

1 STATE OF MISSOURI  
2 PUBLIC SERVICE COMMISSION  
3 TRANSCRIPT OF PROCEEDINGS  
4 Public Hearing  
5 March 15, 2005  
6 Harrisonville, Missouri  
7 Volume 3  
8 In the Matter of the Application of )  
9 Aquila, Inc., for Specific )  
10 Confirmation or, in the Alternative, )  
11 Issuance of a Certificate of )  
12 Convenience and Necessity Authorizing)Case No.  
13 It to Construct, Install, Own,Operate)EA-2005-0248  
14 Control, Manage, and Maintain a )  
15 Combustion Turbine Electric Generating)  
16 Station and Associated Electric )  
17 Transmission Substations in )  
18 Unincorporated Areas of Cass County, )  
19 Missouri, Near the Town of Peculiar )  
20  
21 RONALD D. PRIDGIN, Presiding  
22 REGULATORY LAW JUDGE  
23 JEFF DAVIS, Chairman  
24 STEVE GAW  
25  
26 LINWARD "LIN" APPLING,  
27  
28 COMMISSIONERS  
29  
30 REPORTED BY: KIMBERLY G. ROBERTS

1 APPEARANCES:  
2 For Cass County: MR. MARK W. COMLEY  
3 Newman, Comley & Ruth  
4 601 Monroe, Suite 301  
5 Jefferson City, Missouri 65102  
6 and  
7 MS. DEBRA L. MOORE  
8 Cass County Counselor  
9 102 East Wall  
10 Harrisonville, Missouri 64701  
11 For Stopaquila: MR. GERARD D. EFTINK  
12 VanHooser, Olsen & Eftink  
13 704 West Foxwood Drive  
14 Raymore, Missouri 64083  
15 For Aquila: MR. PAUL A. BOUDREAU  
16 Brydon, Swearengen & England  
17 312 East Capitol Avenue  
18 Jefferson City, Missouri 65102  
19 For the Office of MR. JOHN B. COFFMAN  
20 Public Counsel: Office of Public Counsel  
21 200 Madison Street  
22 Jefferson City, Missouri 65102  
23 For the Staff of MR. DAN K. JOYCE  
24 the PSC: Mo. Public Service Commission  
25 200 Madison Street  
Jefferson City, Missouri 65102

ROBERTS & ASSOCIATES BY KIMBERLY G. ROBERTS, CM

1 P R O C E E D I N G S

2

3 (Proceedings commenced at 6:15 p.m.)

4

5 JUDGE PRIDGIN: We are on the  
6 record. Good evening, the Missouri Public Service  
7 Commission has set this time for a local public  
8 hearing in case number EA-2005-0248 in which  
9 Aquila, Incorporated, seeks Commission authority  
10 to construct its proposed South Harper facility  
11 and Peculiar substation.

12 The Missouri Public Service Commission  
13 regulates the rates charged by investor owned  
14 utility companies in Missouri to ensure that those  
15 rates are just and reasonable. The Commission  
16 also regulates the quality of service and safety  
17 of the operations of investor owned utilities.

18 The Commission is made up of five  
19 commissioners one of whom is here this evening.  
20 These commissioners are appointed by the governor  
21 to fixed terms and confirmed by the Senate.

22 The commissioners also employ a staff of  
23 engineers, accountants, attorneys, financial  
24 analysts and other specialists in the field of  
25 utility regulation.

ROBERTS & ASSOCIATES BY KIMBERLY G. ROBERTS, CM

1 I am Ron Pridgin. I am a regulatory law  
2 Judge for the Missouri Public Service Commission,  
3 and I will preside over this evening's hearing.  
4 With me this evening is Commissioner Lin Appling.

5 This is an official hearing of the  
6 Missouri Public Service Commission, and the  
7 statements and testimony of witnesses will be  
8 recorded by the court reporter and must be given  
9 under oath. All of the commissioners will have  
10 the chance to read all of your remarks.

11 In addition to this hearing this evening  
12 a trial type hearing will be held on March 28th  
13 and 29th starting at ten o'clock in the morning at  
14 the Commission's offices at the Governor Office  
15 Building in Jefferson City, Missouri.

16 That is a public hearing and the company  
17 will have the burden of showing that constructing  
18 the proposed plant is necessary or convenient for  
19 the public service. The parties will present  
20 their witnesses for and against the proposed  
21 construction at that time.

22 The purpose of the hearing tonight is to  
23 hear from you on the proposed construction. The  
24 company will not present witnesses and will not  
25 answer questions during this hearing. This is

ROBERTS & ASSOCIATES BY KIMBERLY G. ROBERTS, CM

1 your chance to testify, and your remarks will be  
2 made a part of the official record of this case.

3 I will call the name of each witness who  
4 has signed up to speak. I will call you in the  
5 order in which you signed up. When your name is  
6 called, please come forward and stand at the  
7 witness lectern. I will ask that you spell your  
8 name for the court reporter so she can put it in  
9 the record correctly. I will ask you a few  
10 preliminary questions such as your name and  
11 address and you can then make your statement.

12 There may be questions from the  
13 commissioners or from myself. Please do not leave  
14 the witness area until you are excused.

15 This hearing is scheduled to end promptly  
16 at 9:00 p.m. To get as many of you on the record  
17 as possible I will ask that you be brief. If I  
18 still have remaining witnesses at eight o'clock, I  
19 may begin to limit witnesses to three minutes  
20 each.

21 If a prior speaker has already made the  
22 points that you wanted to make, you may simply  
23 state that you agree with what somebody else said.

24 There may be someone who wishes to  
25 testify but for religious reasons cannot take an

ROBERTS & ASSOCIATES BY KIMBERLY G. ROBERTS, CM

1 oath. If so please tell me when I ask you to be  
2 sworn so that I may affirm your testimony instead.

3 Does anyone have any questions about the  
4 procedure of this evening's hearing? Ma'am.

5 UNKNOWN PERSON: How were  
6 witnesses made known to you and put on the list?

7 JUDGE PRIDGIN: There was a  
8 witness sign-up list outside until the last few  
9 minutes. Again if there is somebody who wants to  
10 testify and has not signed the list, we will make  
11 that list available for folks to sign. Thank you.  
12 Yes, sir.

13 UNKNOWN PERSON: I would like to  
14 sign up.

15 JUDGE PRIDGIN: All right, thank  
16 you. We will make this list available. Any other  
17 questions? Yes, ma'am.

18 UNKNOWN PERSON: From what I  
19 read it said until 9:00 or until everyone who  
20 wants to speak got to speak. We started late and  
21 now you're saying it's going to stop promptly at  
22 9:00.

23 JUDGE PRIDGIN: I said it was  
24 scheduled to end promptly at 9:00. I understand  
25 that we started late. If we still have quite a

1       few witnesses we will continue pressing on  
2       forward. Yes, ma'am.

3                   UNKNOWN PERSON: There are  
4       supposed to be three commissioners here and now  
5       you're stating there's just one; is that correct?

6                   JUDGE PRIDGIN: I am missing  
7       two. They are scheduled to be here. I don't know  
8       where they are, and to try to accommodate folks we  
9       are going to go ahead and get started. They are  
10      scheduled. They should have been here by now.

11                  UNKNOWN PERSON: Do they have a  
12      cell phone, can we call and ask them where they  
13      are?

14                  JUDGE PRIDGIN: They know this  
15      begins at six o'clock. I'm not going to question  
16      them where they are. They know about this  
17      hearing.

18                  UNKNOWN PERSON: Somebody needs  
19      to question them.

20                  UNKNOWN PERSON: That's  
21      disrespectful to us.

22                  JUDGE PRIDGIN: Actually they  
23      planned this hearing because they planned to be  
24      here right now. I don't know where they are. I'm  
25      terribly sorry. Again there are other

ROBERTS & ASSOCIATES BY KIMBERLY G. ROBERTS, CM

1 commissioners that are here. All of your comments  
2 will be made a part of the record. They will read  
3 the record whether they are here or not.

4 UNKNOWN PERSON: Will we be  
5 notified later from them in some manner as to why  
6 they did not feel it necessary to show up?

7 JUDGE PRIDGIN: I don't know,  
8 ma'am.

9 UNKNOWN PERSON: Is there a way  
10 I can find out?

11 JUDGE PRIDGIN: You can  
12 certainly talk to staff and see if they will  
13 answer those questions.

14 UNKNOWN PERSON: What are the  
15 other two commissioners that are coming?

16 JUDGE PRIDGIN: What are the  
17 other two?

18 UNKNOWN PERSON: Who are the  
19 other two?

20 JUDGE PRIDGIN: Mr. Jeff Davis  
21 and Commissioner Steve Gaw.

22 UNKNOWN PERSON: Thank you.

23 JUDGE PRIDGIN: Any other  
24 questions before we begin?

25 (No response.)



ROBERTS & ASSOCIATES BY KIMBERLY G. ROBERTS, CM

1 JUDGE PRIDGIN: This is the  
2 hearing in case number EA-2005-0248 in the matter  
3 of the application of Aquila, Incorporated, for  
4 specific confirmation or in the alternative  
5 issuance of a certificate of convenience and  
6 necessity authorizing it to construct, install,  
7 own, operate, control, manage and maintain a  
8 combustion turbine electric generation station and  
9 associated electric transmission substations in  
10 unincorporated areas of Cass County, Missouri near  
11 the town of Peculiar.

12 I'll ask that counsel make their entries  
13 of appearance please. Is there anyone here on  
14 behalf of the staff of the Commission? No counsel  
15 from the staff. Any counsel from the Office of  
16 Public Counsel?

17 MR. COFFMAN: Yes, John Coffman  
18 on behalf of the Office of Public Counsel and the  
19 public.

20 JUDGE PRIDGIN: Thank you.  
21 Anyone on behalf of Cass County, Missouri?

22 MR. COMLEY: Thank you, Judge  
23 Pridgin. Let the record reflect the entry of  
24 appearance of Mark Comley of Newman, Comley and  
25 Ruth, Jefferson City, Missouri and on my left is

1 Debra L. Moore, Cass County Counselor, whose  
2 address is generally in this building.

3 JUDGE PRIDGIN: Mr. Comley,  
4 thank you, Ms. Moore, thank you. On behalf of  
5 stopaquila.org.

6 MR. EFTINK: Gerry Eftink of  
7 VanHooser, Olsen & Eftink on behalf of  
8 stopaquila.org.

9 JUDGE PRIDGIN: Mr. Eftink,  
10 thank you. On behalf of Aquila.

11 MR. BOUDREAU: Let the record  
12 reflect the entry of appearance of Paul A.  
13 Boudreau of Brydon, Swearngen & England in  
14 Jefferson City, Missouri.

15 JUDGE PRIDGIN: Mr. Boudreau,  
16 thank you. I'm going to begin by calling the  
17 first witness. If I mispronounce your name I  
18 apologize. Please feel free to correct me. The  
19 first witness that I see listed is George Lewis.

20 GEORGE LEWIS  
21 called as a witness herein, being first duly sworn  
22 by the Judge, testified on his oath as follows:

23

24 JUDGE PRIDGIN: Would you  
25 please state your name and spell your last name

1 for the record.

2 MR. LEWIS: The last name is  
3 Lewis, L-E-W-I-S, first name is George,  
4 G-E-O-R-G-E, middle initial G.

5 JUDGE PRIDGIN: Mr. Lewis, are  
6 you a resident of Cass County, Missouri?

7 MR. LEWIS: Yes, sir, I am.

8 JUDGE PRIDGIN: And are you a  
9 customer of Aquila, Incorporated?

10 MR. LEWIS: Yes, sir, I am.

11 JUDGE PRIDGIN: All right. Are  
12 there any statements you have for the Commission?

13 MR. LEWIS: Actually I'm here to  
14 represent the City of Peculiar. I'm the mayor of  
15 Peculiar, Missouri. I'm also a customer in  
16 Peculiar and as a customer I'm strongly in favor  
17 of this facility, and I hope it can go forward and  
18 I hope you see the need to go ahead and approve  
19 that so we can have peak power for our system  
20 here.

21 From the city's standpoint Peculiar has  
22 had an increase in population by 66 percent since  
23 2000, and Peculiar has platted 21,000 new  
24 residential units including nine new subdivisions  
25 in 2004.

1                   Presently there are 15,000 new  
2                   residential units that are planned in the Raymore  
3                   Peculiar School District; therefore, I think you  
4                   can see there is a need for power in our area and,  
5                   of course, peak power.

6                   The peaking facility will help Peculiar  
7                   and Cass County attract hopefully new business and  
8                   retain others. For example, Sioux Chief  
9                   Manufacturing which is being annexed into Peculiar  
10                  grew 25 percent in 2004.

11                  Also the improvement of new transmission  
12                  lines will improve the reliability and hopefully  
13                  there will be a redundancy from peak generation.

14                  Peaking facilities have brought roughly  
15                  200 construction jobs in the Peculiar area and  
16                  some business; however, most of those people do  
17                  live outside the area and they come and go daily,  
18                  and, of course, this is a peaking facility not a  
19                  24/7 operation.

20                  Now, the Board of Aldermen went on a trip  
21                  to Greenwood. They saw the facility. They got  
22                  behind this program. They have supported it and  
23                  the Board of Aldermen are behind it. They are  
24                  fully aware of what the facility does and what it  
25                  does not do and also they feel that the facility

ROBERTS & ASSOCIATES BY KIMBERLY G. ROBERTS, CM

1 will not have a negative impact on the community.

2 The current site is best because it's  
3 adjacent to a natural gas compressor unit.  
4 Transmission lines are on site. Of course, the  
5 DNR has approved the air quality permit for the  
6 Peculiar site which means the effect to the  
7 surrounding area is negligible, all points  
8 supported at least as far as the cost of the site.

9 Now, the City of Peculiar has completed  
10 the 100 financing for this project 130 million  
11 dollars worth. This was closed on December 28,  
12 2004. The land and the generator substation are  
13 titled to the City of Peculiar. Turbines and  
14 related equipment are also titled to the city.

15 Now, the Ray-Pec School District will  
16 benefit from this at least five fold. They will  
17 receive over five million dollars. Because of the  
18 100 the West Peculiar Fire Protection District  
19 will benefit and the Cass County hospital,  
20 library, roads and bridge and water district.

21 Now, the City of Peculiar because the  
22 annexation to the plant was fought we dropped the  
23 annexation so, therefore, we will not receive  
24 anything from the 100 other than a small  
25 administrative fee; how, I think it's fair to note

ROBERTS & ASSOCIATES BY KIMBERLY G. ROBERTS, CM

1       that we did receive some money in this from --  
2       some money for our work.

3               I think it's very important that we have  
4       this. I think it's a plus for our community.  
5       Honestly if I felt this would be adverse to the  
6       people that lived out there, I would not have  
7       supported it.

8               I think when this is all said and done  
9       and a year down the road I think we will find out  
10      this is a real positive thing for our community  
11      and I encourage the Commission to approve this.  
12      Thank you very much for your time.

13               JUDGE PRIDGIN: Mr. Lewis, thank  
14      you. Let me see if we have questions from the  
15      commissioners. Mr. Appling, any questions?

16               COMMISSIONER APPLING: No  
17      questions.

18               JUDGE PRIDGIN: All right, thank  
19      you. Mr. Lewis, thank you. The next witness is  
20      George Bremer.

21               (Commissioner Gaw entered the room.)

22               GEORGE BREMER  
23      called as a witness herein, being first duly sworn  
24      by the Judge, testified on his oath as follows:

25

1 JUDGE PRIDGIN: Sir, would you  
2 please state your name for the record and spell  
3 your last name.

4 MR. BREMER: George Bremer,  
5 B-R-E-M-E-R.

6 JUDGE PRIDGIN: Are you a  
7 resident of Cass County, Missouri?

8 MR. BREMER: Yes, sir.

9 JUDGE PRIDGIN: And are you a  
10 customer of Aquila?

11 MR. BREMER: No, sir.

12 JUDGE PRIDGIN: All right. Is  
13 there any statement you have for the Commission?

14 MR. BREMER: I suppose, sir,  
15 this statement would be that my wife and I were  
16 the landowners that sold the property, and we have  
17 lived there 43 years, and we live approximately  
18 500 foot north of what is now Southern Star, and  
19 they're going to use the same fuel and be under  
20 the same regulations that Aquila will be under.

21 We have never had any problems with  
22 Southern Star so we are going to assume that  
23 Aquila will not cause any problems either. I  
24 guess that would mainly be what I have to say.  
25 Thank you, sir.

1 JUDGE PRIDGIN: Mr. Bremer,  
2 thank you very much. Let me see if there are any  
3 questions from the commissioners. Commissioner  
4 Gaw, any questions?

5 COMMISSIONER GAW: Not right  
6 now, I might later.

7 JUDGE PRIDGIN: Thank you. Mr.  
8 Appling.

9 COMMISSIONER APPLING: No  
10 questions.

11 JUDGE PRIDGIN: Mr. Bremer,  
12 thank you for your remarks. The next witness is  
13 James Toone.

14 JAMES TOONE  
15 called as a witness herein, being first duly sworn  
16 by the Judge, testified on his oath as follows:

17  
18 JUDGE PRIDGIN: Please state  
19 your name for the record and spell your last name.

20 MR. TOONE: James Toone,  
21 T-O-O-N-E.

22 JUDGE PRIDGIN: And are you a  
23 resident of Cass County, Missouri?

24 MR. TOONE: Yes, I am.

25 JUDGE PRIDGIN: And are you a



1 customer of Aquila?

2 MR. TOONE: No, I'm not.

3 JUDGE PRIDGIN: All right. Is  
4 there any statement you have for the Commission?

5 MR. TOONE: I'm speaking on  
6 behalf of the West Peculiar Fire District, and we  
7 don't generally oppose or support any development.  
8 We do feel though that it's only fair to talk  
9 about some of the things that Aquila has been  
10 willing to do to improve the area. We have heard  
11 other things about things that have been damaged  
12 in the area, but one thing that I know they have  
13 given approval for with Water District Number  
14 Seven is the addition of some improvement  
15 waterlines and 20 new fire hydrants.

16 That does greatly impact our ability to  
17 fight fires in that area, and those will be  
18 placed -- if the project goes forward with Water  
19 District Number Seven and myself and we are going  
20 to place those in tactical locations that are  
21 beneficial to the people down there.

22 They have been fairly cooperative with  
23 subjects such as impact fees and getting plans to  
24 us as requested usually within 24 hours.

25 JUDGE PRIDGIN: Mr. Toone, thank

1       you. Does that conclude your statement?

2                       MR. TOONE: Yes, it does.

3                       JUDGE PRIDGIN: Thank you.

4       Commissioner Gaw, any questions?

5                       COMMISSIONER GAW: No.

6                       JUDGE PRIDGIN: Mr. Toone, thank  
7       you for your remarks, sir. Tom Shiflett.

8                       TOM SHIFLETT

9       called as a witness herein, being first duly sworn  
10      by the Judge, testified on his oath as follows:

11

12                      JUDGE PRIDGIN: If you would,  
13      please state your name for the record and spell  
14      your last name.

15                      MR. SHIFLETT: Tom Shiflett,  
16      S-H-I-F-L-E-T-T.

17                      JUDGE PRIDGIN: Are you a  
18      resident of Cass County, Missouri?

19                      MR. SHIFLETT: I am not.

20                      JUDGE PRIDGIN: And are you a  
21      customer of Aquila?

22                      MR. SHIFLETT: I am not.

23                      JUDGE PRIDGIN: All right. Is  
24      there any statement you have for the Commission?

25                      MR. SHIFLETT: Yes, sir. My

ROBERTS & ASSOCIATES BY KIMBERLY G. ROBERTS, CM

1 name is Tom Shiflett and I'm president of Par  
2 Electrical Contractors. Our headquarters is in  
3 Kansas City, Missouri. I am here today to voice  
4 my support for the South Harper peaking facility.

5 Unquestionably the growth experienced in  
6 Cass County has been phenomenal. With economic  
7 growth, however, also comes the necessity to plan  
8 and install the required utility infrastructure to  
9 support that growth.

10 There is no substitute for long range  
11 planning and development of adequate electric  
12 infrastructure in order to meet growing demands.

13 It's my opinion that the South Harper  
14 facility is a well thought out site. Significant  
15 gas and electric infrastructure already exist at  
16 the site, thus, minimizing the overall  
17 construction project.

18 Further a facility of this type being a  
19 peaking facility used only during limited periods  
20 of high electrical demand reduces the need for  
21 large base load units making both environmental  
22 and economic sense.

23 Conservation and the pursuit of renewable  
24 energy sources must continue to be actively  
25 pursued. In areas of high economic growth such as

ROBERTS & ASSOCIATES BY KIMBERLY G. ROBERTS, CM

1       Cass County the options ultimately become twofold,  
2       either import from outside the necessary energy  
3       resources or develop the required energy  
4       infrastructure locally.

5               By importing energy resources from  
6       outside you still need to develop the transmission  
7       infrastructure to deliver that resource.  
8       Interstate transmission lines required for such  
9       delivery are generally larger and operate at  
10      higher voltages than local subtransmission lines  
11      like those required for the South Harper facility.  
12      Further, the economic impact of importing power  
13      always means exporting jobs tax base out of the  
14      area.

15             As a company which performs the majority  
16      of construction and maintenance on Aquila's  
17      substation, transmission and distribution systems  
18      I can state that the jobs created during the  
19      construction process and the maintenance continued  
20      on an ongoing basis is significant. It's better  
21      that the money is spent here rather than in  
22      surrounding states.

23             I have experienced firsthand the  
24      California energy crisis and the northeast  
25      blackout and I can personally attest to the

1       debilitating effects of a failure to adequately  
2       address the need for continued electrical  
3       infrastructure development.

4               The problems experienced in California  
5       and the northeast are by no means resolved. In  
6       fact, it's probable that continued blackouts will  
7       be experienced this year, and certainly in  
8       California that's the case.

9               I can also tell you that in the aftermath  
10       of these problems the ability to think in terms of  
11       long-term solutions becomes difficult. Rather it  
12       becomes a scramble simply to keep the lights on.

13              Missouri must not fall under this cycle.  
14       The development of electrical infrastructure must  
15       continue in order for us to enjoy a prosperous and  
16       energy secure future. Thank you.

17              JUDGE PRIDGIN: Mr. Shiflett,  
18       thank you. Let me see if we have questions from  
19       the commissioners. Mr. Gaw.

20              COMMISSIONER GAW: Would you  
21       tell me what your business is again please.

22              MR. SHIFLETT: We are a power  
23       line contractor providing construction and  
24       maintenance services to utility companies.

25              COMMISSIONER GAW: And your

1 offices are where?

2 MR. SHIFLETT: Our headquarters  
3 is in Kansas City, Missouri.

4 COMMISSIONER GAW: Okay. And so  
5 you do this work around the country?

6 MR. SHIFLETT: That is correct.

7 COMMISSIONER GAW: Is it your  
8 belief that peaking facilities are better than  
9 base load plants?

10 MR. SHIFLETT: In the given  
11 application yes, I do if you can avoid building a  
12 thousand megawatt base load unit by simply putting  
13 up some peaking units that will get you through  
14 the summer and peak demand periods, yes.

15 COMMISSIONER GAW: But you are  
16 talking about in this particular case, are you  
17 not? You're not necessarily talking about in  
18 general, are you, or are you saying that we should  
19 replace all of our base load units with peaking  
20 units?

21 MR. SHIFLETT: No, I'm not.  
22 What I'm saying is in certain instances such as  
23 this distributed generation like this peaking unit  
24 has its place.

25 COMMISSIONER GAW: And in this

1 instance you are saying that you think it makes  
2 sense?

3 MR. SHIFLETT: Yes, sir.

4 COMMISSIONER GAW: Was there  
5 some reason why the cogeneration plant that Aquila  
6 used to own didn't make sense?

7 MR. SHIFLETT: I don't know.

8 COMMISSIONER GAW: Were you  
9 involved in any way in the construction of that  
10 plant?

11 MR. SHIFLETT: We were involved  
12 in some of the transmission infrastructure and  
13 substation infrastructure with that plant.

14 COMMISSIONER GAW: What kind of  
15 plant is that?

16 MR. SHIFLETT: That's a combined  
17 cycle combustion turbine.

18 COMMISSIONER GAW: Where is it  
19 located?

20 MR. SHIFLETT: Pleasant Hill.

21 COMMISSIONER GAW: Did Aquila at  
22 one time have an interest in that plant?

23 MR. SHIFLETT: I'm not familiar  
24 with all of the financial arrangements at that  
25 plant. It's my understanding that they did

1       though.

