

**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	)	
Benton County, Missouri (Near the	)	
City Of Cole Camp).	)	

**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 transmission substation and related facilities to be located within Benton County, near the City of Cole Camp, Missouri (the "Cole Camp Substation"), as more specifically described below. The Tract (as defined below) upon which the Cole Camp 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. 9470 certifying this service area to Missouri Public Service Corporation, which later merged with Missouri Public Service Company, Aquila's predecessor in interest. See Exhibit 1. The Commission approved this merger in Case No. 11,892. See Exhibit 2.

### **The Cole Camp 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 Benton County, Missouri, to further the public convenience and necessity, pursuant to various Orders, including decisions in Case Nos. 9470 and 11,892 authorizing construction of facilities and provision of service. The location of the Cole Camp Substation will be within the general electric service area certificated to Aquila by the Commission in Case No. 9470.

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 transmission 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 map and aerial view of the Cole Camp Substation site are attached and marked as Exhibit 3. The Tract consists of approximately .75 acres of land, located along Federal Interstate Highway 65 and Missouri State Route 52, generally located in Section 29, Township 43N, Range 21W, Benton 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 transmission substation and associated facilities will occupy the .75 acre Tract.

8. The Boundary and Topographic Survey of the Cole Camp Substation site, as well as its legal description is attached and marked as Exhibit 4. While these plans and specifications are accurate as of the date of this application, they remain subject to change and supplementation. The estimated cost of the project is \$400,000. Aquila plans to finance construction of the Cole Camp 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 Cole Camp Substation will be a new 69/34.5 KV substation to replace an old and overloaded existing 69/34.5 KV substation, located at 14869 Centerline Ave., which is across the road from the new substation site. 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 Benton County Court's 1923 Order of assent pursuant to §229.100 RSMo was attached to the Company's Application in Case No. 9470 in 1938 as Exhibit B-8, and is incorporated herein by reference in accordance with Commission Rule 4 CSR 240-2.060(1)(G).

12. Benton County's local zoning and land use plan does not place any restrictions on the location of substations, and the project will be in compliance with all applicable ordinances and laws.

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 Benton County, Missouri:

A tract of land lying in the Southwest quarter of Section 29, Township 43 North, Range 21 West lying East of Old Highway 65 and West of a Williams Pipeline Company parcel recorded in Book 384, Page 1505, said tract of land being more particularly described as follows:

Note: The bearings herein are based on Missouri State Plane – Grid North.

Commencing at the apparent Southwest corner of said Section 29, said point being an unmonumented corner lying North 03° 43' 21" East a distance of 2650.96 feet from a railroad spike found at the West quarter corner of Section 32, Township 43 North, Range 21 West and also South 03° 43' 38" West a distance of 5277.74 feet from a railroad spike found at the Northwest corner of said Section 29;

Thence North 03° 43' 38" East a distance of 750.41 feet along the West line of Section 29;

Thence South 86° 19' 43" East a distance 39.56 feet to the East right of line of Old Highway 65 and the Point of Beginning;

Thence North 03° 43' 37" East a distance 149.28 feet to the intersection of said right of way line and an extension of the North line of the aforementioned Williams parcel;

Thence South 86° 13' 57" East a distance of 208.69 feet to the Northwest corner of said Williams parcel;

Thence South 03° 45' 30" East a distance of 148.93 feet along the West line of said Williams parcel;

Thence South 86° 19' 43" East a distance 208.61 feet to the point of beginning containing 31,112 square feet or 0.7142 acres more or less, subject to all restrictions and easements of record.

- (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. 9470

Exhibit 2: Commission's Order in Case No. 11,892

Exhibit 3: A Map and Aerial View of the Cole Camp Substation Site

Exhibit 4: Boundary and Topographic Survey and Legal Description of  
the Cole Camp Substation

### **MATERIALS INCORPORATED BY REFERENCE**

1. Certificate of Authority to conduct business in the State of Missouri
2. Registrations of Fictitious Names
3. Benton County Court's 1923 Order