

**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,	) Case No. _____
Maintain, and otherwise Control	)
and Manage Electrical Distribution	)
Substation And Related Facilities in	)
Clay County, Missouri (Near the	)
City Of Smithville).	)

**APPLICATION**

COMES NOW Aquila, Inc., (hereinafter "Aquila" or "Company") pursuant to §393.170 RSMo 2000, 4 CSR 240-2.060 and 4 CSR 240-3.105(1)(B), and for its application to the Missouri Public Service Commission ("Commission") states as follows:

**General Information About Aquila**

1. Aquila is a Delaware Corporation with its principal office and place of business at 20 W. 9<sup>th</sup> Street, Kansas City, Missouri 64105-1711. The Company is authorized to conduct business in Missouri through its Aquila Networks-MPS and Aquila Networks-L&P operating divisions. Aquila is an "electrical corporation," "heating company," and "public utility" as those terms are defined by § 386.020 RSMo 2000 and as such is engaged in providing electrical and industrial steam utility service in

those areas of the state certificated to it by the Commission. The Company filed its Certificate of Authority as a foreign corporation authorized to conduct business in the State of Missouri with the Commission in Case No. EU-2002-1053. That Certificate of Authority is incorporated herein by reference in accordance with 4 CSR 240-2.060(1)(G) and made a party hereof for all purposes. The Company filed copies of the registrations of the fictitious names of Aquila Networks-MPS and Aquila Networks L&P with the Commission in Case No. EU-2002-1053. Those copies are incorporated herein by reference in accordance with 4 CSR 240-2.060(1)(G) and made a part hereof for all purposes.

2. Aquila Networks-MPS and Aquila Networks-L&P have no pending actions or final unsatisfied judgments or decisions against them involving customer service or rates having occurred within three (3) years from the date of this application. Aquila has no annual reports or assessments fees that are overdue.

3. All pleadings, notices, orders and other communications and correspondence regarding this application and proceeding should be directed to:

Dennis R. Williams  
Aquila, Inc.  
20 West Ninth Street  
Kansas City, MO 64105  
(816) 467-3534

Renee Parsons  
Aquila, Inc.  
20 West Ninth Street  
Kansas City, MO 64105  
(816) 467-3297

Paul Boudreau  
Brydon, Swearingen & England, P.C.  
312 East Capitol Avenue  
P.O. Box 456  
Jefferson City, Missouri 65102  
(573) 635-7166

**Relief Requested**

4. This application is being filed by Aquila to obtain from the Commission permission, approval and a certificate of public convenience and necessity authorizing the Company to acquire, construct, install, own, operate, maintain, and otherwise control and manage an electrical distribution substation and related facilities to be located within Clay County, near the City of Smithville, Missouri (the "Pope Lane Substation"), as more specifically described below. The Tract (as defined below) upon which the Pope Lane Substation is to be built is situated within the geographic service area previously certificated to Aquila's predecessors-in-interest pursuant to the Commission's prior decisions and orders in various cases, including Case No. 8638 certificating this service area to Missouri Gas and Electric Service Company, which later merged with Missouri Public Service Company, Aquila's predecessor in interest. See Exhibit 1. The Commission approved this merger in Case No. 12260. See Exhibit 2.

### **The Pope Lane Substation and Related Facilities**

5. Further, the Commission authorized Aquila, or its predecessors-in-interest, to construct, operate and maintain electrical facilities, transmission lines and distribution systems and to render electrical service throughout portions of Clay County, Missouri, to further the public convenience and necessity, pursuant to various Orders, including decisions in Case Nos. 8638 and 12260 authorizing construction of facilities and provision of service. The location of the Pope Lane Substation will be within the general electric service area certificated to Aquila by the Commission in Case No. 8638.

6. By this application, Aquila requests permission, approval, and a certificate of public convenience and necessity, authorizing the Company to acquire, construct, install, own, operate, maintain, and otherwise control and manage an electrical distribution substation and all associated fixtures, buildings, transformers, breakers, and other equipment and all other facilities to be constructed at the location described in paragraph 7, *infra*.

7. A Certificate of Survey and a Site Development Plan of the Pope Lane Substation site, as well as its legal description (the "Tract") is attached and marked as Exhibit 3. While these plans and specifications are accurate as of the date of this application, they remain subject to change and supplementation.

8. The map and aerial view of the Pope Lane Substation are attached and marked as Exhibit 4. The Tract consists of approximately 16.6 acres of land, located along Missouri State Route 169 and Northwest 172<sup>nd</sup> Street, also known as Pope Lane Road, generally located in Section 14, Township 53N, Range 33W, Clay County, Missouri. The substation will be situated at approximately 110 feet east of Missouri State Route 169 and approximately 506 feet north of Northwest 172<sup>nd</sup> Street in Clay County, Missouri. The distribution substation and associated facilities will occupy approximately 2.5 acres of the 16.6 acre Tract. The estimated cost of the project is \$4,329,000. Aquila plans to finance construction of the Pope Lane Substation with funds on hand or available to it through existing lines of credit. It will not be project-financed.