2                       COMMISSIONER GAW:   Do you know  
3       whether they have an interest in it today?

4                       MR. SHIFLETT:   I do not know  
5       that.

6                       COMMISSIONER GAW:   That's all I  
7       have.   Thank you, sir.

8                       JUDGE PRIDGIN:   Thank you,  
9       Commissioner Gaw, and thank you, Mr. Shiflett.  
10      Gary Kemp.

11                      GARY KEMP  
12      called as a witness herein, being first duly sworn  
13      by the Judge, testified on his oath as follows:

14  
15                      JUDGE PRIDGIN:   Mr. Kemp, please  
16      state your name for the record and spell your last  
17      name.

18                      MR. KEMP:   Gary Kemp, K-E-M-P.

19                      JUDGE PRIDGIN:   Mr. Kemp, are  
20      you a resident of Cass County, Missouri?

21                      MR. KEMP:   I am not.

22                      JUDGE PRIDGIN:   Are you a  
23      customer of Aquila?

24                      MR. KEMP:   Yes, I am.

25                      JUDGE PRIDGIN:   Do you have any



ROBERTS & ASSOCIATES BY KIMBERLY G. ROBERTS, CM

1 remarks for the commissioners?

2 MR. KEMP: Thank you. My name  
3 is Gary Kemp as stated for the record. I'm the  
4 business manager and executive secretary for the  
5 Greater Kansas City Building and Construction  
6 Trades Council. We represent 23 area construction  
7 unions in the 14 area counties in western Missouri  
8 and eastern Kansas.

9 I will share with you that we have the  
10 opportunity and have had the opportunity over the  
11 years to service and work for a number of  
12 utilities including Aquila. In this area the two  
13 predominant ones are Kansas City Power & Light and  
14 Aquila. We not only perform new work but  
15 maintenance work on an ongoing basis.

16 You heard the previous testimony of Mr.  
17 Shiflett with Par Electric. I concur with that  
18 testimony in terms of the needs of peaking units.  
19 In today's society the reality for the demand of  
20 power is that economic development is dependent on  
21 the availability of reliable power sources. That  
22 has been documented throughout our nation.

23 We are fortunate in the Midwest in that  
24 with good planning that we have avoided many of  
25 the situations that we have seen across the

1 country.

2 I think in terms of no matter where you  
3 live it has been my experience over the last  
4 several years with working with a number of  
5 utilities that the word peaking and peaking units  
6 is something that they all pay attention to.  
7 Irregardless of where you live your utility is  
8 addressing these issues as they should and as they  
9 will obviously through the direction of the state  
10 with careful planning and working with the state.  
11 These are areas of concern.

12 While we have enjoyed in the State of  
13 Missouri continuous -- with the exception of acts  
14 of nature we are very fortunate to have continuous  
15 power.

16 I'm here to tell you tonight that the  
17 workforce that we employ in the construction area  
18 for the construction of these types of facilities  
19 is an excellent construction workforce, and I  
20 would say to you that Aquila has been an excellent  
21 labor manager. We have had a wonderful labor  
22 management relationship with Aquila.

23 I know that these issues are very  
24 emotional particularly when your particular  
25 neighborhood or area or community is affected,

1       and I know that being familiar with construction  
2       for over 35 years that the construction process is  
3       one that is messy. It's untidy. It is often  
4       invasive but when the projects are completed, when  
5       the roads are repaired when we are meeting the  
6       needs for the future, then we believe it is  
7       personally worth it.

8               So from the standpoint of jobs for the  
9       area this unit will have somewhere between 180 and  
10       200 construction jobs for the area. Some of  
11       those, hopefully many of those will be for  
12       residents of Cass County. Certainly a number of  
13       our members live in this area and would benefit  
14       from the project. I'd be happy to answer any  
15       questions that you might have.

16               JUDGE PRIDGIN: Mr. Kemp, thank  
17       you. Commissioner Gaw.

18               COMMISSIONER GAW: Good evening,  
19       Mr. Kemp.

20               MR. KEMP: Good evening.

21               COMMISSIONER GAW: Do you know  
22       how many jobs the plant will employ after  
23       construction is complete?

24               MR. KEMP: My familiarity with a  
25       peaking unit is that those jobs would be minimal.

ROBERTS & ASSOCIATES BY KIMBERLY G. ROBERTS, CM

1 We're not talking about a lot of jobs here. Keep  
2 in mind again that being a peaking unit it is not  
3 in operation full time. My estimate would be  
4 somewhere between one and six employees.  
5 Obviously that would vary during the use periods.  
6 There would be continued maintenance on it. Again  
7 that would vary.

8 COMMISSIONER GAW: Would any of  
9 those be your people?

10 MR. KEMP: It depends on the  
11 expertise and the skill set that is needed at that  
12 time. I would say it would be a combination of  
13 Aquila personnel and at times for scheduled or  
14 major maintenance, yes, probably with some of our  
15 contractors.

16 COMMISSIONER GAW: Thank you.

17 JUDGE PRIDGIN: Mr. Gaw, thank  
18 you. Mr. Appling no questions. Mr. Kemp, thank  
19 you. Mike Baker.

20 MIKE BAKER  
21 called as a witness herein, being first duly sworn  
22 by the Judge, testified on his oath as follows:

23 JUDGE PRIDGIN: Please state  
24 your name for the record and spell your last name.

25 MR. BAKER: Mike Baker,

1 B-A-K-E-R.

2 JUDGE PRIDGIN: Mr. Baker, are  
3 you a resident of Cass County, Missouri?

4 MR. BAKER: No, I'm not.

5 JUDGE PRIDGIN: Are you a  
6 customer of Aquila?

7 MR. BAKER: No, I'm not.

8 JUDGE PRIDGIN: Do you have any  
9 remarks for the Commission?

10 MR. BAKER: Yes, thank you. For  
11 the record my name is Mike Baker. I'm the  
12 business manager and financial secretary of IBEW  
13 Local 814. We represent the members of Aquila,  
14 the organized workers, specifically the old  
15 Missouri Public Service division.

16 First of all for the record my presence  
17 here and my comments should not be construed as  
18 endorsement by the IBEW as a whole. I'm here only  
19 on behalf of the members employed by Aquila at my  
20 local.

21 I'm here on behalf of the employees and  
22 members of Aquila and Local 814 to express support  
23 of Aquila's intent to build the South Harper  
24 combustion turbine facility.

25 This facility when approved will

ROBERTS & ASSOCIATES BY KIMBERLY G. ROBERTS, CM

1 initially provide two additional jobs for my  
2 members and more importantly will provide clean  
3 and reliable and needed electrical power for the  
4 consumers of Missouri.

5 Reliable electric power for Missouri is  
6 essential. Unfortunately, however, it has been  
7 forecasted to be in short supply in the near  
8 future if nothing is done now. Some estimates  
9 indicate that some utility companies could be  
10 experiencing supply problems within ten years.

11 I firmly believe that to keep the  
12 electrical system that many take for granted safe  
13 and reliable for years to come there must be new  
14 generation facilities approved and built now.

15 We must do this before it gets to the  
16 point of utility companies wondering where they  
17 will get the power and what price they have to  
18 pay.

19 In closing and on behalf of the employees  
20 and members of Aquila and IBEW Local 814 and as a  
21 citizen of Missouri I urge you to allow Aquila to  
22 proceed with and complete construction of the  
23 South Harper power facility and allow it to go on  
24 line for the betterment of the citizens and  
25 consumers of Missouri. Thank you.

ROBERTS & ASSOCIATES BY KIMBERLY G. ROBERTS, CM

1 JUDGE PRIDGIN: Mr. Baker, thank  
2 you. Commissioner Gaw.

3 COMMISSIONER GAW: Would you  
4 agree with Mr. Kemp's assessment of the number of  
5 employees after construction is done?

6 MR. BAKER: Yes, I am aware of  
7 two craft employees that will be initially  
8 employed there. I'm not aware of the  
9 administrative management side.

10 COMMISSIONER GAW: Okay. So  
11 those are your people we are talking about?

12 MR. BAKER: Yes, sir.

13 COMMISSIONER GAW: Were your  
14 IBEW members employed at the Pleasant Hill  
15 facility?

16 MR. BAKER: At the plant?

17 COMMISSIONER GAW: Yes.

18 MR. BAKER: No, they were not.

19 COMMISSIONER GAW: Who was that?

20 MR. BAKER: I believe those were  
21 employees hired by Calpine.

22 COMMISSIONER GAW: That was when  
23 it was in joint ownership?

24 MR. BAKER: I believe so.

25 COMMISSIONER GAW: Okay. Thank

ROBERTS & ASSOCIATES BY KIMBERLY G. ROBERTS, CM

1       you.

2                       JUDGE PRIDGIN: Mr. Gaw, thank  
3       you. Mr. Appling has no questions. Thank you for  
4       your testimony, sir. Pete Browne.

5                       (Mr. Davis and Mr. Joyce entered  
6       the room.)

7

8                       PETE BROWNE  
9       called as a witness herein, being first duly sworn  
10      by the Judge, testified on his oath as follows:

11

12                      JUDGE PRIDGIN: If you would,  
13      please state your name for the record and spell  
14      your last name.

15                      MR. BROWNE: Pete Browne,  
16      B-R-O-W-N-E.

17                      JUDGE PRIDGIN: Are you a Cass  
18      County resident?

19                      MR. BROWNE: No, I'm not.

20                      JUDGE PRIDGIN: Are you a  
21      customer of Aquila?

22                      MR. BROWNE: No, I'm not.

23                      JUDGE PRIDGIN: Are there any  
24      statements you have for the Commission?

25                      MR. BROWNE: I do. My name is



ROBERTS & ASSOCIATES BY KIMBERLY G. ROBERTS, CM

1 Pete Browne. I'm vice-president of Kissick  
2 Construction Company. Our firm does a lot of work  
3 for Aquila, and Aquila is a solid corporate  
4 citizen in the community. There are a very good  
5 company to work for.

6 Working on facilities like these provide  
7 good paying jobs for our employees. Many of our  
8 firm's employees are Cass County residents and  
9 they are working on that project.

10 We support projects like this because  
11 they provide good construction jobs, good  
12 permanent jobs and peaking facilities in general,  
13 of course, provide better power than the areas  
14 need. Thank you.

15 JUDGE PRIDGIN: All right, Mr.  
16 Brown, thank you. Let me see if we have any  
17 questions from the commissioners. Mr. Davis, do  
18 you have any questions?

19 CHAIRMAN DAVIS: No questions.

20 JUDGE PRIDGIN: Thank you.  
21 Commissioner Gaw.

22 COMMISSIONER GAW: No.

23 JUDGE PRIDGIN: Mr. Applling no  
24 questions. Mr. Brown, thank you for your remarks.  
25 Leonard Whiting.

ROBERTS & ASSOCIATES BY KIMBERLY G. ROBERTS, CM

1                   LEONARD WHITING  
2           called as a witness herein, being first duly sworn  
3           by the Judge, testified on his oath as follows:

4  
5                   JUDGE PRIDGIN:   Would you please  
6           state your name for the record and spell your last  
7           name.

8                   MR. WHITING:   Leonard Whiting,  
9           W-H-I-T-I-N-G.

10                  JUDGE PRIDGIN:   Mr. Whiting, are  
11           you a resident of Cass County, Missouri?

12                  MR. WHITING:   Yes, I am.

13                  JUDGE PRIDGIN:   And are you a  
14           customer of Aquila?

15                  MR. WHITING:   That's correct.

16                  JUDGE PRIDGIN:   And is there any  
17           statement you have for the Commission?

18                  MR. WHITING:   Yes.   If it please  
19           the Commission, I have some documents for the  
20           commissioners.

21                  JUDGE PRIDGIN:   Yes, sir, it's  
22           something you want marked as an exhibit?

23                  MR. WHITING:   Yes, that would be  
24           correct.

25                  JUDGE PRIDGIN:   Sir, if you

ROBERTS & ASSOCIATES BY KIMBERLY G. ROBERTS, CM

1 would please approach. Mr. Whiting, is what  
2 you've handed me just copies of the exact same  
3 document?

4 MR. WHITING: That is correct.  
5 That's basically what I'm going to speak on this  
6 evening.

7 JUDGE PRIDGIN: Yes, sir,  
8 whenever you're ready and let me go ahead and  
9 label these for the record. I have a document  
10 entitled Public Water Supply District Number Seven  
11 Aquila peaking facility informational packet. Mr.  
12 Whiting, whenever you are ready.

13 (Exhibit Number 1 was marked by  
14 Judge Pridgin.)

15 MR. WHITING: All right. I'm  
16 here representing Public Water Supply District  
17 Number Seven of Cass County. I have brought a  
18 display of a map basically of the boundaries of  
19 our water system. If you'll notice the green  
20 rectangle, that's close to scale where Aquila is  
21 located within the boundaries of our water  
22 district. We have about 95 square miles. Aquila  
23 is located in the heart of the north portion of  
24 our water district.

25 About August of 2004 we were contacted by

1       Sega, the engineering group for Aquila, in  
2       reference to our ability to provide water, water  
3       sales, fire flow and fire protection for this  
4       particular peaking facility.

5               After some negotiations with our  
6       engineers it became clear that we could do that  
7       without much needed improvements.

8               So consequently Aquila did enact our  
9       user's agreement as any other customer would with  
10      us. They are now a customer paying the same rates  
11      as all of our other customers. They are  
12      purchasing water at this current time.

13              Typically for us our growth factor is  
14      about two percent, about 25 customers a year.  
15      That generates about \$18,000 for us. The thing  
16      that makes it important for us and every customer  
17      in our water district in the total 95 square miles  
18      is some ability for us to generate revenues that  
19      exceed our expenses and that's difficult today.

20              When we see growth that is as significant  
21      as what Aquila will bring to our water district,  
22      again that affects us as a business in our  
23      operations and also as I stated every customer.

24              That allows us to sustain rates for a  
25      longer duration without increases and possibly

ROBERTS & ASSOCIATES BY KIMBERLY G. ROBERTS, CM

1 even increases when they are needed will be less.

2 What we have negotiated with Aquila has  
3 been done in a professional manner on their part.  
4 They have never balked or tried to bully us in any  
5 way, and their engineering group, Sega, has been a  
6 great group to work with.

7 As a water provider, our job is to be  
8 sure that we do provide the necessary water and  
9 the supply whether it be residential or business.

10 In this particular case we had made some  
11 recommendations to Aquila back as early as October  
12 of 2004, and through some negotiations and their  
13 ability to see the need for a second loop and a  
14 dual feed to their power plant they have given us  
15 a notice to proceed in November of 2004 on a huge,  
16 what we consider huge, about 6,100 feet of main  
17 line improvements within the boundaries of our  
18 district.

19 This will entail running six-inch main  
20 and also approximately 20 fire hydrants. The cost  
21 of this expansion that will be borne 100 percent  
22 by Aquila is approximately \$108,000. We will  
23 probably start that somewhere later in the spring  
24 when the weather breaks.

25 The key to this is fire flow and fire

1 protection where basically in about a 40-square  
2 mile area at the current time we have four fire  
3 hydrants. These additional 20 fire hydrants along  
4 that route of that particular main will provide  
5 fire protection for about as I stated  
6 approximately 40-square miles in the north portion  
7 of our water district as well as about 2,700  
8 residents that live there.

9 We typically aren't into fire flow but  
10 Aquila stepped up and said they would be willing  
11 to do this. This is a great plus for us as a  
12 business and for every customer specifically in  
13 the north portion of that district.

14 Another thing that Aquila has done beyond  
15 that is they have created a second loop from our  
16 water treatment plant and our high service pumps.  
17 That loop gives us the ability to provide  
18 sustained water with less outages for longer  
19 durations as well as assisting them when their  
20 peaking facility is operating.

21 For the record I would like to read a  
22 closing statement which would be our official  
23 position based upon our professional relationship  
24 with Aquila, and this was addressed to Mr. Hedrick  
25 of Aquila.

ROBERTS & ASSOCIATES BY KIMBERLY G. ROBERTS, CM

1                   We are pleased to have the opportunity to  
2                   provide water from our Water District Number Seven  
3                   system to your proposed project at 24400 South  
4                   Harper Road in Peculiar, Missouri. We support the  
5                   added water sales revenue value which aids in  
6                   controlling the escalating cost of water for all  
7                   of our customers.

8                   Currently we have studied the need for  
9                   system upgrades to meet your water usage.  
10                  Aquila's commitment to the six-inch loop option to  
11                  provide Aquila backup water also provides benefit  
12                  to other customers through enhanced system  
13                  stability and added additional fire hydrants to  
14                  the area.

15                  The cost for these improvement upgrades  
16                  would be borne by Aquila. We support the  
17                  opportunity Aquila brings to enhance and improve  
18                  Water District Seven's system residential fire  
19                  protection and increased water sales revenue which  
20                  we see would provide improvements for all of our  
21                  customers as well as provide backup contingency  
22                  for Aquila.

23                  We are pleased that Aquila has selected a  
24                  development site in Water District Number Seven  
25                  and will meet your water usage needs to the best

ROBERTS & ASSOCIATES BY KIMBERLY G. ROBERTS, CM

1 of our capabilities. If you should have any  
2 questions, please do not hesitate to contact Water  
3 District Number Seven signed by our board of  
4 directors.

5 JUDGE PRIDGIN: All right, Mr.  
6 Whiting, thank you for your testimony. Let me see  
7 if we have any questions from the commissioners.  
8 Chairman Davis.

9 CHAIRMAN DAVIS: Do you serve  
10 any of the people who are here in this room this  
11 evening?

12 MR. WHITING: Yes, we do.

13 CHAIRMAN DAVIS: Do you  
14 understand their concerns about the construction  
15 of this plant?

16 MR. WHITING: I do understand  
17 the need for public expression and I appreciate  
18 any public opinion on our part, and I think it's  
19 important that we have these hearings, and I do  
20 understand some of their concerns, sure.

21 CHAIRMAN DAVIS: Okay, thank  
22 you.

23 JUDGE PRIDGIN: Mr. Chairman,  
24 thank you. Commissioner Gaw.

25 COMMISSIONER GAW: No questions,



1 thanks.

2 JUDGE PRIDGIN: Thank you very  
3 much, sir. Dan Doerhoff.

4 DAN DOERHOFF  
5 called as a witness herein, being first duly sworn  
6 by the Judge, testified on his oath as follows:

7  
8 JUDGE PRIDGIN: If you would,  
9 please state your name for the record and spell  
10 your last name.

11 MR. DOERHOFF: Dan Doerhoff,  
12 D-O-E-R-H-O-F-F.

13 JUDGE PRIDGIN: Mr. Doerhoff,  
14 are you a customer of Aquila?

15 MR. DOERHOFF: I am a customer.

16 JUDGE PRIDGIN: And are you a  
17 resident of Cass County, Missouri?

18 MR. DOERHOFF: I'm a resident of  
19 Jackson County and a school superintendent in Cass  
20 County and we are both customers.

21 JUDGE PRIDGIN: All right. Do  
22 you have any remarks for the Commission, sir?

23 MR. DOERHOFF: Yes, I do.  
24 Commissioners, Judge Pridgin, I'm a school  
25 superintendent in Cass County. I'm superintendent

ROBERTS & ASSOCIATES BY KIMBERLY G. ROBERTS, CM

1 at the East Lynne Number 40 School District, one  
2 of 14 districts in Cass County.

3 Public schools are funded by tax revenue,  
4 primarily property taxes, and a major part of that  
5 is provided by commercial entities particularly  
6 utilities.

7 Commercial entities are valuable  
8 properties. They're assessed at a third. They're  
9 assessed at a higher rate than ag land or  
10 residential land, and they provide a major source  
11 of funding for public education in Missouri.  
12 That's the system that's in place to fund public  
13 education. It's my responsibility to look out for  
14 that.

15 If the proposed Harper power plant is  
16 valued at 140 million dollars which was a figure  
17 that was used, I think it's a little higher now,  
18 but if you use the 140 million-dollar figure,  
19 assess at one-third and tax it at the average rate  
20 for all school districts in Cass County that's  
21 \$4.64. That power plant would pay \$2,167,433 each  
22 year in taxes to schools. Over 20 years that's  
23 slightly 43 million dollars in funding for public  
24 schools. We rely on that. The students in the  
25 public schools rely on that. That's the system in

ROBERTS & ASSOCIATES BY KIMBERLY G. ROBERTS, CM

1 place to fund education.

2 There is a provision in Missouri Statute  
3 153.030 that says and I'll quote, it's very brief,  
4 "All property owned or even controlled by  
5 utilities will be taxed."

6 As for Chapter 100, Chapter 100 is a  
7 mechanism that avoids taxes. If you read the  
8 Chapter 100 statute, it does not mention  
9 utilities, and it also makes a comment in Chapter  
10 100 that the entities taking advantage of Chapter  
11 100 must create at least 100 new jobs at that  
12 location.

13 It also mentions an eligible industry,  
14 and it talks about an eligible industry and it  
15 says it does not include a business which closes  
16 or substantially reduces its operation at one  
17 location to relocate here.

18 In fact, at a meeting on July 7, 2004,  
19 when Aquila's Davis Rooney was addressing some  
20 school superintendents he commented that there is  
21 a question whether Chapter 100 financing can be  
22 used to finance this power plant.

23 My point is very simple. The proposed  
24 power plant must not avoid taxation. That's the  
25 mechanism to fund schools. The educational

ROBERTS & ASSOCIATES BY KIMBERLY G. ROBERTS, CM

1 community hopes to work closely with the various  
2 political subdivisions for everyone's best  
3 interests on this. We look forward to that.  
4 Those are my comments. I'd be happy to try to  
5 answer any questions.

6 JUDGE PRIDGIN: Mr. Doerhoff,  
7 thank you. Let's see if we have any questions  
8 from the commissioners. Mr. Chairman.

9 CHAIRMAN DAVIS: So you support  
10 the construction of the plant but you're opposed  
11 to the Chapter 100 financing that prohibits the  
12 school district from reaping any of the benefits,  
13 correct?

14 MR. DOERHOFF: That's right.  
15 That would make it nontaxable. That would abate  
16 the taxes. That would short circuit the revenue  
17 stream to schools.

18 CHAIRMAN DAVIS: And, sir, if  
19 you could refresh my recollection because it's  
20 been a few years since I have delved into Chapter  
21 100 financing, do they abate the taxes for is it  
22 20 or 25 years or is it permanent? I know you're  
23 not a lawyer but just your understanding.

24 MR. DOERHOFF: The taxes are  
25 abated for a 20-year period not permanently.

ROBERTS & ASSOCIATES BY KIMBERLY G. ROBERTS, CM

1 Typically these bonds are 20-year bonds. That's  
2 what it was on the Aries plant. I don't know but  
3 I suspect that's probably what it will be or at  
4 least close to 20 years, and taxes would likely be  
5 abated for that period of time.

6 CHAIRMAN DAVIS: And did Calpine  
7 pay taxes on the Aries plant?

8 MR. DOERHOFF: No.

9 CHAIRMAN DAVIS: No further  
10 questions.

11 JUDGE PRIDGIN: Mr. Chairman,  
12 thank you. Mr. Commissioner.

13 COMMISSIONER GAW: Mr. Doerhoff,  
14 is it mister or doctor?

15 MR. DOERHOFF: Doctor.

16 COMMISSIONER GAW: So have you  
17 been told by a representative of Aquila that they  
18 intend not to pay property taxes because of the  
19 Chapter 100 treatment?

20 MR. DOERHOFF: We were told here  
21 tonight by representatives from Peculiar that they  
22 had already implemented the Chapter 100 financing.

23 COMMISSIONER GAW: Is that the  
24 first time you had heard that?

25 MR. DOERHOFF: No.

1 COMMISSIONER GAW: And have you  
2 expressed your opinion in that regard to anyone  
3 before?

4 MR. DOERHOFF: Yes.

5 COMMISSIONER GAW: Including the  
6 company?

7 MR. DOERHOFF: Yes.

8 COMMISSIONER GAW: Has there  
9 been discussion with you about any kind of monies  
10 paid in lieu of taxes or anything of that sort?

11 MR. DOERHOFF: I'm sorry, say  
12 again.

13 COMMISSIONER GAW: Has there  
14 been any discussion of monies paid in lieu of  
15 taxes or anything of that sort with you?

16 MR. DOERHOFF: The presentation  
17 we heard earlier suggested that part of the money  
18 paid in lieu of taxes would go to the Ray-Pec  
19 School District, and that's the only district that  
20 was mentioned and likely the only district that  
21 would receive any part of that.

22 COMMISSIONER GAW: You will have  
23 to help me with the school districts and  
24 geography.

25 MR. DOERHOFF: It's the Raymore

1 Peculiar School District and that's the district  
2 wherein the power plant will be located.

3 COMMISSIONER GAW: Okay. What  
4 does that mean in comparison if you know with what  
5 would happen if they received treatment under the  
6 regular provisions of the state?

