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February 20, 2004

Mr. Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge
Missouri Public Service Commission
P.O. Box 360
Jefferson City, MO 65102

FILED³

FEB 20 2004

Missouri Public
Service Commission

Re: Case No. EO-2004-0224

Dear Mr. Roberts:

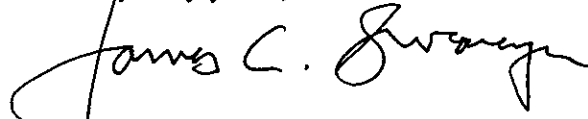
Enclosed for filing on behalf of Aquila, Inc. in the referenced cases, please find an original and eight (8) copies of **HIGHLY CONFIDENTIAL** Motion for Expedited Treatment and Schedule 1 and one copy of a **NONPROPRIETARY** Motion for Expedited Treatment.

A copy of this filing will be provided to all parties of record.

Please see that this filing is brought to the attention of the appropriate Commission personnel.

I thank you in advance for your cooperation in this matter.

Very truly yours,



James C. Swearngen

JCS/lar

Enclosure

cc: John Coffman
Nathan Williams

FEB 20 2004

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

Missouri Public
Service Commission

In the Matter of an Investigation into a)
Pending Sale of Assets of Aquila, Inc.)

Case No. EO-2004-0224

MOTION FOR EXPEDITED TREATMENT

COMES NOW Aquila, Inc. ("Aquila" or the "Company") pursuant to Commission Rule 4 CSR 240-2.080(16), and respectfully states the following to the Missouri Public Service Commission ("Commission"):

1. On January 28, 2004, the Commission issued its Order Directing Filing (the "Order") pursuant to which it requested a status report from its staff ("Staff") concerning various activities associated with the subject matter alleged in Staff's November 14, 2003 Motion to Open Case (the "Motion"). The Commission also indicated that "it may schedule an On-the-Record presentation regarding the question of the Commission's jurisdiction."

2. Staff filed its response to the Order on February 6, 2004 stating that it proposed the date of March 15, 2004 for an On-the-Record presentation.

3. Thereafter, on February 13, 2004, Aquila filed its reply to Staff's response and on February 20, 2004, Aquila advised the Staff that further negotiations to resolve this matter informally would not be productive. Thus, the Motion is ripe for a Commission decision.

4. To the extent that the Commission finds it necessary to hold an On-the-Record presentation with respect to Staff's Motion, given the immediacy of this matter, Aquila respectfully urges the Commission to consider a more expedited schedule than that suggested by its Staff. In order to accommodate the Commission in this regard,

and for the reasons stated below, Aquila suggests that the Commission could set aside time for such a presentation during the days of Tuesday, February 24 or Wednesday, February 25, 2004. These days occur during the time currently set aside to hear evidence in Aquila's pending rate case, Case No. ER-2004-0034. Aquila believes the issues scheduled to be tried on those two days will not require a full day of hearings. If this scheduling is not feasible, Aquila would greatly appreciate whatever prompt attention the Commission would afford this matter.

5. All regulatory approvals for the closing of the proposed transaction have been obtained by Aquila. However, the regulatory uncertainty created by the pending and unresolved Motion is preventing Aquila's ability to accomplish the sale which, in turn is harmful to Aquila's efforts to obtain financial stability by exiting the merchant energy business. In this regard, Aquila incorporates by reference, as though fully set forth herein, the reply it filed with the Commission in this docket on February 13, 2004.

6. *** _____

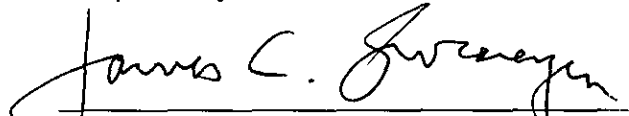
7.

8.

9. This Motion for Expedited Treatment was filed as soon as it could have been given the ongoing informal discussions which have taken place between Aquila and Staff concerning a possible settlement of this matter which discussions have just concluded without a mutually satisfactory resolution.

WHEREFORE, for good cause shown, Aquila respectfully requests that the Commission schedule any On-the-Record presentation it deems necessary without further delay and issue an order denying the Motion for lack of statutory authority over the subject matter of the transaction at its earliest opportunity.

Respectfully submitted,



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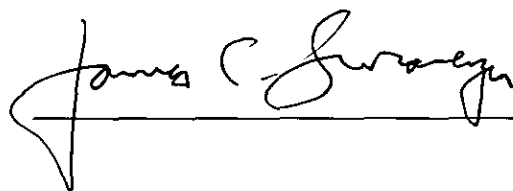
Attorneys for Aquila, Inc.

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 20th day of February 2004 to the following:

Mr. Nathan Williams
Senior Counsel
Missouri Public Service Commission
200 Madison Street, Suite 800
P.O. Box 360
Jefferson City, MO 65102-0360

Mr. John B. Coffman
Public Counsel
Office of the Public Counsel
200 Madison Street, Suite 650
P.O. Box 2230
Jefferson City, MO 65102



A handwritten signature in cursive script, appearing to read "James C. Swartz", is written above a solid horizontal line. The signature is positioned to the left of the line's end, with the line extending further to the right.

SCHEDULE 1
HIGHLY CONFIDENTIAL