

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

In the Matter of the Application of Aquila, )  
Inc. for Permission and Approval and a )  
Certificate of Public Convenience and )  
Necessity Authorizing it to Acquire, )  
Construct, Install, Own, Operate, Maintain, )  
and otherwise Control and Manage, and )  
otherwise Control and Manage Electrical )  
Production and Related Facilities in )  
Unincorporated Areas of Cass County, )  
Missouri Near the Town of Peculiar )

**Case No. EA-2006-0309**

**PREHEARING BRIEF OF THE OFFICE OF THE PUBLIC COUNSEL**

COMES NOW the Office of the Public Counsel (Public Counsel), by and through one of its attorneys and for its Prehearing Brief states to the Commission as follows:

1. That on April 11, 2006, Public Counsel, together with other parties to this action, joined in the proposed list of issues submitted by Cass County and joined in the request for the waiver of Commission Rule 4 CSR 240-2.080(21).
2. That, with the permission of counsel for Cass County, Public Counsel hereby joins in and adopts Cass County's Prehearing Brief filed in the above entitled cause.

Respectfully submitted,

OFFICE OF THE Public Counsel

**/s/ Mark D. Wheatley**

By: \_\_\_\_\_

Mark D. Wheatley (#301635)

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**CERTIFICATE OF SERVICE**

I hereby certify that copies of the foregoing have been mailed, emailed or hand-delivered to the parties of record on this 21<sup>st</sup> day of April 2006.

**/s/ Mark D. Wheatley**

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