

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

In the Matter of the Application of)
Richard K. Smith for Change of)
Electric Supplier)

Case No. EO-2003-0543

JOINT RESPONSE TO ORDER CLOSING CASE

COME NOW Aquila, Inc. ("Aquila"), Osage Valley Electric Cooperative ("Osage Valley") and the Staff of the Missouri Public Service Commission ("Staff") and provide the following joint statement in response to the Commission's September 29, 2004 Order Closing Case issued in the captioned proceeding:

1. On or about June 9, 2003, Richard K. Smith caused to be filed with the Commission an Application for Change of Electric Service Provider. The Application was docketed as captioned above.

2. On December 4, 2003, the Commission issued an Order Concerning Request for Change of Supplier pursuant to which Mr. Smith's application was granted in part and denied in part. The Commission stated that it would "take no further action in this case until Osage Valley Electric Cooperative and Aquila, Inc. file a territorial agreement."

3. Thereafter, Osage Valley and Aquila entered into negotiations that culminated in the execution of a Territorial Agreement dated as of June 1, 2004 (hereinafter the "Agreement"). The purpose of the Agreement was to designate the boundaries of three (3) exclusive service areas within the community of Peculiar, Cass County, Missouri described therein, including the property of Richard K. Smith which was identified as "Parcel A, Harvest Hill."

4. Because the Agreement addressed parcels of property other than the land owned by Richard K. Smith, a Joint Application was filed for approval of the Agreement

independently of this case. The Commission docketed the Joint Application as Case No. EO-2004-0603.¹

5. On September 29, 2004, the Commission issued its Order Closing Case in this case giving the parties until October 11, 2004 to file a pleading explaining why this case should remain open. The Commission stated the case would be closed on October 12, 2004, unless otherwise ordered.

6. The Commission has just issued its Report and Order in Case No. EO-2004-0603 finding that the Agreement is not detrimental to the public interest and approving same. The order bears and effective date of October 7, 2004.

7. In light in the Commission's Report and Order in its Case No. EO-2004-0603, Aquila, Osage Valley and Staff do not believe there is any further purpose to be served by keeping this case open for further filings and they do not object to the Commission closing the case on October 12, 2004.

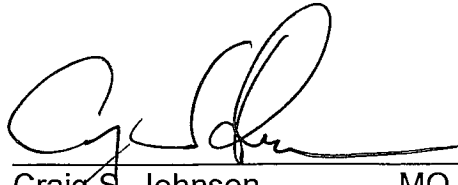
WHEREFORE, for the reasons aforesaid, Aquila, Osage Valley and Staff have no objection to the Commission closing the captioned case on October 12, 2004.

Respectfully submitted,



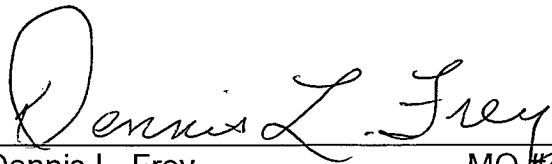
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¹ In the Matter of the Application of Aquila, Inc. d/b/a Aquila Networks-MPS, and Osage Valley Electric Cooperative for Approval of a Written Territorial Agreement Designating the Boundaries of Exclusive Service Areas Within Cass County, Missouri.



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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 5th day of October 2004 to the following:

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