increasing steam rates for the service provided to customers in the Aquila Networks-L&P area	) ) ) )	Case No. HR-2004-0024

## RESPONSE OF AQUILA TO STAFF MOTION FOR PREHEARING CONFERENCE

COMES NOW, Aquila, Inc. ("Aquila"), by and through counsel, and for its response to Staff Motion for Prehearing Conference, states as follows:

- 1. On or about December 15, 2003, Staff caused to be filed a Staff Motion for Prehearing Conference (hereinafter the "Motion"). Staff has requested that the Missouri Public Service Commission ("Commission") schedule a prehearing conference to address the effect, if any, of the Missouri Supreme Court's recent decision in *State ex.* rel AG Processing v. Public Service Commission, Case No. SC85352 on Aquila's pending electric and steam rate cases.
- 2. Staff points out in paragraph three (3) of the Motion, the remand of the Commission's Report and Order in its Case No. EM-2000-292 has not yet occurred. Consequently, convening a prehearing conference to discuss the effect of that case on the pending rate cases would appear to be premature. The issue on remand is not

properly before the Commission for further action or decision until it receives a mandate from the Circuit Court of Cole County, Missouri.

3. Notwithstanding the fact that the matter may not be before the Commission for formal consideration, Aquila sees little reason to oppose a prehearing conference for an informal discussion of the topic by the parties to the pending rate cases. A prehearing conference convened for this purpose could facilitate meaningful discussions pending the anticipated remand from the Missouri Supreme Court.

WHEREFORE, Aquila does not oppose Staff's request that the Commission schedule a prehearing conference to discuss the effect, if any, of the Missouri Supreme Court's decision in *State ex. rel AG Processing v. Public Service Commission*, Case No. SC85352 on the pending electric and steam heat rate increase cases of Aquila.

Respectfully submitted,

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## **CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the above and foregoing document was delivered by first class mail or by hand delivery, on this 18<sup>th</sup> day of December 2003 to the following:

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