

**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

AQUILA’S RESPONSE TO APPLICATIONS FOR REHEARING

COMES NOW Aquila, Inc. (“Aquila” or the “Company”), by and through counsel, and in response to the Applications for Rehearing filed herein, respectfully states as follows to the Missouri Public Service Commission (the “Commission”):

1. On May 23, 2006, the Commission issued its Report and Order granting to Aquila the authority it requested in its application filed on January 25, 2006. The Report and Order, which bears an effective date of May 31, 2006, was issued after three local public hearings in Harrisonville, Cass County, Missouri, six days of evidentiary hearings in Jefferson City, Missouri, and rounds of both prehearing and posthearing briefs.

2. On May 30, 2006, prior to the effective date of the Report and Order, Cass County, Missouri (“Cass County”) filed its Application for Rehearing. On the same date, an Application for Rehearing was filed with the Commission on behalf of Frank Dillon, Kimberly Miller, James Doll, Linda Doll, Kendra Cooper, Randy Cooper, Gary Crabtree, Cheryle Crabtree, Allen Bockelman, and Shirley Bockelman (the “Nearby Residents”), and an Application for Rehearing was filed by Stopaquila.org (“StopAquila”).

3. The Applications for Rehearing again urge the Commission to deny Aquila's application or impose substantial conditions upon any authority granted to Aquila. In their Applications for Rehearing, Cass County, the Nearby Residents, and StopAquila, allege, among other things, a lack of due process, lack of Commission jurisdiction to hear Aquila's application, lack of Commission authority to address zoning and other land use issues, the Commission's inability to consider zoning and other land use issues, and the Commission's misinterpretation and misapplication of the applicable law.

4. The majority of the arguments presented in the Applications for Rehearing have already been considered and rejected by the Commission in its Report and Order and need not be readdressed. Any new arguments, such as StopAquila's suggestion that the Commission should follow the direction of an editorial published in the Kansas City Star, are not properly before this Commission and are unsupported by any evidence.

5. RSMo. Section 386.500.1 provides that the Commission shall grant an application for rehearing if "in its judgment sufficient reason therefore shall be made to appear." The Applications for Rehearing filed herein fail to establish sufficient reason for the granting of the same, and the Commission should, therefore, deny the Applications for Rehearing.

WHEREFORE, Aquila respectfully requests that the Commission deny the Applications for Rehearing and grant such other and further relief as the Commission deems just and proper under the circumstances.

_____/s/ Diana C. Carter_____
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ATTORNEYS FOR AQUILA, INC.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing document was delivered electronically, by first class mail, or by hand delivery, on this 31st day of May, 2006, to all parties of record.

_____/s/ Diana C. Carter_____