7 MR. DOERHOFF: The payment in  
8 lieu of taxes typically is far less regardless of  
9 who it goes to than the amount of taxes that would  
10 be paid, and it's paid to very few. The City of  
11 Peculiar will get that payment and then distribute  
12 it by an agreement that's worked out between the  
13 City of Peculiar who issues the bonds and Aquila,  
14 and typically that agreement identifies the school  
15 district where the power plant is located not the  
16 other school districts that would share the taxes  
17 at all. That's the way it worked on the Aries  
18 power plant, and the Pleasant Hill School District  
19 benefitted there and our district in Cass County  
20 did not.

21 COMMISSIONER GAW: And you  
22 believe you would benefit if it were not for the  
23 Chapter 100 treatment, your school district would?

24 MR. DOERHOFF: Yes, I'm certain  
25 we would. In fact --

ROBERTS & ASSOCIATES BY KIMBERLY G. ROBERTS, CM

1                   COMMISSIONER GAW: How many  
2 school districts -- I'll let you finish what  
3 you're saying. I want to know how many school  
4 districts are impacted by this if you know and  
5 finish what your thought was.

6                   MR. DOERHOFF: Our school  
7 district by my calculations and the calculations  
8 spelled out in the statute would benefit -- if  
9 it's valued at 140 million, our district, a very,  
10 very small school district would benefit by about  
11 \$24,000 a year, and over a 20-year period that  
12 would be about \$486,000, about a half a million  
13 dollars.

14                   And the mechanism to distribute that,  
15 which is the question you were coming to, the  
16 mechanism to distribute that is spelled out in the  
17 statutes as well. The entity is taxed by the  
18 average levy of all of the school districts in the  
19 county. That includes school districts that have  
20 a part in Cass County but also in other counties,  
21 and there are 14 of those school districts. You  
22 average those levies and you get the 4.6445  
23 dollars per \$100 assessed valuation.

24                   Then after the money is collected and  
25 paid, the taxes are paid, it's distributed back.



ROBERTS & ASSOCIATES BY KIMBERLY G. ROBERTS, CM

1       You don't have to be a school district where the  
2       power plant is located to share in that revenue.  
3       It's different from other commercial properties.

4               Regular commercial property, say a car  
5       dealership, those taxes go to the school district  
6       where it's located. For utilities those taxes are  
7       distributed over a wide area, and our district  
8       certainly would get some, and we would like to  
9       have it.

10              COMMISSIONER GAW: What's the  
11       name of your district again?

12              MR. DOERHOFF: East Lynne Number  
13       40, L-Y-N-N-E. I would like to enter my notes as  
14       an exhibit if you care to have them.

15              COMMISSIONER GAW: The judge  
16       will take it. Can you name the other school  
17       districts that are impacted or do you know?

18              MR. DOERHOFF: The other school  
19       districts, the 14 school districts in Cass County  
20       are Archie, Belton, Drexel, East Lynne,  
21       Harrisonville, Holden, Kingsville, Lee's Summit,  
22       Lone Jack, Midway, Pleasant Hill, Raymore  
23       Peculiar, Sherwood and Strasburg. Some of those  
24       are very large Ray-Pec probably being the largest  
25       and some are very small some having only a small

ROBERTS & ASSOCIATES BY KIMBERLY G. ROBERTS, CM

1 piece in Cass County.

2 COMMISSIONER GAW: Thank you.

3 JUDGE PRIDGIN: Thank you. Mr.  
4 Doerhoff, I just have one quick question just to  
5 make sure I understand for the record. Your  
6 school district, the East Lynne School District,  
7 straddles Jackson County and Cass County; is that  
8 right?

9 MR. DOERHOFF: No, the school  
10 district, the East Lynne School District, is  
11 entirely in Cass County. I reside in Jackson  
12 County and we are both Aquila customers. I write  
13 a check to them and the school writes a check to  
14 them.

15 JUDGE PRIDGIN: Thank you, sir.  
16 The next witness I have on the list is James  
17 Hayes.

18 JAMES HAYES  
19 called as a witness herein, being first duly sworn  
20 by the Judge, testified on his oath as follows:

21  
22 JUDGE PRIDGIN: If you would,  
23 please state your name for the record and spell  
24 your last name.

25 MR. HAYES: James A. Hayes,

1 H-A-Y-E-S.

2 JUDGE PRIDGIN: Mr. Hayes, are  
3 you a customer of Aquila?

4 MR. HAYES: Yes, I am.

5 JUDGE PRIDGIN: And are you a  
6 resident of Cass County, Missouri?

7 MR. HAYES: Yes, I am.

8 JUDGE PRIDGIN: Any statements  
9 you have for the Commission?

10 MR. HAYES: Thank you. The  
11 State of Missouri has a very real potential  
12 problem providing adequate energy to our homes,  
13 commercial customers and industry. Our coal  
14 burning plants are presenting -- are operating way  
15 past their original life expectancy.

16 I am in favor of this natural gas powered  
17 generating power source which is more economically  
18 or environmentally friendly. We need this plant  
19 and others like it before we reach a crisis  
20 situation.

21 Cass County is poised for dynamic growth.  
22 That growth is limited in our ability to meet the  
23 energy needs of that potential growth. This  
24 facility will help attract industry to Cass County  
25 that is currently avoiding Cass County.

ROBERTS & ASSOCIATES BY KIMBERLY G. ROBERTS, CM

1                   The economic asset to Ray-Pec and to the  
2                   county is worth the investment of Aquila and I  
3                   encourage it. Thank you.

4                   JUDGE PRIDGIN: Mr. Hayes, thank  
5                   you. If you will keep your place and I'll see if  
6                   there's any questions from the commissioners.  
7                   Chairman Davis.

8                   CHAIRMAN DAVIS: No questions.

9                   COMMISSIONER GAW: No questions.

10                  JUDGE PRIDGIN: Mr. Hayes, thank  
11                  you for your testimony, sir. Harold Stanley.

12                  HAROLD STANLEY  
13                  called as a witness herein, being first duly sworn  
14                  by the Judge, testified on his oath as follows:

15  
16                  JUDGE PRIDGIN: Would you please  
17                  state your name for the record and spell your last  
18                  name.

19                  MR. STANLEY: Harold Stanley.  
20                  The last name is spelled S-T-A-N-L-E-Y.

21                  JUDGE PRIDGIN: Mr. Stanley, are  
22                  you a resident of Cass County, Missouri?

23                  MR. STANLEY: Yes, I am.

24                  JUDGE PRIDGIN: And are you a  
25                  customer of Aquila?

ROBERTS & ASSOCIATES BY KIMBERLY G. ROBERTS, CM

1 MR. STANLEY: No, I'm not.

2 JUDGE PRIDGIN: Do you have any  
3 statements for the commissioners, sir?

4 MR. HAYES: Yes, please. I am a  
5 registered professional electrical engineer in the  
6 State of Missouri. I have been practicing in  
7 power plant design since 1973.

8 I want to focus my remarks this evening  
9 specifically on pages 18 and 19 of the Aquila  
10 application to the Missouri Public Service  
11 Commission wherein they claim that the facility is  
12 consistent with the existing development in the  
13 area.

14 The existing development in the area is  
15 predominantly small acreage homes two to  
16 three-acre type lots, some acreages larger, some  
17 smaller. The development that is being proposed  
18 by Aquila is going to emit gas emissions  
19 equivalent to roughly 90,000 homes in the space  
20 that would normally house no more than 30 homes  
21 based on the development in the area.

22 They want to assert that it is similar in  
23 nature to the natural gas compressor station that  
24 has been there since the 1950's. I beg to differ  
25 with that opinion in that the existing natural gas

ROBERTS & ASSOCIATES BY KIMBERLY G. ROBERTS, CM

1 station has a horsepower rating of less than  
2 10,000 horsepower and these turbines have a  
3 combined rating of something in the vicinity of  
4 500,000 horsepower. I really don't see the  
5 similarity there other than it's industrial.

6 I'm also concerned about the major source  
7 of noise pollution that's going to be created in  
8 the area. The report prepared by Burns &  
9 McDonnell that was provided to us for review shows  
10 noise levels at South Harper Road of 67 decibels.  
11 It shows noise levels at the nearest residence of  
12 62 decibels.

13 Now, for comparison to other areas in the  
14 state you can take a look at the Saint Louis  
15 County Chapter 625, their noise control code, and  
16 in the daytime in the county of Saint Louis which  
17 is obviously much more urbanized than Cass County  
18 is they limit the noise level at the property line  
19 which would be South Harper Road in this case to  
20 55 DBA or less in daytime hours and 50 DBA or less  
21 in nighttime hours. That's the 60-minute type  
22 recordings that they performed there.

23 The World Health Organization published  
24 guidelines for community noise based on meetings  
25 they conducted in 1999 and suggested that in

ROBERTS & ASSOCIATES BY KIMBERLY G. ROBERTS, CM

1 residential areas that the noise level at the  
2 houses be limited to roughly 45 DBA to allow  
3 people to be able to sleep well at night.

4 This difference of 45 decibels to 62  
5 decibels that 17-decibel difference represents  
6 seven times the noise level if you go through the  
7 math with the logs and et cetera, et cetera which  
8 I won't bore you with at this time.

9 I will provide you the two documents as  
10 evidence from Saint Louis and from the World  
11 Health Organization, and I believe those are my  
12 comments at this time.

13 JUDGE PRIDGIN: Mr. Stanley,  
14 thank you. Mr. Stanley, if you will please stay  
15 and we'll see if we have any questions from the  
16 commissioners. Mr. Chairman.

17 CHAIRMAN DAVIS: Okay. I'm  
18 going to rephrase this and put it in laymen's  
19 terms and you tell me if I'm right or not. You're  
20 saying don't build the plant because it's going to  
21 be noisy?

22 MR. STANLEY: Um-hum.

23 CHAIRMAN DAVIS: And do you  
24 expect it to be at that 62 decibels or 67 decibels  
25 all the time or only when it's running?

1 THE WITNESS: That's when it's  
2 running which could be any time of the day or  
3 night on any amount of notice. It could start up  
4 in the middle of the night if the major plant  
5 trips someplace.

6 CHAIRMAN DAVIS: I understand  
7 that but obviously this is what we call a "peaking  
8 facility," correct?

9 MR. STANLEY: That is correct.  
10 It's limited by its pollution permit to 5,000  
11 hours operation a year for the three turbines  
12 combined.

13 CHAIRMAN DAVIS: Okay. 5,000  
14 hours a year for the three turbines combined.

15 THE WITNESS: Yes, out of 8,760  
16 hours in a year.

17 CHAIRMAN DAVIS: Do you have any  
18 idea how many times the Aries plant runs right  
19 now; do you know?

20 MR. STANLEY: I don't know its  
21 dispatch.

22 CHAIRMAN DAVIS: Have you talked  
23 to anybody that lives around the Aries plant?

24 MR. STANLEY: I haven't  
25 personally.



1 CHAIRMAN DAVIS: Okay. Go  
2 ahead.

3 MR. STANLEY: I do have a sound  
4 clip that we can play but I don't think it's  
5 appropriate at this moment in time, but I'd be  
6 glad to play it for you afterwards and calibrate  
7 it accordingly. I didn't have a chance to  
8 calibrate it before the hearing.

9 CHAIRMAN DAVIS: Maybe we can  
10 work something out with the judge where you can  
11 submit that to us as an exhibit or something like  
12 that.

13 MR. STANLEY: All right.

14 CHAIRMAN DAVIS: I'm trying to  
15 think of how to phrase this. I guess when you say  
16 60 decibels, can you give me an example of  
17 anything else that operates at that noise level?

18 MR. STANLEY: One of the  
19 analogies that's given I believe even in the  
20 Burns & McDonnell report is a very busy highway is  
21 given as an example. I took my meter up to the  
22 city hall this morning and checked it on 71  
23 Highway. It was down around 55 decibels. So it's  
24 significantly louder than what anybody that I know  
25 of is exposed to in Peculiar on a regular basis,

ROBERTS & ASSOCIATES BY KIMBERLY G. ROBERTS, CM

1 certainly much higher than the residents.

2 CHAIRMAN DAVIS: And how far do  
3 you live from the proposed plant?

4 THE WITNESS: I live  
5 three-fourths of a mile.

6 CHAIRMAN DAVIS: Three-fourths  
7 of a mile. And is that what they're estimating  
8 that the noise level will be at your house or at  
9 the site of the plant itself?

10 MR. STANLEY: That's at the  
11 closest house. That's not my house.

12 CHAIRMAN DAVIS: Okay. And so  
13 you're further away than that?

14 MR. STANLEY: Yes.

15 CHAIRMAN DAVIS: And have you  
16 done any work to extrapolate what that number  
17 would be at your residence?

18 MR. STANLEY: I'm not a sound  
19 engineer so I have not tried to extrapolate it.

20 CHAIRMAN DAVIS: Do you have  
21 farmers operating in your area?

22 MR. STANLEY: Not immediate.  
23 The area I'm in is a subdivision.

24 CHAIRMAN DAVIS: Okay. No  
25 further questions.

1 JUDGE PRIDGIN: Mr. Chairman,  
2 thank you. Commissioner Gaw.

3 COMMISSIONER GAW: Mr. Stanley,  
4 is that 62 decibels with all three running?

5 MR. STANLEY: I believe that was  
6 with all three, yes.

7 COMMISSIONER GAW: Okay. So  
8 that would be the maximum that it would generate  
9 if all three were running at the same time?

10 THE WITNESS: That's my  
11 understanding, yes.

12 COMMISSIONER GAW: Do you know  
13 whether that takes into account any efforts to  
14 reduce any sound emissions?

15 MR. STANLEY: The report I  
16 believe mentions some shrubs that are going to be  
17 put up but obviously that's going to take some  
18 time to grow. So that's not going to help  
19 immediately.

20 COMMISSIONER GAW: You have  
21 looked at the report from Burns & McDonnell?

22 MR. STANLEY: Yes, I have.

23 COMMISSIONER GAW: And based on  
24 your reading of it was there any indication of any  
25 sound barriers being constructed other than the

ROBERTS & ASSOCIATES BY KIMBERLY G. ROBERTS, CM

1 shrubs?

2 MR. STANLEY: I did not see any  
3 mentioned.

4 COMMISSIONER GAW: If that were  
5 done, would that have any impact on the sound  
6 emissions if you know?

7 MR. STANLEY: I've put in  
8 projects where I had sound problems and retained  
9 sound engineers to encompass the sound source to  
10 get the noise level down so it can be done. It  
11 will be at some expense but it can be done.

12 COMMISSIONER GAW: Would that be  
13 of any influence on your opinion about this  
14 project?

15 MR. STANLEY: It would affect  
16 the noise side of it, yes.

17 COMMISSIONER GAW: Would it  
18 impact your opinion about the project itself?

19 THE WITNESS: I would still have  
20 some concern about that concentration of natural  
21 gas being burned in that area.

22 COMMISSIONER GAW: Okay. Can  
23 you explain that a little bit more to me in regard  
24 to your concern?

25 MR. STANLEY: Well, the DNR just

1 in the air permit required compliance with  
2 national ambient air quality standards. National  
3 ambient air quality standards are supposed to  
4 apply in downtown Chicago for instance.

5 That again to me is not appropriate for a  
6 rural subdivision type area. So I believe that  
7 the concentration of pollution is inappropriate  
8 for that particular area.

9 If it was part of an industrial park, it  
10 would be a different situation. It's not an  
11 industrial park. It's not someplace where people  
12 come in and work for eight hours and go home.  
13 This is where people live and children live 24  
14 hours a day.

15 So concerns also exist over the  
16 unregulated pollutants, the particles smaller than  
17 two and a half. That's become an increasing  
18 concern and is probably going to get regulated one  
19 of these days but was not considered as part of  
20 the application since it was not yet regulated.  
21 So I would still have concerns about the air  
22 pollution as well as the noise pollution.

23 COMMISSIONER GAW: And when  
24 you're talking about the air pollution, are you  
25 talking about the emissions after burning or are

ROBERTS & ASSOCIATES BY KIMBERLY G. ROBERTS, CM

1       you talking about any leakage from gas going in?

2                   THE WITNESS: No, that's just  
3       burning.

4                   COMMISSIONER GAW: All right.  
5       That's all. Thank you.

6                   JUDGE PRIDGIN: Thank you. I'm  
7       labeling this exhibit and I'm going to label this  
8       Exhibit Number 3.

9                   (Exhibit Number 3 was marked by  
10       Judge Pridgin.)

11                  JUDGE PRIDGIN: Mr. Stanley, am  
12       I describing this correctly, you have handed me it  
13       looks like a copy of the revised ordinances of  
14       Saint Louis County, Missouri concerning  
15       permissible noise levels; is that correct?

16                  MR. STANLEY: Correct.

17                  JUDGE PRIDGIN: And also it  
18       looks like a one or two-page document from the  
19       World Health Organization on guidelines for  
20       community noise?

21                  THE WITNESS: That's one page  
22       excerpted out of a 181-page report.

23                  JUDGE PRIDGIN: Did I describe  
24       that correctly?

25                  MR. STANLEY: Yes, you did and

ROBERTS & ASSOCIATES BY KIMBERLY G. ROBERTS, CM

1 the cover page is behind the exhibit.

2 JUDGE PRIDGIN: Yes, sir, all  
3 right. I don't have any questions for you. Thank  
4 you very much, sir. You're excused. In case I  
5 neglected to let me also label as Exhibit Number 2  
6 the document from Dan Doerhoff of the East Lynne  
7 Number 40 School District. It's a one-page  
8 document with today's date.

9 (Exhibit Number 2 was marked by  
10 Judge Pridgin.)

11 JUDGE PRIDGIN: The next  
12 witnesses is it looks like a family. I'm going to  
13 ask that one person speak for that family or at  
14 least one person at a time and if I'm reading this  
15 correctly Renee, Robert, Zack and Nate Dresnik if  
16 I have read that correctly. Are these people  
17 here?

18 (No response.)

19 JUDGE PRIDGIN: We will move on  
20 to the next witness listed as Scott Manning.

21 SCOTT MANNING  
22 called as a witness herein, being first duly sworn  
23 by the Judge, testified on his oath as follows:

24 JUDGE PRIDGIN: Please state  
25 your name for the record and spell your last name.

ROBERTS & ASSOCIATES BY KIMBERLY G. ROBERTS, CM

1 MR. MANNING: It's Scott  
2 Manning, M-A-N-N-I-N-G.

3 JUDGE PRIDGIN: Mr. Manning, are  
4 you a resident of Cass County, Missouri?

5 MR. MANNING: Yes, I am.

6 JUDGE PRIDGIN: And are you a  
7 customer of Aquila?

8 MR. MANNING: No, I'm not.

9 JUDGE PRIDGIN: Do you have any  
10 remarks for the Commission, sir?

11 MR. MANNING: Yes, thank you. I  
12 live at 241st and Lucille, and, in fact, I think  
13 Mr. Stanley took the sound readings from my front  
14 porch. I live basically a stone's throw away from  
15 the property.

16 This is a project that I object to. It  
17 is an emotional project, and I don't just object  
18 to it on emotion though. I look at the  
19 alternatives that are out there one of which is  
20 the Pleasant Hill facility that currently is  
21 operating under capacity, and when the Aquila  
22 contract leaves, it will be operating close to  
23 nothing.

24 I think that that alternative needs to be  
25 evaluated particularly in light of -- it's my



ROBERTS & ASSOCIATES BY KIMBERLY G. ROBERTS, CM

1 understanding that Calpine made a presentation to  
2 the PSC in December with regard to renewing the  
3 contract. I think that needs to be evaluated,  
4 the price offered by Calpine relative to the cost  
5 of what the new production facility would mean to  
6 Missouri ratepayers. Now, make no mistake I'm  
7 against this project. It is, like I said, a  
8 stone's throw from my house.

9 The other objection I have is maybe not  
10 an objection but it relates to this specific  
11 request by Aquila. It's my understanding that  
12 when Aquila tried to put in a peaking facility in  
13 Harrisonville, it applied for zoning approval with  
14 the county.

15 It shifted gears when that did not work  
16 out and went to the South Harper site, and as  
17 Mayor Lewis said Peculiar was going to annex the  
18 property which would have solved the zoning  
19 problem.

20 Well, the misguided attempt at the  
21 gerrymander of an annex didn't work. So I believe  
22 Aquila requested the City of Peculiar to write a  
23 letter on its behalf to county zoning.

24 Inexplicably after that Aquila decided  
25 they did not need county zoning approval and

1 decided to begin construction on the project.

2 That led to a court case, the county's  
3 involvement, the judge's ruling, Judge Dandurand's  
4 ruling and now to this, the request before the  
5 PSC.

6 Now, I'm not an attorney but make no  
7 mistake about this, I looked at this and said this  
8 has everything to do with the zoning and the  
9 question of whether Aquila has to follow the rules  
10 that the rest of us are bound to.

11 I attended the procedural hearing in  
12 Jefferson City a couple of weeks ago, and, Mr.  
13 Boudreau, I believe it was you, I think it was  
14 Aquila's counsel that suggested that if it's  
15 within the service territory of a utility company  
16 that company has the ability at the discretion of  
17 management of deciding where the best fit is.

18 Frankly that scares the hell out of me.  
19 What if management decides it's best to put it by  
20 a school or in my completely unobjective point of  
21 view an existing neighborhood. Things are not  
22 supposed to be like that here.

23 Again I'm not a lawyer but I know in  
24 Missouri I think in some of the stuff that I have  
25 seen and reading all the material that's come out

ROBERTS & ASSOCIATES BY KIMBERLY G. ROBERTS, CM

1 if a law or a rule in Missouri contradicts zoning  
2 zoning takes precedence. I'll leave that point.

3 The next thing then is I looked into the  
4 PSC, what the PSC rules have been. I went to your  
5 website and looked around and asked and received  
6 from several sources rulings, and there is one  
7 that came to mind a specific report and order, and  
8 if you'll indulge me for just a little longer I'll  
9 read an excerpt of it.

10 The specific ruling, report and order  
11 relates to the matter of the application of  
12 Missouri Power & Light for permission and  
13 authority to construct, operate and maintain a  
14 combustion turbine generating unit in Jefferson  
15 City, Cole County, Missouri.

16 The case is number 17,737, just excerpts.  
17 I should say this is July of 1973. We should also  
18 state parenthetically at this point that we are of  
19 the opinion that the citizens through proper  
20 zoning ordinances have already designated the area  
21 in question as an industrial area.

22 Another excerpt, we emphasize we should  
23 take cognizance of and respect the present  
24 municipal zoning and not attempt under the guise  
25 of public convenience and necessity to ignore or

ROBERTS & ASSOCIATES BY KIMBERLY G. ROBERTS, CM

1 change that zoning.

2 We also find that the applicant has met  
3 our Public Service Commission requirement that it  
4 has complied with municipal requirements before  
5 construction of the facility.

6 Now, again I'm not a lawyer but I'm  
7 reading this and it would seem to me that it would  
8 be hard if you view this as I do as a zoning issue  
9 which I don't see how anyone could otherwise do, I  
10 don't see how you can approve Aquila's request  
11 here.

12 Aquila did not begin -- excuse me, get  
13 all these local approvals before they began  
14 construction, construction of the facility, and  
15 the PSC should not break its own rules, its own  
16 existing order to help them out. That's the  
17 extent of my comments, sir.

18 JUDGE PRIDGIN: Thank you for  
19 your testimony. Let's see if we have any  
20 questions from the commissioners, Mr. Chairman.

21 CHAIRMAN DAVIS: Going back to  
22 one of your first comments, so assuming we have it  
23 in our authority to inquire of Aquila, you would  
24 like us to inquire of them as to why the  
25 construction of this plant is more cost efficient

ROBERTS & ASSOCIATES BY KIMBERLY G. ROBERTS, CM

1       than continuing their relationship with Calpine  
2       with the Aries facility; is that correct?

3                   MR. MANNING: I would say that's  
4       a good paraphrase, Chairman. I would say that  
5       this is an alternative that I know has been  
6       presented, and, you know, from my perspective I'm  
7       not sure that it's been completely evaluated, and  
8       I know that it is under the guise of the Public  
9       Service Commission to set rates and decide what is  
10      the most cost effective and efficient manner to  
11      provide power. So I think your paraphrasing is  
12      fine.

13                  CHAIRMAN DAVIS: Let me ask you,  
14      are you aware of the KCP&L application to  
15      construction the coal plant up in Platte County?

