

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI

In the matter of the application of	)	
Gary Hudlemeyer for change of	)	Case No.
electric supplier.	)	

**VERIFIED STATEMENT OF AQUILA, INC.**

1. The undersigned is counsel for Aquila, [Inc.](#) in the captioned matter and has authority to make representations on behalf of Aquila herein.

2. Aquila has reviewed the application for change of electrical supplier and investigated the situation to its reasonable satisfaction.

3. Mr. Hudlemeyer is constructing a new home on a tract which is inside the City of Smithville, Missouri. Aquila is the franchised electric service provider in the City of Smithville. Aquila's present electric facilities are located several miles away from the site of the new residence. It would cost approximately \$20,000 for Aquila to provide service to Mr. Hudlemeyer's new residence, some of which would be required to be paid by Mr. Hudlemeyer in the form of a customer contribution.

4. Platte-Clay Electric Cooperative, however, has electric service facilities located in front of the building site. Platte-Clay had facilities in the area prior to the annexation. Because Smithville has a population greater than 1,500 persons, Missouri law does not permit Platte-Clay to lawfully serve the new residence. Missouri law does provide, however, that the Commission can order a change of electrical suppliers for a reason which is in the public interest other than a rate differential.

5. Under these unique circumstances, Aquila believes it is in the public

interest for the Commission to order a change of electrical suppliers for the Hudlemeyer residence in response to his application, and it hereby consents to the entry of such an order to that effect.

6. Aquila understands from a verified statement of Platte-Clay's operations manager that the rural electric cooperative will provide the service given Aquila's consent and the entry of an order by the Commission.

7. Aquila has investigated other possible means of resolution of this situation and has concluded that an entry of such an order by the Commission will be the most efficient and timely mode for Mr. Hudlemeyer to be able to receive electric service.

8. Aquila's consent to a change of supplier in this unique situation is for the purpose of this application only and is designed solely to bring about a resolution of a situation in which, without a quick resolution, a homeowner will be deprived of electrical service. Aquila's consent here is not to be construed or cited as precedent by any person or any entity as endorsement of any type of principle underlying or allegedly underlying its consent to a stipulated resolution of this set of facts or endorsement of or acquiescence in a similar resolution in any future situation with similar facts. Aquila hereby reserves all of its rights under Missouri law to enforce the rights and privileges it has obtained through franchises and certificates of public convenience and necessity and to which it is otherwise entitled by law.

  
\_\_\_\_\_  
Gary W. Duffy MBE #24905  
BRYDON, SWEARENGEN & ENGLAND P.C.  
312 East Capitol Avenue

Attorneys for  
Aquila, Inc.

## State of Missouri

I, Gary W. Duffy, having been duly sworn upon my oath, state that I am an attorney for Aquila, Inc., that I am duly authorized to make this affidavit on behalf of Aquila, Inc., and that the matters and things stated in the foregoing pleading are true and correct to the best of my information, knowledge and belief.

Subscribed and sworn before me this 4<sup>th</sup> day of June, 2002.

**Notary Public**

AQhudlemeyerchangestatemt/gdmydocs/wp8

