



Aquila

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January 28, 2008

Chairman Jeff Davis
Missouri Public Service Commission
Public Information Office
Governor Office Building
200 Madison Street
P.O. Box 360
Jefferson City, MO 65102-0360

Re: Case No. AO-2008-0192

Dear Chairman Davis:

I feel compelled to address an allegation that initially was made in written recommendations that were filed in that docket by Julie L. Noonan and that she repeated during oral comments she made during the January 7, 2008, roundtable. This allegation is false and I want to make sure that you and the other members of the Commission are aware of that fact as you consider Ms. Noonan's recommendations and statements.

At page 4 of her written recommendations, Ms. Noonan alleges:

Jon Empson, Aquila VP, declared at the Lyons [sic] Club in Peculiar during the public forum hosted by Aquila in 2004 that the PSC preferred that Aquila build the SHPF plant in this location. If his statement was true, then it appears to this citizen that there was in appropriate discussion and commitment and/or encouragement from the PSC. Mr. Empson's statement was made at least two months prior to any case being opened before the PSC in regard to South Harper (similar to Rick Green's communication with the Aquila board regarding pre-determination on the merger). If this is true, as Jon Empson declared, that the PSC stated a preference that Aquila build SHPF in the area it currently occupies, then the PSC acted to encourage, support, or commit to something the PSC was telling the public, including me personally, that the had no involvement in.

She made this allegation again at page 5 of her written comments, where she states: "The statement of Jon Empson and the visit to the South Harper site of Commissioner Appling after injunction and the day prior to commencement of major concrete pouring give the appearance that the PSC was indeed involved in activities that they told the public there were not engaged in." And she repeated the allegation a third time in the oral presentation she made at the January 7th workshop. (Transcript pp. 90-91)

I want you to know that *Ms. Noonan's allegation is completely false*: not only did I not make the statements she attributes to me, I was not even present at the Lion's Club meeting in Peculiar, Missouri, in 2004 where she claims the statements were made.

Because I was unable to attend the January 7th workshop, I asked Denny Williams, Aquila's Vice President – Electric Regulatory Services, to point out Ms. Noonan's error on the record. This he did (Transcript pp.113-14), and, in response, Ms. Noonan seems to have acknowledged her error and apologized for it (Transcript p. 114). However, she has not made the effort to file a corrected statement. Therefore, to ensure that there is absolutely no confusion in the record regarding this matter, I write this letter to personally confirm: (1) that I did not attend the presentation that Aquila made to the Lion's Club in Peculiar in 2004 regarding the company's plans to build a generating facility in that area, and (2) I did not state that the Commission, or any commissioner, had expressed a preference that Aquila build its South Harper generating facility at any particular location.

I hope this letter clarifies the record regarding this matter once and for all, and makes clear that I have neither done nor said anything that suggests that the Commission pre-judged any issue regarding Aquila's South Harper generating facility.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jon Empson".

Jon Empson
Senior Vice President, Regulated Operations