16                  MR. MANNING: Yes, I am.

17                  CHAIRMAN DAVIS: And obviously  
18      the Aquila application is met with some  
19      resistance, significant resistance here. As a  
20      matter of public policy, I mean you would say that  
21      local zoning should trump state law and everything  
22      else, correct?

23                  MR. MANNING: To the extent that  
24      they're contradictory. Again you're getting a  
25      nonlegal opinion, I'm not a lawyer but, yes.

1                   CHAIRMAN DAVIS: Let me ask you  
2           this, if the trend, you know, for electrical usage  
3           is going up ever so slightly maybe one and a half  
4           percent a year but yet, you know, that's a  
5           significant number based on the amount of base  
6           load that's already in existence in western  
7           Missouri, I mean if nobody wants a plant built in  
8           their backyard, then is the answer just to buy the  
9           electricity from somewhere else?

10                   MR. MANNING: I don't think  
11           that's a fair representation, Chairman. We are  
12           not opposed to a plant. We are opposed to a plant  
13           that is in an existing residential neighborhood  
14           that has not been zoned correctly for this plant.

15                   Now, we all recognize or I hope -- I  
16           speak for myself. I recognize that there will be  
17           a need for power. Why I'm concerned is if that  
18           Pleasant Hill plant sits 20 miles from here that  
19           was built in 2000 by Aquila with Calpine  
20           involvement, they owned I believe 50 percent up  
21           until February, March of 2004, if after this  
22           contract expires that plant sets close to idle or  
23           very underutilized and it's a 585 megawatt  
24           station, you will have a difficult time regardless  
25           of the starting time, how long it takes to gear up

ROBERTS & ASSOCIATES BY KIMBERLY G. ROBERTS, CM

1 and gear down, you'll have a difficult time  
2 convincing me that it's providing more power to  
3 build a 315 literally in my backyard.

4 CHAIRMAN DAVIS: Let me ask you  
5 this, how many people live in your subdivision?

6 MR. MANNING: Oh, I couldn't  
7 tell you, within a two-mile radius a couple  
8 hundred, 300. I don't know.

9 CHAIRMAN DAVIS: So I mean there  
10 is a significant number of homes there?

11 MR. MANNING: It's a decent  
12 number particularly to the north.

13 CHAIRMAN DAVIS: Okay. I'm  
14 going to ask this. Judge, has there been like a  
15 plat map filed with like the subdivisions or  
16 anything where we can see the houses in relation  
17 to where --

18 JUDGE PRIDGIN: Not this  
19 evening.

20 CHAIRMAN DAVIS: Not this  
21 evening. I'm just trying to visualize where all  
22 these houses are in relation to, and so if you had  
23 to say, you know, my number one compelling reason  
24 against the plant is that, you know, here we have  
25 a residential subdivision and they want to put a

ROBERTS & ASSOCIATES BY KIMBERLY G. ROBERTS, CM

1 piece of industrial property essentially right on  
2 top of us?

3 THE WITNESS: I guess my catch  
4 phrase then will be if you're going to shove this  
5 down our throats because I don't want it, I don't  
6 think anybody on the plant wants it, but if it's  
7 going to be shoved down my throat, at least have  
8 them follow the same rules that I have to follow.

9 Zoning is taken very seriously in Cass  
10 County. I mean when I was going to move into my  
11 house, it wasn't built, it was a spec, I had a  
12 bare beam in my garage and it was a requirement  
13 that it be enclosed with sheetrock.

14 These rules, permit rules and zoning  
15 rules are enforced here, and I look at that and I  
16 see my guys had to do that and then I look out my  
17 backyard in this nice area that I moved in and my  
18 neighbors are fantastic, I love this place except  
19 I'm not too keen on my newest neighbor because  
20 they weren't invited. They just came in there.  
21 Those rules don't apply to me so here we are in  
22 court and here we are at this administrative  
23 hearing.

24 CHAIRMAN DAVIS: Okay. Ball  
25 park estimate what are the approximate values of



ROBERTS & ASSOCIATES BY KIMBERLY G. ROBERTS, CM

1 the homes in your subdivision or nearby?

2 MR. MANNING: There's some nice  
3 ones but I would they say range if you don't  
4 mind --

5 CHAIRMAN DAVIS: Just give us a  
6 range just your best estimate.

7 MR. MANNING: I know of a  
8 gentleman here that could speak to that better if  
9 I could ask him to answer for me.

10 JUDGE PRIDGIN: If that person  
11 wants to testify later he can.

12 THE WITNESS: I would ball park  
13 it at personally 250 to 350.

14 CHAIRMAN DAVIS: Okay. And so  
15 obviously you're concerned about the power plant  
16 significantly devaluing the value of your homes in  
17 addition to diminishing the quality of life there?

18 MR. MANNING: I would be  
19 concerned if I were forced to move, yeah. I mean,  
20 you know, we heard early on from the City of  
21 Peculiar which again it's a different fight, but  
22 the City of Peculiar is a couple of miles away,  
23 three miles away, and they felt it upon themselves  
24 that they could negotiate and have this power  
25 plant constructed using their Chapter 100

1        financing, but the property is two and a half  
2        miles away so it doesn't affect those gentlemen.  
3        It doesn't affect Mayor Lewis. I'm sorry, I just  
4        lost my train of thought there.

5                    CHAIRMAN DAVIS: I don't have  
6        any further questions, Judge.

7                    JUDGE PRIDGIN: Mr. Chairman,  
8        thank you. Commissioner Gaw.

9                    COMMISSIONER GAW: I won't take  
10       as much time but, Mr. Manning, did you find that  
11       case by yourself?

12                   THE WITNESS: Mr. Eftink and I  
13       have a relationship and I got a boatload of  
14       reading material from him, and I have read more  
15       cases from the PSC than I care to divulge.

16                   COMMISSIONER GAW: I guess you  
17       have, too, and you have my sympathy.

18                   THE WITNESS: My interest was  
19       piqued at the procedural hearing, I will say that.

20                   COMMISSIONER GAW: And in regard  
21       to what you said earlier that case that you had  
22       was in 1970 and I didn't get the last year.

23                   THE WITNESS: It was July of  
24       1973. The case number again is 17,737.

25                   COMMISSIONER GAW: Maybe you

1       ought to go ahead and get your law degree, Mr.  
2       Manning.

3                       THE WITNESS: I'm too old for  
4       that.

5                       COMMISSIONER GAW: You're never  
6       too old.

7                       JUDGE PRIDGIN: Mr. Gaw, thank  
8       you. Mr. Manning, thank you very much. Yes, Mr.  
9       Boudreau.

10                      MR. BOUDREAU: Can I ask Mr.  
11       Manning one or two quick questions? I promise I  
12       will be brief.

13                      JUDGE PRIDGIN: Well, I'm afraid  
14       that once we open the door and start  
15       cross-examining and since we're running short on  
16       time --

17                      MR. BOUDREAU: It's not cross  
18       examination. I have one clarifying question about  
19       communications I have had with the commissioner.

20                      JUDGE PRIDGIN: I'd rather not,  
21       Mr. Boudreau. I don't think I'm going to allow  
22       it. We have got a lot of people here who want to  
23       testify. You know, the Commission has ex parte  
24       rules, and I think any potential ex parte  
25       communication has been posted. Mr. Manning, thank

1       you very much for your time.

2               What I'd like to do I'm going to note  
3       that the time is 7:40, and I'd like to take a  
4       midpoint break and resume this hearing at roughly  
5       or exactly would be my preference 7:55 by the  
6       clock on that wall.

7               I will note that I have roughly 20 people  
8       signed up still left to testify, and if you will  
9       recall I said at the beginning of the hearing I  
10      said about eight o'clock if I still have people  
11      left I may start asking people to limit their  
12      testimony to three minutes. If we do that, we  
13      would stay at or near the nine o'clock deadline  
14      that the order stated. So we will go off the  
15      record until 7:55.

16              (A recess was taken at 7:40 p.m.)

17              (Back on the record at 7:55 p.m.)

18              JUDGE PRIDGIN: We are back on  
19      the record. It is 7:55 p.m. We will resume the  
20      local public hearing in case number EA-2005-0248.  
21      The next witness is Nanette Trout.

22              NANETTE TROUT  
23      called as a witness herein, being first duly sworn  
24      by the Judge, testified on her oath as follows:

25

1 JUDGE PRIDGIN: State your name  
2 for the record and spell your last name.

3 MS. TROUT: Nanette Trout,  
4 T-R-O-U-T.

5 JUDGE PRIDGIN: And are you a  
6 resident of Cass County, Missouri?

7 MS. TROUT: Yes.

8 JUDGE PRIDGIN: And are you a  
9 customer of Aquila?

10 MS. TROUT: Yes.

11 JUDGE PRIDGIN: Do you have any  
12 statement for the Commission?

13 MS. TROUT: Yes, I am going to  
14 defer some things that I have to some other people  
15 who have more knowledge than I do, but I want to  
16 touch on two things.

17 One is the ethics of Aquila. They speak  
18 out about their benefit for the ratepayers and I  
19 question that very much. I question their ethics  
20 that in all of their advertising they show that  
21 one to three houses will be affected, and there  
22 are over 260 in a two-mile radius, and again I  
23 will defer to somebody else who has a little bit  
24 more than I do on that.

25 I am on their flat rate plan, and one

ROBERTS & ASSOCIATES BY KIMBERLY G. ROBERTS, CM

1 year I had a \$500 credit at the end of my year,  
2 and instead of lowering my bill like they were  
3 supposed to for the next year they raised it \$50.

4 Unfortunately during that time frame I  
5 had no voice and I had to send letters. I had no  
6 response from any of my letters; therefore, I do  
7 question their ethics, and if they will do this to  
8 their own ratepayers what will they do to the rest  
9 of the community especially those who are not the  
10 ratepayers.

11 Secondly, I'm a little confused as to why  
12 we are at the hearing. I sent a letter to several  
13 of my state, county and local representatives as  
14 well as a letter to the Missouri Public Service,  
15 and I got a letter back from Missouri Public  
16 Service telling me that they do not get involved  
17 in telling Aquila where they cannot build. So I'm  
18 a little confused why we are here tonight. Thank  
19 you.

20 JUDGE PRIDGIN: Ms. Trout, thank  
21 you very much for your testimony. Let's see if we  
22 have any questions from the commission, Mr.  
23 Chairman.

24 CHAIRMAN DAVIS: Ma'am, are you  
25 familiar with the circuit court case here in Cass

ROBERTS & ASSOCIATES BY KIMBERLY G. ROBERTS, CM

1 County on this issue?

2 MS. TROUT: As far as the zoning  
3 or --

4 CHAIRMAN DAVIS: As far as the  
5 fact that the judge issued an order, and I don't  
6 have that order in front of me, but he made some  
7 reference to the fact that a certificate from the  
8 Missouri Public Service Commission not be  
9 required.

10 THE WITNESS: I remember him  
11 saying something to that, and he also said that  
12 wasn't his opinion, that some of the statutes that  
13 Aquila was referencing, and, I'm sorry, I was not  
14 in a position where I could hear all the comments,  
15 he did not think that that actually applied to  
16 this case, and I did not get to hear the final  
17 ruling nor have I read it. I apologize for that.

18 CHAIRMAN DAVIS: Okay. No  
19 further questions.

20 JUDGE PRIDGIN: Mr. Chairman,  
21 thank you. Commissioner Gaw.

22 COMMISSIONER GAW: No questions.  
23 Thank you for coming, ma'am.

24 JUDGE PRIDGIN: Ms. Trout, thank  
25 you for your remarks. The next name I see and I

ROBERTS & ASSOCIATES BY KIMBERLY G. ROBERTS, CM

1 hope I'm reading this correctly is Michael Ham.

2 MICHAEL HAM

3 called as a witness herein, being first duly sworn  
4 by the Judge, testified on his oath as follows:

5

6 JUDGE PRIDGIN: Please state  
7 your name for the record and spell your last name.

8 MR. HAM: Michael Ham, H-A-M.

9 JUDGE PRIDGIN: Are you a  
10 resident of Cass County, Missouri?

11 MR. HAM: Yes, I am.

12 JUDGE PRIDGIN: Are you a  
13 customer of Aquila?

14 MR. HAM: Yes, I am.

15 JUDGE PRIDGIN: Do you have any  
16 remarks for the Commission, sir?

17 MR. HAM: Yes. In several  
18 correspondence it's been stated by Aquila that  
19 they are building in a nonresidential area in an  
20 area around Peculiar and that is not exactly the  
21 case.

22 I have pretty good information that there  
23 is 240 houses within a 200 mile -- excuse me,  
24 two-mile radius of the proposed Aquila plant which  
25 we tabulate that to be about approximately a



ROBERTS & ASSOCIATES BY KIMBERLY G. ROBERTS, CM

1       thousand people within a two-mile radius, and  
2       that's a far cry from what's been reported.

3               Also, as I said, I live in the area  
4       around the power plant and I'm raising cattle, and  
5       I'm very concerned about the emissions of benzene  
6       and what effect that's going to have on the people  
7       and also the livestock around that area.

8               And I have seen several pictures of the  
9       proposed site that Aquila is building, and as a  
10      neighbor in that area in my best knowledge of it I  
11      would think that Aquila if they were trying to get  
12      along with the neighbors in that area they would  
13      build it like their picture shows and they would  
14      probably build it with the stacks back towards the  
15      back of it and they would have grass and trees and  
16      all in front of it, but that's not the case at  
17      this site.

18              As a matter of fact, not only isn't it  
19      the case but they are actually putting the stacks  
20      on the side that is as close to the neighbors as  
21      they possibly can. There is nowhere on the site  
22      they can get any closer.

23              Over the past several years, as I said, I  
24      am an Aquila customer, we have had problems with  
25      Aquila with our billing and numerous problems with

ROBERTS & ASSOCIATES BY KIMBERLY G. ROBERTS, CM

1       Aquila. I have contacted Aquila on numerous times  
2       and asked to be removed from Aquila's service and  
3       transferred over to Osage Valley which I have  
4       contacted Osage Valley, and they tell me I have to  
5       have approval from Aquila to do that.

6               We have contacted them numerous times,  
7       and I can't even talk to a human being at Aquila.  
8       I can't get any correspondence back in writing or  
9       anything. They just flat ignore me just like  
10       apparently they're ignoring the county and the  
11       PSC, and in my opinion Aquila is not going to be a  
12       good law abiding neighbor for the families in that  
13       area. I believe that's all I have.

14               JUDGE PRIDGIN: Mr. Ham, thank  
15       you very much. Let's see if we have any  
16       questions. Mr. Chairman.

17               CHAIRMAN DAVIS: Sir, the judge  
18       may correct me on this but are you aware that you  
19       can apply to the Missouri Public Service  
20       Commission for a change of electric service  
21       providers? I think it has to be filed in the form  
22       of a complaint or a case or something of that  
23       nature, but it has to be for some reason other  
24       than rates I believe, but you may have grounds  
25       that you may want to investigate that.

ROBERTS & ASSOCIATES BY KIMBERLY G. ROBERTS, CM

1 MR. HAM: Thank you very much.

2 JUDGE PRIDGIN: Mr. Chairman,  
3 thank you. Mr. Gaw.

4 COMMISSIONER GAW: No questions.  
5 Thank you, sir.

6 JUDGE PRIDGIN: Mr. Appling.

7 COMMISSIONER APPLING: No  
8 questions.

9 JUDGE PRIDGIN: I have no  
10 questions of Mr. Ham. The chairman is correct,  
11 that is something that you can do if you wish is  
12 you can apply to the Commission for a change of  
13 suppliers, and if you're interested in that if you  
14 want to ask questions of somebody from the staff  
15 afterwards, they could start you down that road if  
16 that's something that you want.

17 MR. HAM: Okay.

18 JUDGE PRIDGIN: Mr. Ham, thank  
19 you for your testimony. Before I call the next  
20 witness let me remind people I do need witnesses  
21 to be signed up on my witness list. If somebody  
22 is here and wishes to testify and has not signed  
23 up, we do have a witness list, and Mr. Wood from  
24 the staff is here. If you do want to testify  
25 please see him. I see as the next witness if I'm

ROBERTS & ASSOCIATES BY KIMBERLY G. ROBERTS, CM

1 reading this correctly Frank Dillon.

2 FRANK DILLON

3 called as a witness herein, being first duly sworn  
4 by the Judge, testified on his oath as follows:

5

6 JUDGE PRIDGIN: If you would  
7 please state your name for the record and spell  
8 your last name.

9 MR. DILLON: Frank Dillon,  
10 D-I-L-L-O-N.

11 JUDGE PRIDGIN: Are you a  
12 resident of Cass County, Missouri?

13 MR. DILLON: Yes, I am.

14 JUDGE PRIDGIN: And are you a  
15 customer of Aquila?

16 MR. DILLON: No, I'm not.

17 JUDGE PRIDGIN: Do you have any  
18 statement for the Commission, sir?

19 MR. DILLON: Yes. Since this  
20 all began I have done a little bit of research.  
21 The Commission is probably aware of it, but in the  
22 executive summary report from the North American  
23 Electric Reliability Council where they assess the  
24 United States's electric situation we are in the  
25 southwest power pool which is required they

1 maintain a 12 percent capacity margin.

2 Capacity margins remain above 12 percent  
3 until 2013 when it drops to 10.8 percent. The  
4 capacity reported for SPP based on EIA 411  
5 information does not reflect some 9,000 megawatts  
6 of gas fired merchant plants that are in the SPP  
7 footprint.

8 Next door to the SPP is the Southeast  
9 Reliability Council. Just one short comment from  
10 what the reliability council has stated. Merchant  
11 generation additions have resulted in thousands of  
12 megawatts of excess generating capacity in the  
13 region.

14 Fortune Magazine September 6, 2004, I  
15 quote, "Wall Street analysts say it may take until  
16 the end of the decade to work off the excess  
17 generating capacity nationwide."

18 So we have the peaking facility. KCP&L  
19 and Aquila wanted to build a coal fired power  
20 plant up by Weston. Associated Electric Co-Op,  
21 Incorporated, in Springfield is expected to  
22 announce the location of a new coal fired base  
23 load power plant. This was according to the March  
24 2005 issue of the Rural Missouri paper.

25 Aquila is building the Harper facility

ROBERTS & ASSOCIATES BY KIMBERLY G. ROBERTS, CM

1 and has already used it as partial justification  
2 for a rate increase request.

3 From another document that I read the  
4 executive summary report of the Consumer Energy  
5 Council of American Electric Industry  
6 Restructuring Forum April 2003 there was a  
7 statement that said first and foremost changes in  
8 either retail or wholesale electric power service  
9 programs should be required to demonstrate  
10 affirmatively that they will not cause consumers  
11 to be worse off than they were before the changes  
12 took place.

13 Given all this information that I found  
14 it seems to me that there's a lot of electricity  
15 out there. It's a matter of getting it where it  
16 needs to go. I don't think consumers should have  
17 to pay for companies conducting business  
18 irresponsibly perhaps. Maybe that's not the right  
19 word.

20 One last thing I'd like to talk about is  
21 I think Mr. Bremer stated that he referred to the  
22 Southern Star gas line pumping station that he  
23 lives just north of and has been there for 50  
24 years. I live directly across from that station.  
25 Mr. Bremer said something to the effect that they

ROBERTS & ASSOCIATES BY KIMBERLY G. ROBERTS, CM

1 had been a good neighbor and he expected or hoped  
2 that Aquila would be the same.

3 To date Aquila has not been a good  
4 neighbor. When Southern Star, then Williams,  
5 upgraded their compressor station they talked to  
6 the neighbors. They put down an oil base solution  
7 on the roads so the dust wouldn't come all over.  
8 They were concerned and they did the right thing.

9 Aquila did not talk to the neighbors.  
10 There isn't an oil solution on the roads to  
11 decrease the dust, and at one point in time there  
12 were 20-ton gravel trucks going by my house every  
13 ten minutes. That has decreased.

14 Another way that I don't feel they have  
15 been a good neighbor is it became obvious to me  
16 and others in the neighborhood they had a little  
17 roving patrol. I followed them one night. They  
18 stopped and looked at people's garbage. They  
19 shined spotlights on property that wasn't theirs.  
20 They were in areas that weren't theirs.

21 I have talked to representatives of  
22 Aquila, in fact, the manager of security just  
23 earlier this week and expressed my concerns, and  
24 he agreed that what they were doing was not right.  
25 I don't think they stop completely in front of

ROBERTS & ASSOCIATES BY KIMBERLY G. ROBERTS, CM

1 houses anymore. They cruise their route at ten  
2 miles an hour. First of all a good neighbor  
3 wouldn't have to patrol the neighborhood.

4 The two people that I spoke with at  
5 Aquila were very nice and very pleasant and seemed  
6 to be very concerned. They explained the route  
7 the security person was to take.

8 The route included a place where Aquila  
9 has the reels of wire stored and some other  
10 equipment there, and the statement was made to me  
11 they needed to make sure the gate was shut and  
12 locked, you know, after the workers leave at  
13 night. There is no fence there. I mean you can  
14 walk around the side of the gate.

15 I believe they've taken care of that  
16 issue. They've changed vehicles so they're a  
17 little harder to spot now but at least it's clean.  
18 That's all I have.

19 JUDGE PRIDGIN: Mr. Dillon,  
20 thank you very much. Let me see if we have any  
21 questions.

22 CHAIRMAN DAVIS: No questions.

23 JUDGE PRIDGIN: Mr. Chairman,  
24 thank you. Mr. Gaw.

25 COMMISSIONER GAW: I don't



ROBERTS & ASSOCIATES BY KIMBERLY G. ROBERTS, CM

1 believe I do but thank you, sir.

2 JUDGE PRIDGIN: Mr. Dillon,  
3 thank you very much.

4 COMMISSIONER GAW: Oh, I do have  
5 one question real quick.

6 JUDGE PRIDGIN: Mr. Dillon,  
7 you're still under oath, sir.

8 COMMISSIONER GAW: Just in  
9 regard to where you live and where this proposed  
10 plant is give me an idea about how that relates.

11 MR. DILLON: Aquila's property  
12 is directly across my front yard. Where they're  
13 building the plant is -- the corner of my property  
14 is directly across the corner of the site where  
15 they're putting the plant up. There is one house  
16 closer to the site than mine.

17 COMMISSIONER GAW: Okay. That  
18 helps me and do you know how big the property is  
19 that Aquila has right there, are you aware of the  
20 acreage?

21 MR. DILLON: They have a total  
22 of 74 acres I believe.

23 COMMISSIONER GAW: All right.  
24 In that one plot?

25 MR. DILLON: Well, it's all one.

ROBERTS & ASSOCIATES BY KIMBERLY G. ROBERTS, CM

1       They bought the whole plot. Where the plant seems  
2       to be going up is at the south end.

3                   COMMISSIONER GAW: On the south  
4       end close to the line?

5                   MR. DILLON: It's on the south  
6       property line.

7                   COMMISSIONER GAW: Okay. Is  
8       that next to a road? I think it would be helpful  
9       to see this on a map as the chairman pointed out  
10      earlier. If you can tell me that would be fine.  
11      I will wait to see it.

12                  MR. DILLON: Well, there's  
13      Harper Road going north and south. The corner of  
14      my property is 243rd Street.

15                  COMMISSIONER GAW: If some of  
16      the other people who are going to testify have  
17      those and can speak to it then I'll let them do  
18      it.

19                  MR. DILLON: Would you like to  
20      see this, sir?

21                  JUDGE PRIDGIN: If that's  
22      something you're willing to give up and would like  
23      to label as an exhibit, we'd be glad to look at  
24      it.

25                  COMMISSIONER GAW: Or you can do

ROBERTS & ASSOCIATES BY KIMBERLY G. ROBERTS, CM

1       it when she gets up here. She probably worked on  
2       that so she can probably explain it better.  
3       That's good enough for me.

4                   CHAIRMAN DAVIS: Judge, I have  
5       one more question now. I have found a map. Can I  
6       approach?

7                   JUDGE PRIDGIN: You may.

8                   CHAIRMAN DAVIS: Thank you.

9                   JUDGE PRIDGIN: Mr. Dillon,  
10      thank you, sir. The next witness is Jim Gabriel.

11                   JIM GABRIEL  
12      called as a witness herein, being first duly sworn  
13      by the Judge, testified on his oath as follows:

14  
15                   JUDGE PRIDGIN: Please state  
16      your name for the record and spell your last name.

17                   MR. GABRIEL: Jim Gabriel,  
18      G-A-B-R-I-E-L.

19                   JUDGE PRIDGIN: Are you a  
20      customer of Aquila?

21                   MR. GABRIEL: No.

22                   JUDGE PRIDGIN: Are you a  
23      resident of Cass County, Missouri?

24                   MR. GABRIEL: Yes, I am.

25                   JUDGE PRIDGIN: Any statement

ROBERTS & ASSOCIATES BY KIMBERLY G. ROBERTS, CM

1 for the Commission, sir?

