

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI**

**In the matter of the application
of Aquila, Inc., for specific confirmation
or, in the alternative, issuance of a
certificate of convenience and
necessity authorizing it to construct,
install, own, operate, control, manage, and
maintain a combustion turbine electric
generating station and associated
substations in unincorporated areas of
Cass County, near the town of Peculiar**

Case Number EA-2005-0248

APPLICATION TO INTERVENE

COMES NOW STOPAQUILA.ORG, 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. STOPAQUILA.ORG is an unincorporated association consisting of numerous residents of Peculiar, Missouri, and the area outside of Peculiar, Missouri, who a.) oppose the building of the proposed power plant by Aquila, Inc., in the residential area where Aquila has begun construction, and c.) oppose Aquila's efforts to emasculate county zoning requirements and other county requirements. This organization consists of over 350 adults, of which Nancy Manning, Gary Crabtree, Mark Andrews, Della January, Steve Vincent and Max January are representative members. The undersigned is attaching a list of the members of STOPAQUILA.ORG.

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

STOPAQUILA.ORG
c/o Nancy Manning
24021 South Lucille Lane
Peculiar, Mo. 64078

and

Gerard Eftink, attorney
P.O. Box 1280
Raymore Mo 64083
Telephone No.: 816-322-8000
Fax No.: 816-322-8030

3. This case arose upon Aquila's filing of an application to obtain from the Commission a ruling that would indicate that Aquila does not need to comply with county zoning or in the alternative a specific certificate that would supposedly allow Aquila to build a power plant without county zoning approval. This application to intervene is timely.

4. Aquila is already in the process of constructing the plant(s) it refers to in its application in an area outside Peculiar, Missouri, which is an unincorporated area within Cass County, without zoning approval.

5. STOPAQUILA.ORG is a plaintiff in two suits now pending against Aquila, Inc. in the Circuit Court of Cass County, Case No. CV104-1355CC and CV104-1380CC. In the first case, STOPAQUILA.ORG has appealed a decision by the Circuit Court which purports to allow Peculiar to issue revenue bonds for construction of a power plant without the required vote of the electors. In the second case, STOPAQUILA.ORG filed a Petition against Aquila for Declaratory Judgment, and for Temporary Injunction, Preliminary and Permanent Injunctive Relief. Among other things, STOPAQUILA.ORG asked that the Court rule that all improvements constructed in an area in unincorporated Cass County be first approved by the County under its zoning authority. Aquila is constructing the plant in an area that is not zoned for such. Aquila has not acquired Cass County approval for construction of this plant. Aquila does not have a franchise that permit it to build said plant. The County of Cass sued Aquila, and the Circuit Court on

January 6, 2005, entered an injunction against Aquila and all others acting in concert with it, and Aquila has appealed. An expedited appeals schedule has been sought.

6. The interest of STOPAQUILA.ORG's members is different than the interest of the general public. Members live near the site of this proposed plant and will suffer from air pollution, noise pollution, electric overhead lines, loss of property values, and other damage. The harm to the people who live nearby will be substantial if Aquila is not stopped. STOPAQUILA.ORG et al. desires to participate fully in this proceeding including any hearing and the briefing of the issues. Its intervention would be in the public interest.

7. STOPAQUILA.ORG et al. is vehemently opposed to the relief requested by Aquila in its application.

WHEREFORE, for the foregoing reasons, STOPAQUILA.ORG, respectfully requests that the Commission grant its Application to Intervene in this matter, and thereby entitle it to have notice and to appear at the taking of testimony, to produce and cross-examine witnesses and to be heard on the argument, and in all other respects fully participate in this proceeding.

Respectfully submitted,

/s/ Gerard D. Eftink
Gerard Eftink, attorney MBN 28683
P.O. Box 1280
Raymore Mo 64083
Telephone No.: 816-322-8000
Fax No.: 816-322-8030
E-mail geftink@kc.rr.com
ATTORNEYS FOR STOPAQUILA.ORG

Certificate of Service

I hereby certify that a true and correct copy of the above and foregoing document was sent via e-mail on this 1stth day of February, 2005, to to the Office of General Counsel at gencounsel@psc.state.mo.us; Office of Public Counsel at opcservice@ded.state.mo.us; Paul A. Boudreau at paulb@brydonloaw.com, Mark Comley at comley@ncrpc.com , Debra Moore at dmoore@casscounty.com and by US Mail to:

Cindy Reams Martin
408 S.E. Douglas
Lee's Summit Mo 64063

_____/s/ Gerard D. Eftink_____
Gerard Eftink

VERIFICATION

STATE OF MISSOURI)
) ss.
COUNTY OF CASS)

I, _____, being first duly sworn, do hereby certify, depose and state that I am a representative of STOPAQUILA.ORG, which seeks intervention in the above captioned proceeding before the Missouri Public Service Commission; that I have read the above and foregoing Application to Intervene and the allegations therein contained are true and correct to the best of my knowledge, information and belief.

Subscribed and sworn to before me, a Notary Public, this ____th day of December, 2004.

My Commission expires:

Notary Public, Cass County, Missouri