

**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 Implement)
Rate Adjustments Required by 4 CSR 240-20.090(4) and) Case No. EO-2008-0415
the Company's Approved Fuel and Purchased Power)
Cost Recovery Mechanism.)

**RESPONSE OF AQUILA, INC. IN OPPOSITION TO
MOTION TO REJECT TARIFFS**

Aquila, Inc., d/b/a KCP&L Greater Missouri Operations Company ("Company"), opposes the "Motion to Reject Tariffs" that was jointly filed by Ag Processing and Sedalia Industrial Energy Users Association (jointly, the "Industrials") on August 8, 2008, and urges the Missouri Public Service Commission ("Commission") to deny the motion.

The Industrials admit that their motion is nothing more than a procedural device designed to preserve arguments regarding the tariff sheets filed by Company in this case in the event the Industrials prevail in their pending appeal of the Commission's *Order Approving Tariff to Establish Rate Schedules for Fuel Adjustment Clause* from Case No. EO-2008-0216. Indeed, in their motion the Industrials state that they "do not expect the Commission to reverse ground . . . at this point in time" on issues previously decided adverse to the Industrials in Case No. EO-2008-0216.

In Case No. EO-2008-0216, the Commission fully considered – and rejected – each of the issues raised by the Industrials in their motion, and the Industrials have presented no new facts or arguments that would warrant reconsideration of those issues in the current case. Moreover, through the Industrial's appeal of the Commission's order from the prior case, those issues currently are being reviewed by the Circuit Court of Cole County. Under such circumstances, reconsideration of those issues by the Commission in this case is neither necessary nor proper.

WHEREFORE, for the reasons stated above, Company urges the Commission to deny the Industrial's motion. Thereafter, the Commission should enter an order approving the tariff sheets filed by the Company in this docket or, in the alternative, allow those tariff sheets to take effect by operation of law.

Respectfully submitted,

/s/ L. Russell Mitten

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CERTIFICATE OF SERVICE

I hereby certify that the undersigned has caused a complete copy of the attached document to be electronically filed and served on the Commission's Office of General Counsel (gencounsel@psc.mo.gov) and on the Office of the Public Counsel (opcservice@ded.mo.gov) and also to be served electronically or by U.S. Mail on the following counsel of record on this 14th day of August, 2008.

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