2 MR. GABRIEL: Yes. I think the  
3 underlying theme on this should be that the  
4 location of this power plant doesn't meet the  
5 criteria for the neighborhood and in driving  
6 around --

7 Just to explain I was involved in the  
8 first location here in Harrisonville. So in some  
9 of the information we received from Aquila and in  
10 driving around in different areas looking at  
11 things the thing I haven't heard yet tonight is  
12 they have a peaking plant existing at Greenwood.  
13 I believe there is either 120 or 160 acres there.

14 My question would be why this new  
15 facility could not be erected there. The power  
16 lines are there, and some of the underlying themes  
17 that Aquila has said and why they couldn't go to  
18 alternative sites is because the power lines  
19 weren't there or the gas line wasn't there and  
20 that the PSC, Public Service Commission, requires  
21 them to exercise prudent use of the money or they  
22 would not be able to recoup any additional cost if  
23 they went to these other locations.

24 I think that if you have an existing area  
25 that already has two of the peaking plants and you

ROBERTS & ASSOCIATES BY KIMBERLY G. ROBERTS, CM

1        have 160 acres, a prudent use of money would be to  
2        utilize your existing location and go forth from  
3        that.

4                In the first go-around they said they had  
5        at I believe Richards Gebaur that they had did a  
6        site study. That area is commercial, it's  
7        industrial. It's already set up for this type of  
8        operation where you're not imposing on people who  
9        have put their life savings or all their time,  
10       money and effort into building and constructing  
11       something that they're willing to live in until  
12       they either need to move or for the duration of  
13       their life, and I think it's absolutely wrong for  
14       somebody to be able to come in and totally  
15       disregard the laws and the rules of the county and  
16       start constructing a plant without going through  
17       the proper courses.

18               If this plant is constructed at a  
19       different location or one of these existing, we've  
20       heard several people speak of the jobs and stuff.  
21       Well, the jobs aren't going to go away if it's  
22       constructed at a different location.

23               The whole thing it boils down to is maybe  
24       an additional cost to Aquila, and there is not  
25       anything certain that says they couldn't recoup

ROBERTS & ASSOCIATES BY KIMBERLY G. ROBERTS, CM

1       those costs if they did locate in a different  
2       location to appease the local people and to be a  
3       good neighbor.

4               One of the other things we heard from  
5       several people is they were contractors and they  
6       had done work for Aquila. I, too, am a  
7       contractor. I, too, have done work for Aquila,  
8       but I have since quit doing any work for Aquila.  
9       Based on the way that they approached the power  
10      plant proposal in my front yard and the way they  
11      have done this I find that they're not up front.  
12      They don't seem to care about the people that  
13      they're imposing upon. This is just the will and  
14      the way that it needs to be.

15             And I think that in this day and age that  
16      we need to step back and think about the people  
17      that we are impacting, and we have a  
18      responsibility to treat people as we would want to  
19      be treated and not skirt the laws that are  
20      existing, and that's all I have to say.

21                   JUDGE PRIDGIN: Thank you. Let  
22      me see if we have any questions. Commissioner  
23      Gaw.

24                   COMMISSIONER GAW: I think just  
25      to clarify, Mr. Gabriel, you are a resident of the

ROBERTS & ASSOCIATES BY KIMBERLY G. ROBERTS, CM

1 area that the first plant was proposed in?

2 THE WITNESS: Yes, sir, it was  
3 right in my front yard.

4 COMMISSIONER GAW: So you're  
5 over here in support of the neighbors that are  
6 here?

7 THE WITNESS: Well, I'm still  
8 concerned because Aquila still has the contract on  
9 the 40 acres in my front yard. So, you know, I  
10 think that even though they have been before the  
11 zoning and they were turned down on that one  
12 particular part if they're allowed to continue on  
13 with disregard for this I'm next, and then where  
14 else in the county have they identified power  
15 lines and gas lines, and just there's laws and  
16 regulations. Like I said, I'm a contractor and I  
17 have to abide by them all the time and so do my  
18 customers.

19 COMMISSIONER GAW: Thank you,  
20 sir.

21 JUDGE PRIDGIN: Thank you, Mr.  
22 Gabriel. I believe the next name that I am  
23 reading is Nancy Manning.

24

25

1 NANCY MANNING  
2 called as a witness herein, being first duly sworn  
3 by the Judge, testified on her oath as follows:  
4

5 JUDGE PRIDGIN: If you would,  
6 please state your name for the record and spell  
7 your last name.

8 MS. MANNING: It's Nancy  
9 Manning, M-A-N-N-I-N-G.

10 JUDGE PRIDGIN: Are you a  
11 customer of Aquila?

12 MS. MANNING: No, I'm not.

13 JUDGE PRIDGIN: And are you a  
14 resident of Cass County, Missouri?

15 MS. MANNING: Yes, I am.

16 JUDGE PRIDGIN: Do you have any  
17 remarks for the Commission?

18 MS. MANNING: Yes. I live less  
19 than a third of a mile away from this, and first  
20 I'd like to give you some pictures. The first one  
21 comes from the website for Peculiar, the city  
22 website of how this facility is going to look  
23 after it's built, okay.

24 JUDGE PRIDGIN: Do you have some  
25 things you'd like the Commission to look at?



1 MS. MANNING: Yes.

2 JUDGE PRIDGIN: If you'd like  
3 I'll let you kind of describe them and I'll take  
4 them from you, and then I'll go over them with you  
5 to make sure I accurately describe them.

6 MS. MANNING: Okay. I guess the  
7 first thing I want to state is I just feel like  
8 our due produces has totally been violated, okay.  
9 I'm not a resident of Peculiar so I can't vote  
10 those people out for bringing this in.

11 Aquila doesn't care what we think. We  
12 are not their customers, and they obviously are  
13 not good neighbors. They wake us up at six  
14 o'clock in the morning. The decibel level from  
15 the construction alone at my house with a decibel  
16 meter was up in the 70's from my front porch.

17 When this all started, we saw Aquila  
18 trucks back in August running around the  
19 neighborhood so we knew something was going on.  
20 So we called the county and they didn't know  
21 anything about it. My husband called the City of  
22 Peculiar and was told by one of the staff that,  
23 oh, nothing is going on, you know. He said that  
24 we heard Aquila was going to build a facility out  
25 there and they said, oh, that's just a rumor,

1       there's no truth to that. So we were blatantly  
2       lied to there.

3               Then we all read about it around October,  
4       the first week of October in the Kansas City  
5       Business Journal and the Kansas City Star about  
6       the plans to build, okay.

7               They have an informational meeting. Mark  
8       Dawson, the economic development person, came out  
9       to my house the day before the meeting along with  
10      a lady, and I don't recall her name, and they tell  
11      us that there's going to be a couple of little  
12      40-foot stacks and these little buildings that you  
13      won't even be able to see from my house, you know,  
14      and it just hasn't been the case the whole time.

15              Oh, we are going to tree and berm all of  
16      243rd. I called Terry after this all got rolling,  
17      and they've changed their mind and they're not  
18      going to do that.

19              So who holds these people accountable,  
20      you know, to what they say they're going to do and  
21      what they don't do about the noise levels, about  
22      the pollution.

23              I mean like my husband I've read more PSC  
24      cases and power needs and the polluting factors  
25      than I ever care to read in my lifetime, but in

ROBERTS & ASSOCIATES BY KIMBERLY G. ROBERTS, CM

1 the Federal Register what's just starting to  
2 emerge is the particulate matter.

3 There are new standards coming for  
4 pollution from mercury and for all these, the nox  
5 and the ozone and it just seems to me like Aquila  
6 is wanting to get it built as fast as possible so  
7 they can skirt these new regulations.

8 And also one of my neighbors has a  
9 brother who works for a power company in Florida,  
10 and they take years to develop new power  
11 generating facilities yet we're having this  
12 crammed down our throats in less than a year.

13 So why are we letting Aquila out of their  
14 financial desperation build this facility when  
15 it's questionable whether we need the power here  
16 or not. That's really all I have to say.

17 JUDGE PRIDGIN: Mrs. Manning,  
18 thank you. Let's see if we have any questions  
19 from the commissioners, and then if you have any  
20 exhibits you'd like to enter we can do that.

21 MS. MANNING: I do. I'll have  
22 to find them. I'm not very organized.

23 JUDGE PRIDGIN: That's all  
24 right.

25 CHAIRMAN DAVIS: No questions.

1 JUDGE PRIDGIN: Thank you.

2 COMMISSIONER GAW: No questions.

3 MS. MANNING: My exhibits are  
4 just pictures, and it's one that was printed off  
5 the City of Peculiar website of what their  
6 artist's rendition is, and that's from my front  
7 door.

8 CHAIRMAN DAVIS: Judge, can I  
9 ask her one question?

10 JUDGE PRIDGIN: Yes, sir.

11 CHAIRMAN DAVIS: Ma'am, can you  
12 show us roughly, I think this is a map of the  
13 site, where you live on the map here?

14 THE WITNESS: Okay. Here's  
15 Harper Road, here's 241st. My house is on the  
16 corner up here so it's probably right in there.  
17 So I'm about a third of a mile from the facility.

18 CHAIRMAN DAVIS: Okay.

19 JUDGE PRIDGIN: Ms. Manning, if  
20 I could trouble you to stay so you can describe  
21 these. I'm going to label these as Exhibit  
22 Number 4.

23 (Exhibit Number 4 was marked by  
24 Judge Pridgin.)

25 JUDGE PRIDGIN: Could you just

1       briefly describe what this photograph is?

2                   THE WITNESS: That was printed  
3       from the City of Peculiar website under hot  
4       topics. It states some misinformation about the  
5       new peaking facility, and that's their picture of  
6       what it's going to look like to us.

7                   JUDGE PRIDGIN: Do you know from  
8       where it was taken?

9                   MS. MANNING: From Aquila. They  
10      get most of their information from Aquila.

11                  JUDGE PRIDGIN: I mean from what  
12      location. Where was the photographer standing I  
13      guess is my question.

14                  MS. MANNING: That's really  
15      probably it looks like it's almost from my  
16      property.

17                  JUDGE PRIDGIN: Okay.

18                  MS. MANNING: Close to it and  
19      then that's from my front porch. You can see the  
20      same pond.

21                  JUDGE PRIDGIN: Yes, ma'am, all  
22      right. I think I understand, Ms. Manning, thank  
23      you very much. I have labeled those as Exhibit  
24      Number 4. Della January.

25

1                  DELLA JANUARY  
2      called as a witness herein, being first duly sworn  
3      by the Judge, testified on her oath as follows:  
4

5                  JUDGE PRIDGIN:  Would you please  
6      state your name for the record and spell your last  
7      name.

8                  MS. JANUARY:  It's Della  
9      January, J-A-N-U-A-R-Y, just like the month.

10                 JUDGE PRIDGIN:  Are you a  
11     customer of Aquila?

12                 MS. JANUARY:  I just paid my  
13     last bill.

14                 JUDGE PRIDGIN:  And are you a  
15     Cass County resident?

16                 MS. JANUARY:  I am.

17                 JUDGE PRIDGIN:  Do you have any  
18     statement for the Commission?

19                 MS. JANUARY:  I do.  I live near  
20     the area, and at the beginning of this I was a  
21     Peculiar resident so I had the opportunity to  
22     under the Missouri Sunshine Law request certain --  
23     I requested quite a bit of documentation from the  
24     City of Peculiar regarding their communication and  
25     their negotiation process with Aquila to bring the

ROBERTS & ASSOCIATES BY KIMBERLY G. ROBERTS, CM

1 plant in and a few other things. I have three  
2 points I'd like to make tonight.

3 One of them is there has been no due  
4 process afforded to the citizens of Peculiar or  
5 any of the people that live near the plant.

6 The second would be there's not been any  
7 objective review of this plant. The City of  
8 Peculiar used only Aquila's resources and  
9 information.

10 And the third would be that the delay in  
11 this process and all of this that is going on is  
12 creating a climate of intimidation and hostility  
13 in the neighborhood.

14 Mr. Dillon spoke to the patrols by  
15 Aquila, and I couldn't tell you how many times a  
16 day they come by our house but it's infuriating.  
17 There is no need for them to drive in front of the  
18 people's homes that have written letters and  
19 submitted them to you as part of your processes.  
20 You posted those pieces of correspondence in our  
21 E-mails on the website and the pictures I think  
22 you have there.

23 You requested whether or not we had maps.  
24 I know I E-mailed you some aerial photographs that  
25 show the homes in the area. So I think that may

1 be what you have there, okay. I wanted to make  
2 sure you had those, and those E-mails have been  
3 posted to Aquila, and now we are subject to patrol  
4 by our homes 12 times a day, and I believe it's  
5 only for intimidation, and also you asked for a  
6 copy of a map or photographs of how many homes are  
7 in the area.

8 You also made a reference to the judge's  
9 ruling, and we sat in this courtroom and listened  
10 to the judge's ruling, and it was my understanding  
11 that he said that you get one of two things,  
12 either you get zoning approval or a specific order  
13 from the Public Service Commission not that he  
14 intended to state that a specific order was  
15 required of you in either case.

16 Getting back to my first point as far as  
17 that no one has been afforded due process. The  
18 City of Peculiar stated in writing their support  
19 of the mayor and several aldermen for this project  
20 as early as July 7th long before anyone that lives  
21 either in the City of Peculiar or near the plant  
22 was even aware of it.

23 In fact, they voted unanimously and  
24 passed a resolution of intent to proceed with this  
25 project on September 7th; however, no one in the



ROBERTS & ASSOCIATES BY KIMBERLY G. ROBERTS, CM

1 public was made aware of this project until the  
2 first week of October.

3 By doing that they initiated actions to  
4 annex the land which the mayor, George Lewis,  
5 spoke to earlier, and he said that they withdrew  
6 those annexation plans because there was  
7 opposition from the community.

8 That's not the case. They withdrew it  
9 because they were illegal, and we had to engage an  
10 attorney and spend the dollars of the people in  
11 this room to fight that, and then they backed off  
12 of it.

13 So throughout this process the people  
14 that live there they're not Aquila customers.  
15 They're not citizens of Peculiar. They were not  
16 afforded a voice at the public meetings. They  
17 don't vote for the people that made these  
18 decisions.

19 We took the City of Peculiar to court to  
20 say that you at least need to put this to a vote  
21 of the people, and we lost that decision. It's on  
22 appeal. So no one other than George Lewis and the  
23 six aldermen had a say in whether or not this did  
24 or didn't go in.

25 I'm of the opinion that the reason Aquila

1 likes this site the best is because it's got  
2 financing from the City of Peculiar which they  
3 don't have in Jackson County.

4 Furthermore, the people in the room have  
5 joined together as a community and we've pooled  
6 our resources and our dollars and our education  
7 and our backgrounds to fight this fight, and in  
8 doing so we have appealed to every regulatory  
9 agency that we can find and time and time again  
10 have been told it's not their jurisdiction or they  
11 don't get involved until a law has been broken,  
12 and we feel that many laws have been broken along  
13 the line, but it's been left up to us as a group  
14 of neighbors to join together and bring this to  
15 everybody's attention and fight with everything we  
16 can to try to get some kind of justice.

17 We are not their customers. We have more  
18 representation on the board of Osage Valley  
19 Electrical Cooperative then we do with the city  
20 that brought this in here or the utility company  
21 or seemingly anywhere else.

22 Along those lines I'm a little bit  
23 offended when we say it's an emotional issue or  
24 it's just not in our backyard. Yes, it's  
25 emotional but that's just a small portion of this

1 fight.

2 This is damaging our property values. It  
3 affects our health and the health of our children,  
4 our quality of life and those are emotional  
5 issues, but that's to make light of it. Further,  
6 to say it's just not in our backyard I think makes  
7 light of it, too.

8 We're not talking about a Wal-Mart or  
9 halfway house or a home for wayward children.  
10 We're talking about a power plant that pollutes  
11 and degrades the area around it. That's just  
12 simple facts.

13 So these things to me are offensive.  
14 Yeah, it's emotional and it is in our backyard and  
15 we fight that, but that's the purpose for zoning,  
16 and when we buy our houses and we research the  
17 area around it and the zoning laws around it and  
18 what our neighbors are before we buy our houses we  
19 trust in our government to have proper zoning in  
20 place.

21 We trust that these things are taken care  
22 of by our elected representation, but when we were  
23 denied that the way we've been denied it here,  
24 this isn't what happens in America that utility  
25 companies can come in and seize a piece of

ROBERTS & ASSOCIATES BY KIMBERLY G. ROBERTS, CM

1 property just because they own it they can build  
2 anything they want on it.

3 Does that mean if they got somebody to  
4 sell them the front yard of the Nelson Art Gallery  
5 they would put a power plant on it because that's  
6 what you're saying, and then for the state to come  
7 in and if you were to grant their wishes and  
8 you're stepping above the county's objections, the  
9 people's objections and as I understand the  
10 objections of other school districts, of other  
11 counties and say we're going to tell them they can  
12 do whatever they want, then I guess any utility  
13 can build anywhere they provide water or phone or  
14 any other utility can build anything anywhere else  
15 they want as I understand it.

16 So it is emotional. People are fighting  
17 a war right now for our rights as people in this  
18 country that are being denied to people here in  
19 Cass County.

20 George Lewis and the City of Peculiar did  
21 everything Aquila asked. If Aquila wrote them an  
22 E-mail -- and I've got copies and you can have  
23 them if you want them, but if Aquila wrote them an  
24 E-mail and said we'd like to quote the mayor as  
25 saying this, that's exactly what the mayor stated.

ROBERTS & ASSOCIATES BY KIMBERLY G. ROBERTS, CM

1 We'd like for you to send a letter saying exactly  
2 this and that's exactly what they did.

3 If the city was going to engage the  
4 services of a review engineer, they went to Aquila  
5 to ask for suggestions of who they should hire,  
6 and then Aquila would go back to the city and say  
7 what exactly they're going to expect and how often  
8 is this going to take place.

9 The city didn't work as an objective  
10 agent hiring Aquila. They worked as employees of  
11 Aquila in getting this put through and put into  
12 our backyard. At no junction has Cass County  
13 zoning had the opportunity to review this.

14 Thankfully this time right now is the  
15 only chance we have had for an objective review,  
16 and that's why I'm a little bit offended at it's  
17 emotional and it's not in our backyard.

18 Somebody at some level needs to look at  
19 this and say whether or not it's reasonable and  
20 prudent, and I don't think that that's happened.

21 You've heard a lot of people talk about  
22 different alternatives be it Calpine, be it the  
23 Greenwood location. There's a lot of different  
24 alternatives and there's a lot more room for  
25 debate on this than, well, we were cut short by

ROBERTS & ASSOCIATES BY KIMBERLY G. ROBERTS, CM

1 all the people that are getting paid money off of  
2 this project.

3 So this two hours between 7:00 and 9:00  
4 is our opportunity to request an objective review,  
5 and I appreciate that and I'd like for you to give  
6 it your careful consideration.

7 As far as intimidation, I stopped the  
8 Aquila security guard and asked him why are you on  
9 our street. The poor kid got a flat tire on our  
10 street in this public vehicle so he kind of got  
11 barraged by the people coming out, and he said,  
12 well, we have to patrol our gates.

13 Their gates are nowhere near my house.  
14 There is no excuse for -- they go all the way -- I  
15 don't know if you've got the streets down there,  
16 but there's Harper Road and then there's Lucille  
17 Lane which I live on, and then there's this little  
18 circle called Seville Circle. They go down and  
19 around this dead end street to patrol their gates  
20 that are all the way at the other end of the  
21 street.

22 Further, every time they're followed they  
23 take a right and go the other way. If we pull up  
24 to their gate, they come out and take our picture  
25 and they shine lights on us and all that. So it

1 doesn't go both ways.

2 I understand that they're concerned about  
3 us because we might be hostile which we are not  
4 but we sure are aggravated, and clearly we are  
5 calm, reasonable people but we are being pushed to  
6 our limits here, and at some juncture somebody has  
7 to look at this and say people just can't -- a  
8 power company just can't buy 70 acres of land and  
9 do whatever they want when it's right across the  
10 street from people's homes and brand new homes at  
11 that.

12 I don't want to take up much more time.  
13 I know there's a lot of people that want to talk.  
14 I will close it at that but I have got a stack of  
15 papers, E-mail correspondence between the City of  
16 Peculiar and Aquila that they probably gave me in  
17 error but they gave them to me nonetheless. I'd  
18 be most happy to share them with you if you would  
19 like them. I'll Fed Ex them to you tomorrow.  
20 That's all I have.

21 JUDGE PRIDGIN: Ms. January,  
22 thank you very much. Let me see what questions we  
23 have from the commissioners. Mr. Chairman.

24 CHAIRMAN DAVIS: Okay. With  
25 regard to the patrols where are these people

1       patrolling at?

2                       MS. JANUARY: This is Harper  
3       Road. Our house is right over here. This is my  
4       house right here. This is Harper Road. They go  
5       all the way up. They turn here and go all the way  
6       down this street and then they go all around, and  
7       if you'll look back at this first one, you'll see  
8       at the end of this street there is a circle  
9       street. They just go around and make a circle.

10                   CHAIRMAN DAVIS: Is it like a  
11       cul-de-sac?

12                   MS. JANUARY: It's a horseshoe.  
13       All of these people have protested, too, so they  
14       go down this street and they go around that  
15       horseshoe and then they turn up here and go down  
16       this other way far away from the plant by Teresa  
17       Owens' house. She protested it, too, so they go  
18       down here and they make this big circle.

19                   And the gates that they say they're  
20       patrolling one of them is right here and other one  
21       is right here. That's my house right there. They  
22       can't see that gate from there, and I asked them  
23       why don't you turn around here in your own gate.

24                   Of course, it's not passable because they  
25       didn't do a good job on that road either, but he



ROBERTS & ASSOCIATES BY KIMBERLY G. ROBERTS, CM

1 told me they had to turn around in the middle of  
2 the street which I told him we would prefer rather  
3 than them coming down our street because our  
4 street is paved and they are all gravel roads.  
5 We paid to have a nice paved road.

6 So since they tore these up we prefer  
7 they stay on them, but they could very well leave  
8 here, go around here and turn right here and go  
9 back, and that's the extent of their interest in  
10 this area until you get to two miles north of  
11 there.

12 CHAIRMAN DAVIS: Ma'am, this is  
13 back to the emissions question, and I'm seriously  
14 completely ignorant of this. I have never heard  
15 of there ever being any emissions problem with a  
16 natural gas plant, and I mean anything you could  
17 do to enlighten me on any emission problems I  
18 would certainly like to hear.

19 THE WITNESS: We have another  
20 person that can speak to that. When we had the  
21 hearing before the Missouri Department of Natural  
22 Resources, we spent a significant amount of time  
23 different representatives and members of  
24 stopaquila.org to put together a briefing that  
25 addressed that. So I will leave that to some of

ROBERTS & ASSOCIATES BY KIMBERLY G. ROBERTS, CM

1 the people that put together the information on  
2 the emissions, but they did a lot of work on it,  
3 and I'm sure we can share that with you, too, if  
4 you need it at a future date. We didn't bring it  
5 with us.

6 CHAIRMAN DAVIS: All right.  
7 Thank you.

8 JUDGE PRIDGIN: Mr. Chairman,  
9 thank you. Commissioner Gaw.  
10 COMMISSIONER GAW: It's Della  
11 January?

12 MS. JANUARY: Yes.

13 COMMISSIONER GAW: Those E-mails  
14 I'd like to see them.

15 MS. JANUARY: Okay.

16 JUDGE PRIDGIN: Ms. January, if  
17 you have those to offer this evening we will take  
18 them. If you need to file those later, we can  
19 take care of that.

20 MS. JANUARY: Yeah, can I file  
21 them later?

22 JUDGE PRIDGIN: Certainly.

23 MS. JANUARY: It's a substantial  
24 amount of copying but I'll be happy to get them to  
25 you. How do I go about doing that?

1 JUDGE PRIDGIN: Mr. Wood, would  
2 you be able to help her with that?

3 MR. WOOD: Yes.

4 JUDGE PRIDGIN: I don't have any  
5 questions. Ms. January, thank you for your time  
6 and your testimony. Debbie Vincent.

7 DEBBIE VINCENT  
8 called as a witness herein, being first duly sworn  
9 by the Judge, testified on her oath as follows:

10  
11 JUDGE PRIDGIN: Please state  
12 your name for the record and spell your last name.