9. The construction will not cross other electrical lines or telephone lines of regulated or unregulated utilities and no railroad tracks will be crossed.

10. The approval of this application is in accordance with and will promote the public convenience and necessity. The Pope Lane Substation will be located in Clay County and serve customers of the Company in Clay County, including the Smithville area, where the population has more than doubled since 1990. Much of the growth is occurring in the north area of the city – far from Aquila's existing

substation.<sup>1</sup> Smithville development maps show more than 2,700 platted lots that will be developed in the north area in the coming years. To meet the demands of the growing Smithville community, the Company needs to build a new substation and transmission line. The new facilities will bring several benefits, including improved system reliability, increased service capacity for existing and expected growth, and reduced need for additional electric lines from the existing substation so it can deliver power to its customers safely, efficiently and reliably.

11. A copy of the Clay County Court's 1928 Order of assent pursuant to §229.100 RSMo was attached to the Company's Application in Case No. 8638 in 1934, and is incorporated herein by reference in accordance with Commission Rule 4 CSR 240-2.060(1)(G).

12. Under the Clay County's Land Development Code (CCLDC), which adopted the Clay County Comprehensive Plan (CCCP), the Tract of land where the Pope Lane Substation would be situated is zoned agricultural. See CCCP § 2.1. Under the CCLDC, Minor Utility Service is permitted by right on agriculturally zoned land. CCLDC §151-4.3 B. Minor Utility Service is defined as "[s]ervices that are necessary to support principal development and involve only minor structures, such as lines and poles and specifically including electrical switching facilities and primary substations." CCLDC § 151-15. Therefore, under the

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<sup>1</sup> Aquila currently operates a 161kV substation located at 1614 South Commercial Avenue, Smithville, Missouri, south of Missouri Highway 92 on the west side of Missouri Highway 169.

CCLDC and CCCP, it is a permissible to construct and operate the Pope Lane distribution substation on the above-described Tract of land.

13. Prior to purchasing the Tract, Aquila commissioned a Phase I environmental study, which did not reveal any conditions or issues requiring remediation, further action, or additional study.

WHEREFORE, Aquila requests that the Commission issue its order:

- (A) Granting Aquila permission and approval and a certificate of public convenience and necessity, to construct, install, own, operate, maintain, and otherwise control and manage an electrical distribution substation together with any and all other facilities, structures, fixtures, equipment and installations related thereto, to be constructed for the distribution of electrical power and energy at the following described location in Clay County, Missouri:

Beginning at the Northwest corner of the Southwest Quarter of the Northwest Quarter of Section 14, Township 53 North, Range 33 West, Smithville, Clay County, Missouri; thence East, along the north line of said Quarter, 632.45 feet; thence South 0 Degrees 16 Minutes 10 Seconds East 1305.62 feet; thence North 89 Degrees 55 Minutes 31 Seconds West 663.08 feet to a point on the West line of said Quarter; thence North along said West line, 1303.80 feet to the Point of Beginning; except a tract of land, along the West side of said Quarter, conveyed to the State of Missouri for Route No. 169, recorded May 14, 1936 as document no. 589090 in book 311 at page 262; and except that part conveyed to the State of Missouri, acting by and through the Missouri Highway and Transportation Commission, recorded May 10, 1984 as document no. E79453 in book 1551 at page 533; and except any other part in road.

- (B) Finding that the granting of the authority requested by this application is required by the public convenience and necessity; and
- (C) Making such other orders and findings as are appropriate in the circumstances.

Respectfully submitted,

/s/ Paul A. Boudreau

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**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the above and foregoing document was delivered by first class mail, electronic mail or hand delivery, on this 28th day of December, 2006 to the following:

General Counsel  
Missouri Public Service Commission  
200 Madison Street, Suite 800  
P.O. Box 360  
Jefferson City, MO 65102-0360  
2230

Office of the Public Counsel  
Governor Office Building  
200 Madison Street, Suite 650  
P.O. Box 2230  
Jefferson City, MO 65102-

\_\_\_\_\_/s/ Paul Boudreau\_\_\_\_\_

### **LIST OF EXHIBITS**

Exhibit 1: Commission's Order in Case No. 8638

Exhibit 2: Commission's Order in Case No. 12260

Exhibit 3: A Map and Legal Description of the Pope Lane Substation Site

Exhibit 4: Current Plans and Specifications for the Pope Lane Substation

### **MATERIALS INCORPORATED BY REFERENCE**

1. Certificate of Authority to conduct business in the State of Missouri
2. Registrations of Fictitious Names
3. Clay County Court's 1928 Order