

Law Offices of
CINDY REAMS MARTIN, P.C.
A Professional Corporation

CINDY REAMS MARTIN*

408 S.E. Douglas
Lee's Summit, Missouri 64063

(816) 554-6444

Telecopier:
(816) 554-5555

Respond to:
crlmlaw@swbell.net

*Admitted in Missouri and Kansas.

January 23, 2006

J. Dale Youngs
Blackwell Sanders, et al.
4801 Main Street, Suite 1000
Kansas City, MO 64112

VIA FACSIMILE (983-8080)

Christopher M. Reitz
Aquila, Inc.
20 West 9th Street
Kansas City, MO 64105

VIA FACSIMILE (467-9611)

Re: Cass County, Missouri v. Aquila, Inc., Case No. CV104-1443CC

Gentlemen:

Norma Dunn, Aquila's representative, appeared at Cass County's offices on Friday, January 20, 2006, with multiple boxes, for the purported purpose of filing an Application for a Special Use Permit for the existing South Harper Plant and Peculiar Substation. As you know, the Judgment currently in effect requires that the Plant and Substation be removed. Aquila has not secured relief from the Judgment, or from the County's right and entitlement to enforce the Judgment. Moreover, Aquila is and has been on notice that the County expects Aquila to comply with the Judgment. Aquila has no right to apply for a permit to approve a Plant and Subdivision that have been ordered removed.

Aquila's attempt to file an Application for Special Use Permit on January 20, 2006 was wholly inappropriate, and will be viewed as what I am certain it was intended to be -- brinksmanship. That conclusion is bolstered by Aquila's almost immediate contact of the press after the Application for Special Use Permit was rejected, and Aquila's attempts to manipulate the reporting of the County's rejection of the Application. The conclusion is also bolstered by the fact that the attorney you told us would be representing Aquila with respect to any applications, Ed Clemmons, had no knowledge of Aquila's intent to attempt to file its SUP Application last week. Clearly, this "attempted filing" was a "PR" ruse by Aquila.

The County had indicated to Aquila that, given Aquila's filing of a Motion to Extend Stay of Enforcement of the Judgment, the County would forego filing a Motion for Contempt pending disposition of the Motion for Stay. If Aquila persists in its deliberately manipulative behavior, the County will proceed with filing a Motion for Contempt, independent of disposition of Aquila's current Motion.

APPENDIX 1

J. Dale Youngs
Christopher M. Reitz
January 23, 2006
Page 2

Very truly yours,



Cindy Reams Martin

CRM/jdd

cc: Gary Mallory (via facsimile)
Debbie Moore (via facsimile)
Mark Comley (via facsimile)
Ed Clemmons (via facsimile)