13 MS. VINCENT: Debbie Vincent,  
14 V-I-N-C-E-N-T.

15 JUDGE PRIDGIN: Are you a Cass  
16 County resident?

17 MS. VINCENT: Yes, I am.

18 JUDGE PRIDGIN: And are you an  
19 Aquila customer?

20 MS. VINCENT: No.

21 JUDGE PRIDGIN: Any statement  
22 for the Commission, ma'am?

23 MS. VINCENT: Yes, our family  
24 and our home is one of the worst affected by this  
25 power plant. We live probably a quarter of a mile

ROBERTS & ASSOCIATES BY KIMBERLY G. ROBERTS, CM

1 north of the power plant. We live on 241st  
2 Street, and we also have the upgraded power lines  
3 because of this power plant less than 200 feet  
4 from our home.

5 I have a three month old baby, I have a  
6 two and a half year old daughter that I am very  
7 concerned about their health because of the noise  
8 and because of the emissions. I am very concerned  
9 about the devaluation of our property because of  
10 this power plant.

11 We bought our home in the country with a  
12 few acres to raise our family, and we had no say  
13 in this, we had no vote. The stress that this has  
14 put on our family and the financial burden we have  
15 had to put out our hard earned money in trying to  
16 fight a legal battle with a company like Aquila  
17 it's just ridiculous.

18 Aquila says, they have talked about the  
19 magnetic, what is it, magnetic waves. Excuse me,  
20 I'm not very good with details, but they have  
21 compared it to a microwave, and we don't stand 24  
22 hours a day in front of a microwave.

23 When I was pregnant, my doctor told me  
24 not to stand in front of a microwave and they're  
25 comparing it to that. It's just a ridiculous

1 comparison.

2           The mayor, George Lewis, and Mike Fisher,  
3 the city administrator, have consistently told  
4 mistruths about this. You know, we have talked to  
5 them on the phone. They told us initially it was  
6 going to be a 50-foot smokestack. Now they're 70  
7 foot.

8           They told us that there would be half as  
9 many power lines -- or power poles, there is not.  
10 They told us it would be a single power pole, it's  
11 not. It's double and there's 12 lines on it.

12           They said there would be a forester that  
13 would come out to our home and make a plan of  
14 planting trees to reduce the noise and the view of  
15 this power plant. We have yet to hear from them.  
16 We got a fax from Aquila stating that they would  
17 do this at their discretion. We still haven't  
18 heard anything about that.

19           We live in a Democratic society and, you  
20 know, we have to abide by laws and they aren't. A  
21 court of law has already ruled against Aquila  
22 building the plant and they continue to go about  
23 this.

24           They're out at six o'clock in the  
25 morning. They wake my daughter up which I'm

1 really happy about at 6:00 a.m. They have  
2 sacrificed -- the City of Peculiar and Aquila has  
3 sacrificed a community outside the city limits.  
4 They're disregarding the law. They're  
5 disregarding the financial burden of the community  
6 and the people which in it live. They're  
7 disregarding the negative health effects and all  
8 because they say that there is this need for this  
9 power plant.

10 The only need that I see is their  
11 financial need. It's all about money in their  
12 pockets. They don't care about us. They don't  
13 care about my family or any of the other families.

14 As far as devaluation of our home, when  
15 we first heard about this power plant in August of  
16 2004, we found out from George Bremer. My husband  
17 went over and talked to him and asked why there  
18 was drilling going on.

19 He told us and we put our house up for  
20 sale. In the approximately I think two or three  
21 months we had it up for sale we had one person  
22 look at it. It's a brand new house, 4.4 acres.  
23 You know, we should have had people looking at our  
24 house and we had one person. That should tell you  
25 right there -- this was before it was even

ROBERTS & ASSOCIATES BY KIMBERLY G. ROBERTS, CM

1 publicly announced. One person looked at it.  
2 That should tell you, you know, that the people  
3 aren't going to look at our property as the value  
4 that we put in it. So I urge you not to grant  
5 Aquila authority to build this plant. That's all  
6 I have.

7 JUDGE PRIDGIN: Ms. Vincent,  
8 thank you. Mr. Chairman.

9 CHAIRMAN DAVIS: No questions.

10 JUDGE PRIDGIN: Mr. Gaw.

11 COMMISSIONER GAW: No questions.

12 JUDGE PRIDGIN: Thank you for  
13 your time and your testimony. I'm still having  
14 folks sign up. Again if folks want to testify, I  
15 would ask that you get the witness sign-up list  
16 from Mr. Wood and we will get you signed up to  
17 testify. I see the next witness is John Bockelman  
18 if I'm pronouncing that correctly.

19 JOHN BOCKELMAN  
20 called as a witness herein, testified as follows:

21 MR. BOCKELMAN: For religious  
22 reasons I promise that my yea will be yea and my  
23 nay will be nay.

24 JUDGE PRIDGIN: Thank you very  
25 much, sir. Did I pronounce your name correctly?

1 MR. BOCKELMAN: It's Bockelman,  
2 B-O-C-K-E-L-M-A-N.

3 JUDGE PRIDGIN: Are you a  
4 resident of Cass County, Missouri?

5 MR. BOCKELMAN: Yes, I am.

6 JUDGE PRIDGIN: And are you an  
7 Aquila customer?

8 MR. BOCKELMAN: Yes, I am.

9 JUDGE PRIDGIN: Do you have any  
10 statement for the Commission, sir?

11 MR. BOCKELMAN: Yes, I do. We  
12 own the property that's directly west of the  
13 substation property that Aquila is currently  
14 building on.

15 To give you a reference of our  
16 involvement, I'm a third generation residential  
17 developer and builder. We bought that property  
18 for that purpose, the total property of 440 acres  
19 like I said. We first came across --

20 Well, to start out with I was here at the  
21 circuit court meeting when Judge Dandurand ruled  
22 right there in the chair right behind you, and in  
23 his summary he said that he didn't believe that  
24 the Missouri Public Service Commission when they  
25 ruled gave ultimate authority because he believed



1       that there should be checks and balances in the  
2       system, and it would have an abuse of power to  
3       that if they didn't have checks and balances in  
4       the system.

5               We are here at this point with a  
6       substation already going in because that's where  
7       we live with the transformers already being  
8       placed. This is already past your decision. This  
9       decision should go to the courts and you should  
10      refer to the courts because that's what Judge  
11      Dandurand had said. That's his decision. He  
12      believes it should go to that decision, and I  
13      believe that you shouldn't respond until the court  
14      situation is done.

15             The first time we met Aquila was when  
16      they had Mr. Bryce come out under the direction of  
17      Mr. Lutz here. They first negotiated -- we had  
18      built a private driveway. When we first moved to  
19      the property, we built a mile and three-quarter  
20      private driveway to our property because we were  
21      isolated in the back.

22             Aquila wanted to share our driveway or  
23      take our driveway basically by confiscating 30  
24      feet of our property between them because that was  
25      where our private driveway was so they wouldn't

1 have to build a road.

2 We contacted a lawyer and, you know, he  
3 couldn't think of any reason -- under Missouri  
4 statutes they contested that this road was an old  
5 abandoned right of way to a road that had existed  
6 a long time ago.

7 Missouri Statute 228.190 says that any  
8 road that doesn't have any public money in it for  
9 over five years is considered abandoned and  
10 vacated, and we told them that several times.

11 They pressed the issue. They even  
12 offered us a deal where they would pay us a  
13 certain amount of money and co-padlock the gate  
14 even considering they considered it a private  
15 driveway, and it came down to when we wouldn't  
16 agree to it, they threatened to sue us over this  
17 road even though they made the agreement that they  
18 would share the road with us and maintain it and  
19 co-padlock. Then co-padlock a road they also  
20 believe is a public road, they didn't believe  
21 that.

22 There's a lawsuit -- or correspondence  
23 from their attorney at Blackwell Sanders to our  
24 attorney, Chuck Weedman, that we have here that  
25 I'm going to submit to you, and in some of that it

ROBERTS & ASSOCIATES BY KIMBERLY G. ROBERTS, CM

1 shows the agreements that they had, one by Leroy  
2 Lutz which I believe is the superintendent of the  
3 project of the substation.

4 And one of the statements from their  
5 lawyer says that even if the Bockelmans are to  
6 ultimately prevail, as their good counsel I'm sure  
7 you'll have to inform them that lawsuits are  
8 expensive and emotionally grueling experiences.  
9 Do you believe that is a good neighbor? It isn't.

10 They go on and according to our lawyer  
11 our lawyer contacted them several times, and we  
12 couldn't understand why they wanted our drive.  
13 Our drive is just a private drive that we are  
14 intending to relocate anyway because it won't fit  
15 in our subdivision rules, and he said why don't  
16 they go build their own darn road, and eventually  
17 they finally did because they had no grounds to it  
18 and dropped any consideration.

19 I've got a couple of pictures that show  
20 the locations of the private driveway in reference  
21 to the substation they're building now and to the  
22 house that my parents own on up on the property,  
23 the original house that was built on the property  
24 at this point, the first house.

25 This isn't a project that's just

1 transmission lines. They went way beyond that.  
2 They have already set their own course which I  
3 believe you guys shouldn't rule until the court  
4 system has ruled because you can see clearly in  
5 this picture the transformers are already going  
6 in. It's not just overhead transmission lines  
7 now. It's a transformer station. It's a  
8 substation going in. It went past your  
9 jurisdiction.

10 Here's that private drive that I'm  
11 talking about. You can see when they were trying  
12 to sue us we established by a certified surveyor  
13 in Missouri our boundary line. It shows clearly  
14 that our driveway is on our property. So those  
15 are some of the things that I think Judge  
16 Dandurand was concerned about the abuse of power.

17 Another example I can give -- and I know  
18 my time is running out so I'll give one more  
19 example. I believe I remember in the circuit  
20 court when we had the testimony Mr. Lutz had  
21 testified that he didn't know who the closest  
22 neighbor was in distance to our house and had no  
23 correspondence with us.

24 In this picture here you can see the  
25 location of the substation. You can see the

ROBERTS & ASSOCIATES BY KIMBERLY G. ROBERTS, CM

1 location of our house over here. It's within a  
2 third of a mile. This guy the head of the  
3 substation construction doesn't know where our  
4 property is and testified to that in court. I  
5 think there's an abuse of power there.

6 So I believe with all these things again  
7 I believe totally this is out of your jurisdiction  
8 and you should rule and let this go on to the  
9 court system and let it ultimately be discussed in  
10 the courts because I believe that's where it goes  
11 because it's went past that point, and I  
12 respectfully submit these pictures and the  
13 correspondence that they had from their lawyer to  
14 our lawyer.

15 JUDGE PRIDGIN: Mr. Bockelman,  
16 thank you. Let me take those from you and then  
17 I'll ask you to return and I want to make sure  
18 that we accurately identify those. Thank you,  
19 sir. Mr. Chairman.

20 CHAIRMAN DAVIS: Can you  
21 identify for us on the map where your property is  
22 here and where the driveway in question is?

23 MR. BOCKELMAN: You're looking  
24 at the peaking station. We are at the substation  
25 location. We are on the north Peculiar substation

1 property.

2 CHAIRMAN DAVIS: I don't guess  
3 we have it, okay.

4 JUDGE PRIDGIN: Mr. Chairman,  
5 thank you. Commissioner Gaw.

6 COMMISSIONER GAW: Where is the  
7 substation property from the proposed generation  
8 plant?

9 MR. BOCKELMAN: The substation  
10 is approximately two miles north of Peculiar, and  
11 the power peaking station is about two and a half  
12 miles. I'm not familiar with the peaking station  
13 but I know it's about two miles south of Peculiar  
14 so four miles. We are on 203rd Street. The  
15 peaking station I believe is about 241st Street.  
16 So that gives you an idea. There's roughly 35 to  
17 38 blocks between them.

18 COMMISSIONER GAW: Okay. Thank  
19 you, sir.

20 (Exhibit Number 5 was marked by  
21 Judge Pridgin.)

22  
23 JUDGE PRIDGIN: Sir, I want to  
24 make sure I accurately describe what you have  
25 given to me. I have marked as Exhibit 5 what I

1 count as a 12-page fax that included a letter from  
2 Blackwell Sanders, the law firm, Blackwell  
3 Sanders, in Kansas City, and that was originally a  
4 fax to you from -- I'm sorry, who sent you that  
5 fax?

6 MR. BOCKELMAN: It was  
7 correspondence from Blackwell Sanders, their  
8 attorney, to our attorney, Chuck Weedman.

9 JUDGE PRIDGIN: And I want to  
10 briefly go over these photographs, and I see  
11 handwriting on the back of the photographs. Is  
12 that your handwriting?

13 MR. BOCKELMAN: That's my  
14 handwriting. I was just trying to describe the  
15 pictures as they come up.

16 JUDGE PRIDGIN: And because I  
17 have got that all as your handwriting I'm going to  
18 label all of these as Exhibit Number 6 these  
19 photographs.

20 (Exhibit Number 6 was marked by  
21 Judge Pridgin.)

22 JUDGE PRIDGIN: And could you  
23 briefly describe what all these photographs would  
24 show?

25 MR. BOCKELMAN: Sure. As you go

ROBERTS & ASSOCIATES BY KIMBERLY G. ROBERTS, CM

1 through them?

2 JUDGE PRIDGIN: I guess in  
3 general because I see some different dates or we  
4 can go through them one at a time.

5 MR. BOCKELMAN: They're all  
6 pictures taken in the proximity of 203rd which is  
7 the access road to our property and directly south  
8 on what is our east border between us from the  
9 east to the west.

10 JUDGE PRIDGIN: Is it fair to  
11 say that these are photographs taken at or near  
12 your property of the proposed Aquila plant?

13 MR. BOCKELMAN: Yes, they are.

14 JUDGE PRIDGIN: Thank you very  
15 much. Cindy Mayer.

16 CINDY MAYER  
17 called as a witness herein, being first duly sworn  
18 by the Judge, testified on her oath as follows:

19  
20 JUDGE PRIDGIN: Please state  
21 your name for the record and spell your last name.

22 MS. MAYER: Cindy Mayer,  
23 M-A-Y-E-R.

24 JUDGE PRIDGIN: Are you a Cass  
25 County resident?



ROBERTS & ASSOCIATES BY KIMBERLY G. ROBERTS, CM

1 MS. MAYER: Yes.

2 JUDGE PRIDGIN: Are you a  
3 customer of Aquila?

4 MS. MAYER: No.

5 JUDGE PRIDGIN: Do you have a  
6 statement for the Commission, ma'am?

7 MS. MAYER: Yes. My statement  
8 is going to be about the health effects of the  
9 emissions that are to be put out by this power  
10 plant, and this is by Aquila's own statement of  
11 what is going to happen, and this was in the DNR  
12 air quality statement, and they passed the air  
13 quality statement. They got their permit but  
14 there are studies including the US Environmental  
15 Protection Agency studies about the low level  
16 chronic exposure from these chemicals.

17 The chemicals that are expected to be  
18 emitted are formaldehyde, acrolein, carbon  
19 monoxide, nitrogen oxide which includes nitrogen  
20 dioxide and nitric acid -- or nitric oxide which  
21 is better known as acid rain, polycyclic aromatic  
22 hydrocarbons and benzene and possibly others that  
23 weren't identified. I was also given a statement  
24 of -- or another study about the particulate  
25 matter, and I'll address that after I read my own

1 paper.

2 I'll take the chemicals individually and  
3 there's different qualities of -- there's  
4 different levels on these chemicals. Some are  
5 more dangerous than others.

6 Formaldehyde in particular is considered  
7 pretty dangerous. Chronic low level long-term  
8 exposure can cause irritation to eyes, nose,  
9 throat and lungs. It can cause depressed immune  
10 systems. It is considered reproductive toxic,  
11 neurotoxic, liver toxic and gastrointestinal  
12 toxic.

13 Formaldehyde is ranked as one of the top  
14 ten percent most hazardous compounds to human  
15 health and ecosystems. Formaldehyde is a  
16 recognized carcinogen leading to lung,  
17 nasopharyngeal and brain cancers.

18 The EPA assumes that there are no  
19 exposures to carcinogens that have zero risk, and  
20 even at very low exposures no exposures are  
21 acceptable according to the EPA.

22 Acrolein at chronic low level long-term  
23 exposure can cause irritation of eyes, nose,  
24 throat and lungs. It can cause decreased  
25 breathing rates which can lead to depressed

1 oxygenation of blood.

2 Benzene, this is a real bad one. Benzene  
3 at chronic low level long-term exposure can cause  
4 increased risk of myelogenous leukemia,  
5 lymphocystic leukemia, Hodgkin's disease, paracele  
6 leukemia, aplastic anemia, myelodysplastic  
7 syndrome, reproductive dysfunction, damage to the  
8 immune system, structural and numerical chromosome  
9 damage. Chronic effects can be seen long after  
10 exposure.

11 Benzene is classified as a group A  
12 carcinogen. As stated previously, there is no  
13 safe level of exposure to carcinogens.

14 Nitrogen oxides are broken down into  
15 nitrogen dioxide and nitric oxide. Nitric oxide  
16 is a main ingredient in acid rain. Nitrogen  
17 dioxide reacts with sunlight to add to ozone and  
18 smog conditions.

19 Researchers at the Yale School of  
20 Forestry and Environmental Studies has stated  
21 reducing ozone pollution by about 35 percent on  
22 any given day could save about 4,000 lives a year  
23 across the country.

24 Low level chronic long-term exposure can  
25 irritate eyes, nose, throat, lungs. Symptoms can

1 include coughing, shortness of breath, tiredness,  
2 nausea, fluid buildup in the lungs. Tests on  
3 animals indicate it can cause toxic effects to  
4 developing fetuses and changes in genetic material  
5 to cells.

6 There have been no tests on human  
7 subjects to prove these effects on humans. We  
8 just have to assume a mammal is a mammal.

9 Polycyclic aromatic hydrocarbons are a  
10 group of over 100 different chemicals also known  
11 as PAH's. PAH's can attach to dust and soil  
12 particles. Dust particles can be inhaled. Soil  
13 particles can be ingested by animals and  
14 contaminate plants.

15 PAH's can also migrate through the soil  
16 and gain access to the underground water. PAH's  
17 settle through lakes and rivers to the bottom and  
18 then can be ingested by bottom feeding aquatic  
19 life.

20 Chronic low level long-term exposure can  
21 cause increases in lung and skin cancer as well as  
22 noncancerous respiratory diseases.

23 Carbon monoxide at low level long-term  
24 chronic exposure displaces oxygen in the blood  
25 cells which can cause a condition called carbon

1 monoxide poisoning syndrome.

2 Symptoms include headaches, attention  
3 deficits, visual and verbal defects, mood changes,  
4 depression, hearing loss, balance problems and  
5 seizure.

6 With chronic exposure the residual levels  
7 in the body stay increased. It takes weeks to  
8 months for levels to disappear when there is no  
9 more exposure.

10 Basically I'm going to quit there just  
11 because the rest of it deals with animals and it's  
12 basically the same thing.

13 I want to finish up with basically  
14 saying, you know, this is going in the  
15 neighborhood of 250 homes and, you know, it's  
16 fairly populated. It's not like a city block but  
17 this is a very populated area. We don't need this  
18 in our area.

19 We moved out there to get away from this.  
20 We got out of the city so we didn't have to deal  
21 with this. We don't want our children raised with  
22 this and our grandchildren raised with this. That  
23 was our choice. We chose that and then they are  
24 coming in and we have no choice. What happened to  
25 our freedom, you know. It's kind of a -- it's a

1 big concern.

2 Another health issue involving these  
3 emissions are the particulate matter and it has  
4 been brought up. Harold Stanley brought it up.

5 The particulate matters are basically  
6 just stuff in the air, soot, the stuff that's just  
7 going to be put out from burning any fossil fuel,  
8 and, you know, the small particulate matters, the  
9 small sizes people are ingesting in their lungs.  
10 It's getting in through their lungs, their  
11 intestinal system, everywhere.

12 It's causing cancers. It's causing  
13 disease, lung disease, heart disease in children.  
14 These are our kids. They're supposed to be  
15 healthy. They start out as healthy little people,  
16 and they're supposed to deteriorate as they get  
17 older, not start out deteriorated and, you know,  
18 there's some big concerns here. There's a lot of  
19 people living out there and we should be given  
20 some consideration in this. Thank you.

21 JUDGE PRIDGIN: Ms. Mayer, thank  
22 you. If you would, please remain and I'll see if  
23 we have any questions. Mr. Chairman.

24 CHAIRMAN DAVIS: Thank you for  
25 that information. I appreciate it because

ROBERTS & ASSOCIATES BY KIMBERLY G. ROBERTS, CM

1 seriously in all candor it's the first -- I know  
2 that there are some emissions associated any time  
3 you have a couple of smokestacks but, you know,  
4 just relative to a coal plant they are viewed as  
5 relatively low emissions, and that's why I think a  
6 lot of problems have been glossed over in the  
7 past.

8 Ma'am, let me ask you this, if I'm going  
9 to be here tomorrow and I'm going to drive out  
10 there and take a look at where this plant is being  
11 built, how do I get there from here?

12 MS. MAYER: From here go 71  
13 Highway to the Peculiar exit, take a left-hand  
14 turn. That will put you on C Highway. Take C  
15 Highway all the way through Peculiar. You're  
16 going to come to a Y. You want to take the  
17 right-hand Y and that is still C Highway, and you  
18 go down C Highway to 233rd Street and take a  
19 right. 233rd Street will make a sharp left turn,  
20 and then you're going to take the first right.  
21 That's 235th Street, go to Harper. You will just  
22 stay on that until you get to Harper. Take a  
23 left-hand turn and you will go down to 241st  
24 Street -- or 243rd Street and the site is on your  
25 right. You can't miss it.

ROBERTS & ASSOCIATES BY KIMBERLY G. ROBERTS, CM

1 CHAIRMAN DAVIS: Judge, can we  
2 get the court reporter to repeat that back to her?  
3 I wasn't writing it down.

4 (Record read.)

5 CHAIRMAN DAVIS: Thank you,  
6 ma'am. Commissioner Gaw.

7 COMMISSIONER GAW: No questions.  
8 Thank you very much, ma'am.

9 JUDGE PRIDGIN: Thank you for  
10 your time and your testimony.

11 JUDGE PRIDGIN: The next witness  
12 if I'm reading this name correctly is Chuck Chris.

13 MR. CHRIS: They have answered  
14 most of my questions.

15 JUDGE PRIDGIN: So you don't  
16 wish to testify?

17 MR. CHRIS: I don't want to  
18 raise my blood pressure. It's already high  
19 enough.

20 JUDGE PRIDGIN: I understand.  
21 Thank you, sir. Bill Yates.

22 BILL YATES  
23 called as a witness herein, being first duly sworn  
24 by the Judge, testified on her his as follows:

25 JUDGE PRIDGIN: Please state



ROBERTS & ASSOCIATES BY KIMBERLY G. ROBERTS, CM

1 your name for the record and spell your last name.

2 MR. YATES: It's Bill Yates,  
3 Y-A-T-E-S.

4 JUDGE PRIDGIN: Are you a Cass  
5 County resident?

6 MR. YATES: Yes, I am.

7 JUDGE PRIDGIN: Are you an  
8 Aquila customer?

9 MR. YATES: No I'm not.

10 JUDGE PRIDGIN: Do you have any  
11 statement for the Commission, sir?

12 MR. YATES: Yes, I do. Let me  
13 ask a question first. Do you need a map? I have  
14 a plat map of Cass County that's pretty much got  
15 all of the streets and everything. You're welcome  
16 to use it for the duration of the hearing. I can  
17 enter it into evidence.

18 JUDGE PRIDGIN: If it's  
19 something you would like to offer now I'll be glad  
20 to take it. If you need to make a copy later, we  
21 can take care of that or I can take that from you.  
22 It's entirely up to you.

23 MR. YATES: If you could make a  
24 copy of it.

25 JUDGE PRIDGIN: Certainly.

1 Thank you, sir.

2 MR. YATES: Let me start out by  
3 saying I'm going to speak in opposition of the  
4 location of this power plant, and in support of  
5 that I have presented a somewhat grandly titled  
6 demographic and population analysis of property  
7 affected by the proposed Aquila power plant. I  
8 would like to enter that into evidence as well.

9 JUDGE PRIDGIN: If you'll give  
10 me just a moment, Mr. Yates, could you briefly  
11 describe the map that you have given?

12 MR. YATES: Sure. That's a plat  
13 map of Cass County. It's set up on township and  
14 range. The page that I have it turned to is the  
15 township and range -- I can't think of the name of  
16 the township off the top of my head -- that has  
17 the proposed Aquila facility on it.

