

**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 Electrical)
Production and Related Facilities in)
Unincorporated Areas of Cass County,)
Missouri Near the Town of Peculiar.)

Case No. EA-2006-0309

APPLICATION TO INTERVENE

COMES NOW, the City of Peculiar, Missouri ("City" or "Peculiar"), pursuant to 4 CSR 240-2.075 of the Commission's Rules of Practice and Procedure, and for its Application to Intervene respectfully states:

1. The City of Peculiar, Missouri is a city of the fourth class of the State of Missouri under the classification provisions of Chapter 72, Revised Statutes of Missouri, and is a political subdivision of the state with powers, duties and obligations as provided by law.

2. The City's reason for seeking intervention and interest in the case is based upon its support of the construction, operation and location of the South Harper Plant as well as the South Harper Substation as is evidenced by the City's issuance of revenue bonds in December 2004 in support of the plant and substation, as well as the City's interest in a source of safe, adequate and reliable electric service for the City, its residents, businesses and industry. The City is currently experiencing strong economic growth, including residential growth which continues to expand and as such the City expects that commercial development will follow this residential growth trend. The City

further has an interest in the plant and substation being located near Peculiar in that as the City continues to grow the close proximity of the plant and substation to the City will ensure that adequate electricity supplies will be available to support the City's future economic development and growth.

3. The City has actively supported the construction and operation of the South Harper plant and substation through the issuance of revenue bonds in 2004, to which the City has vigorously litigated its right to do.¹ In Cass County Case No. CV104-1355CC, Stopaquila.org brought suit against the City of Peculiar regarding the issuance of said revenue bonds. On appeal, the Western District Court of Appeals rendered an opinion which voids the issuance of these bonds, however, the City of Peculiar has filed for transfer to the Supreme Court of Missouri, which has yet to answer the question of granting transfer. The City of Peculiar has been further supported in its litigation efforts by the amicus briefs of at least nine other cities from across this state. The City as such remains committed to ensuring the development of and provision of a community which has access to a stable electricity supply.

4. The Commission's decision in this case will have an effect on the City of Peculiar which is unlike that which will be experienced by the public at large, and the public at large in Cass County, in that the City is a direct supporter of its own growth and the availability of reliable electric service. Peculiar, as issuer of the revenue bonds, believes it has an interest in this matter that cannot be adequately represented by any other party. Since the City is a party to the financing document, and the City's interests

¹ See Stopaquila.org v. City of Peculiar, Cass County Case No. CV104-1355CC, Stopaquila.org. v. City of Peculiar, WD65000, Application for Transfer to the Supreme Court of Missouri filed December 7, 2005 and is now pending.

cannot be adequately protected by others, intervention would serve the public interest.

5. The City's interests were previously recognized by the Missouri Public Service Commission in Case No. EO-2005-0156.

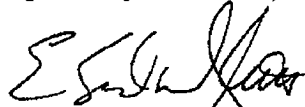
6. Correspondence, communications, orders and the decision in this matter should be addressed to:

City Administrator
City of Peculiar, Missouri
600 Schug Avenue
Peculiar, Missouri 64078

With a copy to:
E. Sid Douglas III
Gilmore & Bell, P.C.
Suite 1100, 2405 Grand Boulevard
Kansas City, Missouri 64108

7. WHEREFORE, for the foregoing reasons, the City of Peculiar, Missouri, respectfully requests that the Public Service Commission grant its Application to Intervene herein and be made a party hereto in this matter.

Respectfully submitted,



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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing document was hand-delivered, mailed by U.S. mail, or electronically transmitted on this 27th day of February, 2006, to the parties of record as well as those whom have currently on file an application to intervene in this matter:

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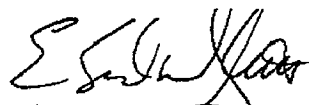
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