18 JUDGE PRIDGIN: I will label  
19 that as Exhibit Number 7.

20 (Exhibit Number 7 was marked by  
21 Judge Pridgin.)

22 JUDGE PRIDGIN: And then could  
23 you describe the letter that you just handed me?  
24 It's a one-page letter.

25 MR. YATES: Yes, it is. It's a

ROBERTS & ASSOCIATES BY KIMBERLY G. ROBERTS, CM

1 statistical analysis I prepared of demographics  
2 and the population expectations of the area  
3 affected by the power plant.

4 JUDGE PRIDGIN: Mr. Yates, thank  
5 you. I will label that as Exhibit Number 8.

6 (Exhibit Number 8 was marked by  
7 Judge Pridgin.)

8 JUDGE PRIDGIN: Please continue.

9 MR. YATES: Okay. I don't want  
10 to brag on myself, but let me offer just a few  
11 credentials. I went to college at Northwest  
12 Missouri State. While I was there I had the  
13 opportunity to take a number of urban planning  
14 courses and a number of urban studies and entirely  
15 too many statistical analysis courses.

16 I worked for the census bureau for  
17 awhile. While I was there I was their information  
18 specialist which meant I dealt with census and  
19 population data and statistics for the entire  
20 Kansas City region.

21 I'm currently a licensed real estate  
22 broker in the State of Missouri. I work out of a  
23 Belton office and work in Cass County as well as  
24 in Kansas. I live about three miles from the  
25 proposed Aquila power plant to the south.

ROBERTS & ASSOCIATES BY KIMBERLY G. ROBERTS, CM

1           I didn't want to read that article. I  
2           did briefly want to review it real quickly. The  
3           data that I have got there comes from a number of  
4           different sources, the Mid-America Regional  
5           Council, census bureau documents, Cass County tax  
6           records, and I have tried to put all those things  
7           together. I have taken a four-mile square because  
8           obviously picking property addresses it's hard to  
9           do a circle to go through there to come up with an  
10          estimate of how this is going to affect the  
11          population and the population growth of Cass  
12          County.

13                 Let me just say while I start -- before I  
14          start just so I don't forget it later that where  
15          they're putting this plant is going to negatively  
16          affect Cass County and the population and the  
17          growth.

18                 I don't think that anybody that has  
19          looked at this, especially the City of Peculiar,  
20          when they went in there they said it's going to be  
21          great, it's going to be beneficial, we have got  
22          all of these divisions coming in, yeah, they're  
23          coming in. They're gradually coming into Peculiar  
24          in the north, it's wonderful, but by putting this  
25          power plant down to the south you're going to

ROBERTS & ASSOCIATES BY KIMBERLY G. ROBERTS, CM

1 split that growth and it's going to go around the  
2 south edge of Peculiar and it's going to be  
3 detrimental to the county and Peculiar and  
4 especially the Peculiar community which I want to  
5 emphasize is not only just the citizens of  
6 Peculiar but it's those residents that live  
7 outside of the city limits but are in the area and  
8 use that for their shopping center.

9 The first thing I want to basically touch  
10 on is this is not an agricultural area. You can  
11 see by the map there's entirely too many  
12 subdivisions around there. In this four-square  
13 mile tract there's 469 properties.

14 I'm from Tarkio, Missouri out in the  
15 country. If you took the number of farms that say  
16 were 80 acres you would have 64 farms around  
17 there, 64 houses not 469.

18 The property forecast from the Missouri  
19 Office of Administration is that Cass County is  
20 growing at 8.2 percent. I couldn't find the  
21 newspaper but the Kansas City Star had an article  
22 a couple of weeks ago that predicted the  
23 population of Cass County as increasing even more  
24 dramatically than that. Again I'll just briefly  
25 go through that.

1                   There is an expected loss of property  
2                   values there, and that expected property value  
3                   loss by the year 2030 if the power plant goes in  
4                   would be an estimated 4.4 million dollars per  
5                   year.

6                   Again the population growth I would  
7                   expect to see looking at Cass County if the plant  
8                   is not there you're going to see what's coming  
9                   down through Ray-Pec, what's going out I-70,  
10                  what's going up I-29, what's going out in Johnson  
11                  County.

12                  As I mentioned I've got a real estate  
13                  license. Let me give you three specific examples.  
14                  Back when the Aquila power plant was first  
15                  proposed, a lady in our office came to me and said  
16                  what's going on out there. I just sold a \$450,000  
17                  house to a person and she had a lot of questions.  
18                  She didn't know anything about Aquila.

19                  I got on the phone and talked to the  
20                  lady. She said what is this and I explained what  
21                  was going on. I expressed my belief that the  
22                  power plant was not going to be going in. This  
23                  was before the construction really started.  
24                  Nonetheless, she canceled her contract and bought  
25                  elsewhere.

ROBERTS & ASSOCIATES BY KIMBERLY G. ROBERTS, CM

1                   In the last six months there have been 78  
2                   properties that have sold in the Peculiar area.  
3                   There has been one that has sold in the area  
4                   affected by Aquila, and it sold somewhat near a  
5                   \$12,000 discount.

6                   Last week I was out with a couple of  
7                   people, a young couple. They had two kids. He's  
8                   got a couple of his own businesses. They were  
9                   looking for a small place, a couple of acres in  
10                  the country, a workshop for his business, things  
11                  like that.

12                  We found one that was down Harper Road.  
13                  The first comment they made is why is this road so  
14                  rough because I have got a little four-wheel drive  
15                  pickup and it was like riding a buckboard.

16                  When we got closer they said what's that  
17                  thing that we can see sticking through the trees  
18                  with the flag on it. I said that's the proposed  
19                  Aquila power plant. They said we don't want to be  
20                  that close to a power plant. They found a house  
21                  they're going to buy in the City of De Soto,  
22                  Kansas.

23                  That's pretty much all I have to say. I  
24                  would urge the Public Service Commission to not  
25                  grant Aquila their request for a permit. Thank

1       you.

2                       JUDGE PRIDGIN: Mr. Yates, thank  
3       you. Mr. Chairman.

4                       CHAIRMAN DAVIS: No questions.

5                       COMMISSIONER GAW: Mr. Yates,  
6       are you familiar with the zoning ordinances in  
7       Cass County?

8                       MR. YATES: Yes, I am.

9                       COMMISSIONER GAW: Does Cass  
10      County have commercial zoning?

11                      MR. YATES: They have commercial  
12      zoning, agricultural zoning and residential  
13      zoning.

14                      COMMISSIONER GAW: And as I  
15      understand it, this area that's impacted that  
16      everyone is talking about is residentially zoned,  
17      is that correct, or is that not correct or do you  
18      know?

19                      MR. YATES: Both. If you look  
20      at where the population growth is going, right  
21      about where the Aquila plant is being put in to  
22      the north of that line is primarily residential.  
23      To the south of it it's kind of a mixed bag of  
24      agricultural and residential.

25                      COMMISSIONER GAW: In the way



1       it's zoned?

2                       THE WITNESS:  Yes, it is.

3                       COMMISSIONER GAW:  Is any of it  
4       zoned commercial in that region?

5                       MR. YATES:  The place I know  
6       that's zoned commercially is the natural gas plant  
7       which is that small tract there.  The tracts that  
8       are zoned commercially in Cass County around  
9       Peculiar are very small.  They're usually power  
10      substations.  I'm trying to think off the top of  
11      my head here.  There's the natural gas plant.  I  
12      believe that's about it.  There aren't too many  
13      right around there.

14                      COMMISSIONER GAW:  All right.

15                      MR. YATES:  The land that Aquila  
16      is building on is currently zoned agricultural.

17                      COMMISSIONER GAW:  Agricultural?

18                      MR. YATES:  Yes, it is.

19                      COMMISSIONER GAW:  Thank you.

20                      JUDGE PRIDGIN:  Thank you, Mr.  
21      Yates.  I understand you needed to get a copy of  
22      this plat map?

23                      MR. YATES:  Yes, unless you want  
24      to keep it for future reference.

25                      JUDGE PRIDGIN:  I am giving you

ROBERTS & ASSOCIATES BY KIMBERLY G. ROBERTS, CM

1 my address and you can make a copy and send it to  
2 me later.

3 MR. YATES: Okay.

4 JUDGE PRIDGIN: Thank you, Mr.  
5 Yates. I see as the next witness Lori Shuey.

6 LORI SHUEY  
7 called as a witness herein, being first duly sworn  
8 by the Judge, testified on her oath as follows:

9  
10 JUDGE PRIDGIN: Are you a  
11 resident of Cass County, Missouri?

12 MS. SHUEY: Yes, I am.

13 JUDGE PRIDGIN: And are you an  
14 Aquila customer?

15 MS. SHUEY: No, I'm not.

16 JUDGE PRIDGIN: Do you have any  
17 statement for the Commission?

18 MS. SHUEY: Yes, I was really  
19 not very prepared to do anything. I basically  
20 came to like listen. I just wanted to make a  
21 couple of comments.

22 I have been a resident of the county  
23 outside of the Peculiar city limits for about 18  
24 years. We moved here basically to build a house  
25 on a small piece of property and raise our family.

1                   When we first moved out there, it was  
2                   basically agriculture. We've seen the area  
3                   diversify quite a bit by building very large  
4                   homes. The school district, of course, is  
5                   reaching capacity and they're always looking for  
6                   some new tax dollars, et cetera.

7                   Basically my concern is the roads. When  
8                   we first moved out there, basically the roads were  
9                   nothing but gravel. About seven to ten years ago  
10                  we did pass a bond and tax issue to help improve  
11                  the roads; therefore, the county has been slowly  
12                  going through and chipping and sealing the roads;  
13                  however, with this implement of Aquila we have  
14                  seen those roads deteriorate very rapidly.

15                 I understand when the City of Peculiar  
16                 began these negotiations, they were going to try  
17                 to annex Harper Road which would come in and they  
18                 would pave and improve the roads immensely for the  
19                 development of the power plant, but what I'm  
20                 seeing is severe problems with the roads, not only  
21                 Harper Road but Knight Road, 227th, 233rd, 235th,  
22                 241st, 243rd. All of these roads have now been  
23                 impacted so now the chip and seal --

24                 The tax dollars that have improved the  
25                 roads have gone to waste because these dump trucks

ROBERTS & ASSOCIATES BY KIMBERLY G. ROBERTS, CM

1       that I know are overweight are destroying the  
2       roads immensely. What they're doing is we are  
3       seeing potholes. The county is coming in and  
4       they're filling these with gravel. Now we are  
5       back to gravel roads where we had passed this bond  
6       issue and the tax to have chip and seal roads. We  
7       don't have those anymore.

8               I see gravel trucks turning over on the  
9       sides in ditches and the loads they had are down  
10      laying in people's yards, and these trucks are  
11      being hauled away and the gravel is still laying  
12      there.

13             So, you know, my concern is it's not just  
14      the people that the power plant is in their  
15      backyard. It's affecting others that are not --  
16      you know, like I'm basically two miles away from  
17      the power plant, and my roads, my quality of life  
18      is now affected also and I don't understand that.

19             You know, the city has just -- you know,  
20      I agree with everyone. The city has made this  
21      deal and we are all being affected and that's very  
22      unfortunate.

23             I moved out in that area knowing that the  
24      gas plant was there. Someone mentioned the fact  
25      that, you know, they had never heard of a gas

ROBERTS & ASSOCIATES BY KIMBERLY G. ROBERTS, CM

1 plant, you know, basically emitting or blowing up  
2 or having problems.

3 I know of three occasions where the gas  
4 lines have blown up and some of the areas around  
5 the area have had to evacuate. I have heard it.  
6 At night laying in bed I have heard this, this  
7 massive explosion and you wonder what it is.  
8 Well, that is the gas plant. So now you're going  
9 to build an electrical plant next to it, okay. So  
10 that's just my comments. I was not prepared but  
11 that is my opinion.

12 JUDGE PRIDGIN: Ms. Shuey, thank  
13 you. Mr. Chairman.

14 CHAIRMAN DAVIS: No questions.

15 JUDGE PRIDGIN: Mr. Gaw.

16 COMMISSIONER GAW: No questions.

17 Thank you.

18 JUDGE PRIDGIN: We still have  
19 quite a few witnesses signed up to testify. We  
20 plan to hear from you. I do want to give my court  
21 reporter a break. I would like to take a roughly  
22 ten-minute break or so to give her time for rest,  
23 and let's try to resume at roughly 9:35.

24 (A recess was taken at 9:25 p.m.)

25 (Back on the record at 9:35 p.m.)

ROBERTS & ASSOCIATES BY KIMBERLY G. ROBERTS, CM

1 JUDGE PRIDGIN: We are on the  
2 record. We still have roughly a dozen or so  
3 people who have signed up to testify. At the  
4 beginning of the hearing I said that at roughly  
5 eight o'clock or so I would start limiting people  
6 to three minutes. Obviously I have not done that.

7 What I would like to do for the remainder  
8 of the evening is when people come up to testify,  
9 I will alert you when three minutes is up. I will  
10 not stop you. I will ask you to try to slow down  
11 your remarks at about the three-minute time frame.  
12 Again I won't ask you to stop speaking, but I  
13 would ask you to be considerate of the others who  
14 have been sitting here waiting to testify for a  
15 few hours. All right. I see as the next witness  
16 Mark Andrews.

17 MARK ANDREWS  
18 called as a witness herein testified as follows:

19  
20 MR. ANDREWS: I will affirm.

21 JUDGE PRIDGIN: Okay, thank you.  
22 Mr. Andrews, are you a resident of Cass County,  
23 Missouri?

24 MR. ANDREWS: I am.

25 JUDGE PRIDGIN: And are you an

ROBERTS & ASSOCIATES BY KIMBERLY G. ROBERTS, CM

1       Aquila customer?

2                       MR. ANDREWS: I am not.

3                       JUDGE PRIDGIN: All right. Do  
4       you have any statement for the Commission, sir?

5                       MR. ANDREWS: Yes, I do. I am a  
6       neighbor just to the west of the proposed peaking  
7       plant site. I have agricultural land. I have 80  
8       acres just to the west. I share a common boundary  
9       with the plant there.

10                      I bought that property about 15 years  
11       ago. It was at that time largely agricultural.  
12       There were residential areas moving in from both  
13       the east and the north, and I recognized at the  
14       time I bought that that it would be a residential  
15       area in a few years because that was the growth  
16       pattern of Cass County.

17                      I was willing to accept that obviously.  
18       I bought enough property to kind of be a buffer  
19       and, you know, live in the country. That's what I  
20       wanted to do.

21                      What I did not want to do is live next to  
22       a power plant, and again I realize as has already  
23       been stated by some folks that have been up here  
24       that these kind of things are emotional issues.

25                      They're only emotional because they

1       affect our lives. If they did not affect our  
2       lives, we would not care about them, and obviously  
3       I care about it because it is in my backyard.

4               The first six or so speakers who got up  
5       and talked were folks who were economically  
6       impacted by this development. I'm economically  
7       impacted by this development in a negative sense.

8               The property value I believe as has  
9       already been testified to has taken a negative  
10      turn. I didn't buy the property to make a million  
11      bucks but I did buy the property to raise my  
12      family. I do have three children and I'm  
13      concerned about the issues that have already been  
14      raised not only about my property value being  
15      devalued by the plant but I'm also concerned about  
16      the health issues that have been raised.

17              I'm concerned about the "good neighbor"  
18      aspects of having Aquila next door to me. As has  
19      already been stated by some other folks who have  
20      gotten up here, they say one thing and they're  
21      willing to do quite the opposite, and over the  
22      years having them as a neighbor really isn't a  
23      very comforting prospect to me.

24              They offered to build a fence between us  
25      which is a good gesture, that's fine, and they



ROBERTS & ASSOCIATES BY KIMBERLY G. ROBERTS, CM

1 plan to do so within a few weeks, but the fact of  
2 the matter is that in my observations of the way  
3 they have operated they haven't proven themselves  
4 to be a good neighbor.

5 You can't trust anything that they say.  
6 They say whatever is expedient at the time, and  
7 then they obviously have no intention at times of  
8 carrying through what they've talked about, and  
9 that's what concerns me, and if they're willing to  
10 lie in court which I believe that they have done  
11 as a matter of public record and can be proven so,  
12 they have no qualms about lying to me as their  
13 neighbor. They have no qualms about lying to the  
14 PSC if they think that's what will get them what  
15 they want, and all of that evidence and testimony  
16 that's presented in order for them to get what  
17 they want I would call into question.

18 JUDGE PRIDGIN: Three minutes.

19 MR. ANDREWS: My time is up?

20 JUDGE PRIDGIN: You may  
21 continue.

22 MR. ANDREWS: All right. I will  
23 keep it brief then. And I question a company who  
24 is a billion dollars in debt the motivation behind  
25 putting up a peaking power plant when as has

ROBERTS & ASSOCIATES BY KIMBERLY G. ROBERTS, CM

1 already been stated by another witness they shared  
2 in the plant that was later purchased out by  
3 Calpine.

4 All of these things cause me concern as a  
5 neighbor to the plant, and I want to express my  
6 opposition to it. I have no opposition to  
7 electrical power. I love it. I use it every day.  
8 In fact, I'm an electrical engineer. So it's very  
9 much a part of my livelihood; however, I question  
10 not only the motives but also the methods which  
11 Aquila has used to put a power plant in to this  
12 location and the timetable in which they have done  
13 so, and I question the economics behind it as  
14 well.

15 JUDGE PRIDGIN: Thank you. Any  
16 questions, Mr. Chairman?

17 CHAIRMAN DAVIS: No questions.

18 COMMISSIONER GAW: No questions.

19 Thank you, sir.

20 JUDGE PRIDGIN: Mr. Andrews,  
21 thank you for your time and your testimony. I  
22 believe the next name is Teresa Andrews.

23 TERESA ANDREWS

24 called as a witness herein testified as follows:

25 MS. ANDREWS: I affirm.

ROBERTS & ASSOCIATES BY KIMBERLY G. ROBERTS, CM

1 JUDGE PRIDGIN: Ms. Andrews, are  
2 you a Cass County resident?

3 MS. ANDREWS: Yes, I am.

4 JUDGE PRIDGIN: And are you an  
5 Aquila customer?

6 MS. ANDREWS: No, I am not.

7 JUDGE PRIDGIN: Do you have any  
8 statement for the Commission?

9 MS. ANDREWS: Yes, Missouri  
10 Public Service, I want you to just stand in my  
11 shoes for awhile. Let's forget about the peaking  
12 plant. Let's look at the honesty of this company  
13 and the integrity, and I want you to look at it  
14 from my shoes and everybody else's that you've  
15 heard here tonight. I want you to see, you have  
16 to see the lack of integrity, the lack of honesty  
17 and deceit that's gone on through this.

18 Why then did they join with the town of  
19 Peculiar and try to illegally annex a road how  
20 many miles long into the county illegally behind  
21 everybody's back. That was step one they tried.

22 Then when they came in, they came into  
23 Peculiar and said let's show you what we are going  
24 to do. So we all joined and went into town and  
25 they showed us the peaking plant, no substation.

1 It was a peaking plant.

2 When we got to Cass County court it's a  
3 substation. You didn't hardly hear the word  
4 peaking plant, no, in court it was a substation  
5 because it was an easier way to get what they  
6 wanted through.

7 Why do they have to dodge the truth, you  
8 all know that. I have heard them testify lies  
9 during that two-day court session. They testified  
10 that every customer surrounded by that peaking  
11 plant -- well, it was a substation that day was  
12 serviced by Aquila, yes, they said every house  
13 surrounding that was serviced by Aquila. No, they  
14 are not. I am next to it. I am serviced by Osage  
15 Valley. That was a lie, okay.

16 The mayor of Peculiar, he stated he was  
17 on everybody's doorstep surrounding this power  
18 plant. Eight homes he was at. I talked to  
19 everybody I could think of right next to the power  
20 plant. He was not on their doorstep talking to  
21 them about the power plant. That's a lie. Why  
22 are we lied to? Do we not all smell something,  
23 yeah, we do.

24 You know, if they were men of honor, men  
25 of integrity, I wouldn't have such a bad feeling

ROBERTS & ASSOCIATES BY KIMBERLY G. ROBERTS, CM

1       about this, but what's going on in the future  
2       years after all we see that has happened so far,  
3       we've seen a lot of arrogance.

4               They don't need a permit. They don't  
5       need zoning. If you or I did this on our own  
6       property we'd be behind bars.

7               I watched men of honor in that two-day  
8       court session snicker back and forth. You know,  
9       that tells me something about their life, their  
10      integrity. I watched them dodge the truth for two  
11      days.

12              If everything is honest about this  
13      peaking plant, you don't need to defend yourself.  
14      You don't need hearings like this. I've watched  
15      E-mails calling us a loose group. Do you call  
16      this a loose group standing room only people  
17      lining the walls? This is not a loose group.

18                      JUDGE PRIDGIN: Three minutes.  
19      You may continue.

20                      MS. ANDREWS: Just a few things.  
21      There's a judge sitting in this room today who has  
22      serviced Peculiar for 38 years and not charged  
23      them a dime. Because he spoke out against this  
24      plant going into Peculiar he has been dismissed.  
25      He's sitting here tonight, 38 years. What's going

ROBERTS & ASSOCIATES BY KIMBERLY G. ROBERTS, CM

1 on? Can you not see something? What a shame.

2 There's also a man who forgot to mention  
3 something tonight. Aquila has also threatened to  
4 either his parents open up their gate or they will  
5 drive right through it and knock it down.

6 Are these people men of respect and honor  
7 and integrity? Think about it for yourself. I do  
8 know one thing, everybody in this room will some  
9 day stand before an all mighty judge, not maybe  
10 but they will and you all will give an answer for  
11 every act of deceit, every lie and every corrupt  
12 thing that you have ever done in your life, and  
13 I'm glad I'm not in some of these people's shoes.  
14 Thank you.

15 JUDGE PRIDGIN: Ms. Andrews,  
16 thank you. Any questions from the commissioners?  
17 Mr. Chairman.

18 CHAIRMAN DAVIS: Ma'am, could  
19 you identify the gentleman that the Aquila  
20 employees allegedly threatened to ram through his  
21 gate?

22 MS. ANDREWS: Mr. Bockelman and  
23 this is his parents. It was his parents' gate.

24 CHAIRMAN DAVIS: Are you on the  
25 list to testify? Is this gentleman on the list to

1       testify?

2                       JUDGE PRIDGIN:   He has  
3       testified.

4                       MR. BOCKELMAN:   My son testified  
5       for me.

6                       MS. ANDREWS:   He said he forgot  
7       to mention that.   He got nervous and I felt that  
8       that was very crucial information to see the  
9       overall company and what they do.

10                      CHAIRMAN DAVIS:   Okay.   And then  
11       you mentioned another gentleman had been  
12       terminated?

13                      MS. ANDREWS:   Yes, he is here  
14       tonight.   He lost his job.   He's in the back with  
15       my husband.   He is a judge.   Because he talked  
16       against this plant he lost his job.   He worked for  
17       Peculiar for 38 years and did not charge them a  
18       dime in court.

19                      CHAIRMAN DAVIS:   Okay.   Is he on  
20       the list to testify?

21                      MS. ANDREWS:   He isn't.   He has  
22       lost a lot through this and he's just not up to  
23       it.   I asked if he would please but then I asked  
24       for his permission if I could just please give you  
25       a little bit of that information and he said I

1       could.

2                   CHAIRMAN DAVIS: Well, ma'am, I  
3       just want you to know that we are getting all of  
4       this down, and I think the folks from Aquila are  
5       going to have a lot of questions to answer here in  
6       the very near future.

7                   MS. ANDREWS: I know they will.

8                   JUDGE PRIDGIN: Mr. Chairman,  
9       thank you. Commissioner Gaw, any questions?

10                  COMMISSIONER GAW: No. Thank  
11       you, ma'am.

12                  JUDGE PRIDGIN: Thank you for  
13       your time. I believe the next person is Pete or  
14       Peter Browne if I'm reading this correctly. He's  
15       already testified. Michael Tunnicliff if I'm  
16       reading that correctly.

17                  MICHAEL TUNNICLIFF  
18       called as a witness herein, being first duly sworn  
19       by the Judge testified on his oath as follows:

20  
21                  JUDGE PRIDGIN: State your name  
22       for the record and spell your last name.

23                  MR. TUNNICLIFF: Michael  
24       Tunnicliff, T-U-N-N-I-C-L-I-F-F.

25                  JUDGE PRIDGIN: Are you a Cass



1 County resident?

2 MR. TUNNICLIFF: Yes, I am.

3 JUDGE PRIDGIN: Are you a  
4 customer of Aquila?

5 MR. TUNNICLIFF: No, I'm not.

6 JUDGE PRIDGIN: Do you have any  
7 statement for the Commission, sir?

8 MR. TUNNICLIFF: Yes. I  
9 apologize but I don't know what testimony is  
10 really going to be included within your decision  
11 making process and what is not. So at the expense  
12 of repeating myself I'm going to try to reiterate  
13 some points that I made in an E-mail to your  
14 commissioners back in early February. It was  
15 written by my wife and I, Rita, and I'd like to  
16 present some of those points so that I ensure that  
17 those are included within your decision making.

18 Contrary to Aquila's claims the number of  
19 residents in the immediate area and downwind of  
20 the site, of the potential site is substantial.  
21 Additionally, within their filing Aquila has  
22 questioned the level of opposition to this plant  
23 in the surrounding neighborhoods.

24 A vast majority regardless of each  
25 household's involvement with stopaquila.org is

ROBERTS & ASSOCIATES BY KIMBERLY G. ROBERTS, CM

1       opposed to the facility being constructed at this  
2       location. I think that tonight's attendance is  
3       evidence of that opposition.

4               Aquila has on occasion labeled the  
5       opposition as a group of maybe loose cannons, not  
6       that specific phrase but questioned the level of  
7       opposition. Anyway, like I said, this was written  
8       in first person plural with my wife's and my  
9       authorship.

10              Although we object to many of Aquila's  
11       statements within their application for an  
12       expedited certificate of convenience and necessity  
13       my wife and I think the main focus of the  
14       Commission should be to determine whether this  
15       power generating facility is actually needed in  
16       central Cass County.

17              Until now no federal or state regulatory  
18       body has ever addressed the integrity of Aquila's  
19       claim that construction of this plant is  
20       necessary.

21              Previously employees of the Public  
22       Service Commission's staff have stated that they  
23       would have no input on the location of the  
24       facility, only oversight of the rate base once the  
25       plant is constructed.

1           The air pollution control program of the  
2           Missouri Department of Natural Resources has  
3           adopted a similar stance stating they are only  
4           responsible for ensuring air emission criteria are  
5           met. EPA Region Seven Kansas City, Kansas has  
6           voiced a similar point of view.

7           It has been an unanswered question of  
8           ours as to the entity that is responsible for  
9           determining the need for this plant. We now hope  
10          that your Commission will thoroughly investigate  
11          that issue.

12          Within their application for a site  
13          specific certificate Aquila offered several  
14          different justifications for the requested relief.  
15          We would like to address a few of those reasons  
16          here.

17          In number 11, critical timing  
18          considerations, Aquila states that they have a  
19          very tight schedule. It is our contention that  
20          this schedule is self-induced.

21          Aquila currently buys power from  
22          Calpine's Aries facility that is located less than  
23          25 miles from the proposed site. According to  
24          Calpine representatives the Aries plant which  
25          Aquila constructed less than five years ago and

ROBERTS & ASSOCIATES BY KIMBERLY G. ROBERTS, CM

1 subsequently sold is operating at 20 percent of  
2 capacity.

3 JUDGE PRIDGIN: Three minutes.  
4 You may continue.

5 MR. TUNNICLIFF: Aquila is one  
6 of the Aries facility's primary customers. It's  
7 not its sole customer. As you know, Calpine has  
8 offered to enter into another agreement with  
9 Aquila when the current one expires in May 2005.  
10 In fact, it is our understanding that Calpine has  
11 proposed a contract price for electricity that is  
12 lower than Aquila is currently paying and by  
13 Calpine's calculations for less than what Aquila  
14 can generate.

15 At a minimum Calpine's offer to sell  
16 Aquila power for the upcoming summer cooling  
17 season seems to negate the argument of a very  
18 tight construction schedule. Again Aquila's  
19 stated time constraints appear to be self-imposed  
20 and somewhat hollow.

21 Secondly, in number 12 of Aquila's  
22 certificate application page six the applicant has  
23 outlined their financial commitment to this  
24 project.

25 Aquila is currently going through the

1 process of getting the plant authorized by the  
2 Public Service Commission, county and Missouri  
3 Department of Natural Resources. Simultaneously  
4 Aquila is building a facility and arguing that the  
5 ongoing construction is a justification for its  
6 authorization.

7 To argue that the plant is needed because  
8 it is already being built even with full knowledge  
9 that a permanent injunction is in place and  
10 impending court actions might prevent its  
11 completion is circuitous and faulty logic.

12 It is our belief that the expenditure of  
13 funds does not demonstrate need but represents a  
14 management decision and business gamble which may  
15 or may not pay off.

16 We also think that Aquila continues  
17 construction in the face of a permanent injunction  
18 partly because they hope the further the  
19 construction progresses the more unlikely that  
20 anyone would make them quit or tear it down.  
21 Similar to the phrase if you built it they will  
22 come, Aquila is using the philosophy if we build  
23 it they won't say no.

24 We also object to Aquila's request that  
25 the Commission not make a determination based on

1 the prudence of constructing this facility on page  
2 three. This makes no sense to us and seems to be  
3 a very unreasonable request.

4 Why wouldn't the Commission assess  
5 whether construction of the facility represents a  
6 prudent act? Wouldn't the plant have to be  
7 prudent in order to represent something that was  
8 needed, and, therefore, enable the Commission to  
9 grant its certificate of necessity? As questioned  
10 earlier, if the Commission is not going to assure  
11 that this project is prudent then what entity  
12 will?

13 Will it be our state's legacy to allow  
14 uncontrolled construction of power plants largely  
15 motivated by profit margins only to have them  
16 subsequently abandoned and then potentially left  
17 to be cleaned up with additional tax dollars in  
18 the future or will it be our state's legacy to  
19 permit power plants more frequently than adjacent  
20 states by requiring less stringent standards for  
21 siting facilities and, therefore, becoming a haven  
22 for utilities that ship power out of state and  
23 leave Missouri residents with the associated  
24 environmental concerns. Neither choice appeals to  
25 us.

1                   Lastly, it's standard engineering  
2                   practice for a company attempting to get something  
3                   approved to submit plans and specifications along  
4                   with their permit application.

5                   Aquila in item number 25 on page 13  
6                   requested a waiver of the regulated requirement to  
7                   submit plans and specs because it "would be an  
8                   unreasonable burden on the applicant." This seems  
9                   to be an outlandish contention. Submitting plans  
10                  and specs to a governing body for approval is part  
11                  of doing business and an example of good  
12                  engineering. We request that the commissioners  
13                  deny this waiver.

14                  Although Aquila would have all interested  
15                  parties believe that they have a benevolent and  
16                  magnanimous desire to serve the public, we can't  
17                  help but think they have other motivations. In  
18                  our opinion it is dollars.

19                  We don't oppose companies earning  
20                  profits. That should be their reward for entering  
21                  into business and providing services; however,  
22                  please take it upon yourselves to assure that  
23                  those profits are fair and not at the expense of  
24                  individuals and society and that they are using  
25                  resources currently available.

1                   The South Harper peaking facility makes  
2                   no sense. Aquila does not need it. They only  
3                   want it. Please deny the application for a  
4                   certificate of convenience and necessity.

5                   JUDGE PRIDGIN: Mr. Tunnicliff,  
6                   thank you. Chairman Davis, any questions?

7                   CHAIRMAN DAVIS: No questions.

8                   JUDGE PRIDGIN: Thank you. Mr.  
9                   Gaw.

10                  COMMISSIONER GAW: No. Thank  
11                  you, sir.

12                  JUDGE PRIDGIN: Thank you for  
13                  your time and your testimony. Eric Yatsoo if I'm  
14                  pronouncing that correctly.

15                  UNKNOWN PERSON: They had to  
16                  leave.

17                  JUDGE PRIDGIN: All right, thank  
18                  you. Charles Jackson.

19                  CHARLES JACKSON  
20                  called as a witness herein, being first duly sworn  
21                  by the Judge testified on his oath as follows:

22  
23                  JUDGE PRIDGIN: Please state  
24                  your name for the record and spell your last name.

25                  MR. JACKSON: Charles Jackson,



ROBERTS & ASSOCIATES BY KIMBERLY G. ROBERTS, CM

1 J-A-C-K-S-O-N.

2 JUDGE PRIDGIN: Are you a Cass  
3 County resident?

4 MR. JACKSON: Yes, I am.

5 JUDGE PRIDGIN: And are you an  
6 Aquila customer?

7 MR. JACKSON: No.

8 JUDGE PRIDGIN: Your statement  
9 for the Commission, please.

10 MR. JACKSON: Thank you for  
11 being here tonight. I appreciate you guys having  
12 the patience and taking the time to sit and listen  
13 to all of us. I'll be very brief.

14 It seems to me that of all of the people  
15 that you've sat and listened to tonight the only  
16 people that are in favor of this are the people  
17 that stand to gain monetarily from this whole  
18 thing, and the only people that have things to  
19 lose are those that live nearby.

20 I direct your attention to the great seal  
21 of the State of Missouri behind you right there in  
22 the middle. It says united we stand, divided we  
23 fall. Guess what, here we are. We stand in  
24 opposition. We ask that you do the same.

25 JUDGE PRIDGIN: Mr. Jackson,

ROBERTS & ASSOCIATES BY KIMBERLY G. ROBERTS, CM

1       thank you. Any questions from the commissioners,  
2       Mr. Chairman.

3                       CHAIRMAN DAVIS: No questions.

4                       JUDGE PRIDGIN: Mr. Gaw.

5                       COMMISSIONER GAW: No. Thank  
6       you, sir.

7                       MR. JACKSON: Thank you, sir,  
8       for your time.

9                       JUDGE PRIDGIN: Barbara Bruno.

10                      BARBARA BRUNO  
11       called as a witness herein, being first duly sworn  
12       by the Judge testified on her oath as follows:

13  
14                      JUDGE PRIDGIN: Please state  
15       your name for the record and spell your last name.

16                      MS. BRUNO: Barbara Bruno,  
17       B-R-U-N-O.

18                      JUDGE PRIDGIN: Are you a Cass  
19       County resident?

20                      MS. BRUNO: Yes.

21                      JUDGE PRIDGIN: And are you an  
22       Aquila customer?

23                      MS. BRUNO: No.

24                      JUDGE PRIDGIN: Your statement  
25       for the Commission.

1 MS. BRUNO: I just have  
2 concerns. I read in the paper that Peculiar  
3 bought the property and they're leasing it to  
4 Aquila. This seems real strange to me that they  
5 did this.

6 Also it stated a lot of money was given  
7 to Peculiar and also in the same article it stated  
8 that they had sold them some type of equipment for  
9 ten dollars. What kind of equipment do you sell  
10 for ten dollars? I hadn't heard of this until it  
11 was kind of under the rug. It seems to me like we  
12 don't have a choice in this. That's all I have to  
13 say.

14 JUDGE PRIDGIN: Ms. Bruno, thank  
15 you. Any questions, Mr. Chairman?

16 CHAIRMAN DAVIS: No questions.

17 JUDGE PRIDGIN: Thank you. Mr.  
18 Gaw.

19 COMMISSIONER GAW: No questions.  
20 Thank you, ma'am.

21 JUDGE PRIDGIN: Ms. Bruno, thank  
22 you for your time and your testimony.

23 JULIE NOONAN  
24 called as a witness herein testified as follows:

25 MS. NOONAN: I affirm.

1 JUDGE PRIDGIN: Ms. Noonan,  
2 thank you. Are you a Cass County resident?

3 MS. NOONAN: I am.

4 JUDGE PRIDGIN: Are you an  
5 Aquila customer?

6 MS. NOONAN: Thankfully, no.

7 JUDGE PRIDGIN: Do you have a  
8 statement for the Commission?

9 MS. NOONAN: Yes, I do. First  
10 I'd like to thank you all very much for taking the  
11 time and consideration to have this forum. As you  
12 may or may not know, my husband and I have both  
13 presubmitted E-mails.

14 What you probably really don't know is  
15 that I was one of the first people in our  
16 neighborhood, and I live within a mile or right  
17 about a mile away from the proposed facility, to  
18 learn of for the first time the proposed facility  
19 out of the Kansas City Star, and I quickly made  
20 copies and took them around to all of the  
21 neighbors.

22 Not too long after that time I talked to  
23 Warren as did many of my neighbors and attempted  
24 to reach out to any and every public body we could  
25 find to understand what the rules are, who's on

ROBERTS & ASSOCIATES BY KIMBERLY G. ROBERTS, CM

1 first, what's on second, how we can have any  
2 impact whatsoever in these proceedings.

3 And at the time Warren was very specific  
4 of the Public Service Commission's office, Mr.  
5 Wood I believe is his name, he was very specific  
6 in stating that it is not the Public Service  
7 Commission's practice to have anything to say or  
8 do with public utilities such as Aquila  
9 determining and actually building sites.

10 That was also Aquila's contention until  
11 the ruling from Judge Dandurand and, you know, at  
12 that juncture it appears to me as if they think,  
13 well, perhaps if we go back on what we said and  
14 what the Public Service Commission has maintained  
15 maybe we can do an end run around the zoning and  
16 the permitting and what have you. So that all by  
17 itself seems like a really odd turn of events.

18 As a matter of fact, after I submitted  
19 my -- I saw that you all had the capability to  
20 submit an on-line complaint or concern, and that's  
21 how I first started talking with Warren is by  
22 doing that, and I was told, you know, in no  
23 uncertain terms that you all didn't have anything  
24 to do with it.

25 As a matter of fact, Warren started

ROBERTS & ASSOCIATES BY KIMBERLY G. ROBERTS, CM

1       referring a lot of the people that you have seen  
2       in this room and others that wanted to follow suit  
3       with either filing an on-line complaint or calling  
4       he'd refer them back to me. So it's been kind of  
5       an odd adventure in that respect.

6               I also want to mention that although I  
7       was unable to tell Warren the name of the  
8       gentleman in the hearing that they held in  
9       Peculiar, that Aquila held, I was unable to tell  
10      him at the time the name of the gentleman that  
11      appeared to be speaking on behalf of the Public  
12      Service Commission in saying that the Public  
13      Service Commission would prefer that they build  
14      this peaking facility than some other arrangement,  
15      he is in the room this evening. He is the  
16      gentleman in the gray suit coat the third from the  
17      end. He's some type of vice-president and I  
18      apologize that I still don't know his name.

19               JUDGE PRIDGIN: Three minutes.  
20      You may continue.

21               MS. NOONAN: There was some  
22      additional questioning kind of. I said excuse me,  
23      are you presuming to speak on behalf of the Public  
24      Service Commission, oh, no, I'm not but that's the  
25      type of distaste and experience that a lot of us

ROBERTS & ASSOCIATES BY KIMBERLY G. ROBERTS, CM

1 have had through this.

2 I was instrumental in gathering a lot of  
3 petition signatures specifically stating by  
4 residents who live within two miles of the  
5 proposed facility, and so I would like to ask for  
6 permission to submit after the fact copies of  
7 those petitions as well as copies of the  
8 frequently asked questions information that we as  
9 an organization, stopaquila.org, have published on  
10 the stopaquila.org website.

11 If you have any questions for me specific  
12 to my activity in how we determined within two  
13 miles, of how we, you know, requested signatures,  
14 anything of that nature I'd happy to speak to  
15 that.

16 Just real quickly I really only have one  
17 more key point to make in my mind other than I  
18 support the testimony of many of the other people  
19 that were here before me this evening.

20 You know, you really only have to read  
21 any number of news releases to know that Aquila  
22 has been divesting and continues to divest in the  
23 existing power generation facilities and  
24 arrangements. That alone leads me to seriously  
25 question the need for the proposed peaking

1 facility.

2 If I didn't misunderstand you at the  
3 beginning of this forum here this evening, you  
4 stated that it would be Aquila's burden to prove  
5 the need.

6 It really reminds me of an analogy that I  
7 can come up with is, you know, I'm Wal-Mart and I  
8 own more food than anybody can possibly imagine;  
9 however, if it's more expedient for me, perhaps  
10 I'm just going to dump it all out the back door  
11 and hold my hand out for more.

12 You know, I don't think this is a  
13 question of need. I think it's a question of  
14 greed, and I think it's a question of financial  
15 stress, and I really appreciate you considering  
16 all of the testimony that you have heard this  
17 evening and hope that it is your decision either  
18 to not rule on this or to rule against it.

19 JUDGE PRIDGIN: Thank you, Ms.  
20 Noonan. Any questions from the commissioners?

21 CHAIRMAN DAVIS: No questions.

22 COMMISSIONER GAW: No questions.  
23 Thank you very much.

24 JUDGE PRIDGIN: Thank you, Ms.  
25 Noonan. If there is something that you did want



ROBERTS & ASSOCIATES BY KIMBERLY G. ROBERTS, CM

1 to late file, we would be glad to look at that.  
2 Where is Mr. Wood? Mr. Wood, can help you with  
3 that. Thank you very much. Deb Murray.

4 UNKNOWN PERSON: She had to  
5 leave also.

6 JUDGE PRIDGIN: Mike Crabtree.

7 MIKE CRABTREE  
8 called as a witness herein, being first duly sworn  
9 by the Judge testified on his oath as follows:

10

11 JUDGE PRIDGIN: State your name  
12 for the record and spell your last name.

13 MR. CRABTREE: Mike Crabtree,  
14 C-R-A-B-T-R-E-E.

15 JUDGE PRIDGIN: Are you a  
16 resident of Cass County, Missouri?

17 MR. CRABTREE: I am.

18 JUDGE PRIDGIN: Are you an  
19 Aquila customer?

20 MR. CRABTREE: No, I'm not.

21 JUDGE PRIDGIN: Do you have a  
22 statement for the Commission, sir?

23 MR. CRABTREE: I do. I live  
24 approximately one mile from the proposed location.  
25 I'm a certified safety professional. I have a

1 degree in safety and health management.

2 I know a little bit about the particulate  
3 matter that was talked about earlier today. I  
4 know a little bit about the EPA regulations, the  
5 OSHA regulations, the dose that people can be  
6 exposed to these chemicals, time weighted  
7 averages.

8 And I don't want to spend a lot of time  
9 on that because I think you've heard it, but the  
10 way legislation is brought about is we are made  
11 aware of something that endangers either the  
12 worker or the public and then we legislate laws to  
13 protect them. There has been legislation to make  
14 it to the US Congress regarding particulate matter  
15 less than two and a half microns.

16 The health importance of the two and a  
17 half microns particulate is that the human body is  
18 almost defenseless against it. It's a respiratory  
19 issue. It gets breathed in the lining in the  
20 lungs and the mucus. It's just too small. It  
21 comes in and settles at the bottom of the lungs.

22 That's the health issues. That's the  
23 health issues that are coming that in the future  
24 will become serious health issues to people  
25 associated that live around gas fired power

ROBERTS & ASSOCIATES BY KIMBERLY G. ROBERTS, CM

1 plants.

2 Statements were made earlier about the  
3 cleanliness of a gas fired peaking station  
4 compared to a coal fired plant and I'm in  
5 agreement with that. If you can compare a gas  
6 fired plant to a coal fired plant, the gas fired  
7 plant produces tons and tons less emissions than  
8 the coal fired plant, but that does not negate the  
9 fact that there are health issues that will become  
10 and will be associated out of gas fired peaking  
11 stations being built in residential neighborhoods.

12 Environmental friendly I've heard that  
13 quoted a few times tonight about this power plant,  
14 the peaking station going in up here. I would  
15 question it environmentally friendly when after  
16 reviewing the permit, and I'm not an expert on  
17 this, but there's minimal pollution reduction  
18 measures. There's statements to the SCR,  
19 selective count reduction, that has gone through  
20 the Missouri DNR process. You know, they said I  
21 think it caused an unnecessary burden to put that  
22 in even though that technology is available and it  
23 would reduce the amount of nox that would be  
24 produced.

25 There's BOC, baltimore (phonetic) organic

ROBERTS & ASSOCIATES BY KIMBERLY G. ROBERTS, CM

1 compounds, reduction measures that can be put in  
2 that again are not in this proposed plan. This is  
3 strictly a gas fired plant it's my understanding  
4 and I'm not an electrical engineer, but it's my  
5 understanding this is a peaking station gas fire  
6 plant not a cogeneration plant so environmentally  
7 friendly, this style of design, this style of  
8 plant I don't think it is.

9 JUDGE PRIDGIN: Three minutes.  
10 You may continue.

11 MR. CRABTREE: The last point I  
12 want to make that I think kind of goes with the  
13 way the people in this community of Cass County  
14 have been dealt with, just here a few weeks ago my  
15 wife lost her childhood friend from the age of six  
16 and one of my dear friends for the last 15 years.

17 At her visitation George Lewis did attend  
18 because our friend, her dad is a city inspector.  
19 So out of respect for him he did attend and I  
20 appreciated that, I did until after he walked  
21 through and visited the family he comes over to  
22 shake my hand and he asked me how I'm doing. I  
23 said, oh, I'm doing good, you know, considering,  
24 and I asked in return how are you doing, oh, you  
25 know, (witness makes coughing noise) I'm choking

ROBERTS & ASSOCIATES BY KIMBERLY G. ROBERTS, CM

1 on all that benzene that's being produced, and I  
2 said this is not the time nor the place to discuss  
3 this and he continued.

4 He said, well, you know, the City of  
5 Peculiar owns that land, it's going in. I asked  
6 him again if you want to debate this issue let's  
7 debate it but not here out of respect for the  
8 family that they have lost their 32-year-old  
9 daughter, not here. That's how we have been  
10 treated as residents of Cass County on this  
11 peaking station. That's all I have.

12 JUDGE PRIDGIN: Mr. Crabtree,  
13 thank you. Chairman Davis, any questions?

14 CHAIRMAN DAVIS: No questions.

15 JUDGE PRIDGIN: Thank you. Mr.  
16 Gaw.

17 COMMISSIONER GAW: No. Thank  
18 you, sir.

19 JUDGE PRIDGIN: Thank you for  
20 your time and your testimony, sir. I do have a  
21 few witnesses left. I would again ask if there  
22 are others who wish to testify that you please  
23 come sign up because I am nearing the end of the  
24 sign-up list. I do see a John Rickert if I'm  
25 reading that name correctly.

1 JOHN RICKERT  
2 called as a witness herein, being first duly sworn  
3 by the Judge testified on his oath as follows:  
4

5 JUDGE PRIDGIN: State your name  
6 for the record and spell your last name.

7 MR. RICKERT: John A. Rickert,  
8 R-I-C-K-E-R-T.

9 JUDGE PRIDGIN: Are you a Cass  
10 County resident?

11 MR. RICKERT: Yes.

12 JUDGE PRIDGIN: Are you an  
13 Aquila customer?

14 MR. RICKERT: No.

15 JUDGE PRIDGIN: Do you have a  
16 statement for the Commission?

17 MR. RICKERT: Yes, I do. First  
18 of all I'd like to thank you all for taking the  
19 time to come here. As a fellow public servant and  
20 civil servant actually, I appreciate your efforts  
21 in coming here to hear us.

22 Also as a Marine Corps reservist who's  
23 been activated twice in the last two years and the  
24 first homeowner in the Lucille Lane Mose Point  
25 Subdivision, I have great concern over what is

ROBERTS & ASSOCIATES BY KIMBERLY G. ROBERTS, CM

1       going on out there.

2               We bought our property in May of 1999  
3       obviously without a clue that anything was going  
4       to go on. I knew that Williams Gas processing  
5       facility was there and that was fine. I didn't  
6       have a problem with that.

7               Since that time Williams Gas has had two  
8       problems. A pipeline blew up at approximately  
9       237th Street off of Coujer about seven o'clock at  
10      night. The flames could be seen all the way to  
11      downtown Kansas City. It made international news,  
12      in fact, and they had a valve leak a couple years  
13      ago where supposedly according to the mayor of  
14      Peculiar lightning hit a valve on the gas line and  
15      only caused a leak. That wasn't really the case  
16      but that's okay.

17              In talking to many people -- I have not  
18      been in the area when all of this was initially  
19      going on. I was in Camp Le Jeune, North Carolina.  
20      I got lots of E-mails. I read lots of  
21      information. I have a Master's Degree in business  
22      administration. I also have a computer science  
23      degree.

24              In reading through much of the  
25      information, the smoke and mirrors, the beautiful

1 marketing plan that Aquila has put out, I  
2 compliment you on your website. That's a  
3 wonderful job you have done on those pictures and  
4 hiding everything, that's great, but I have to  
5 really ask the question why.

6 Why is Aquila pushing so hard to get this  
7 done right now? Is it really the fact that the  
8 summer season is upon them, no, it can't be.  
9 We've already heard that another power plant will  
10 sell them the energy they need for the summer. Is  
11 it because they're really just concerned about  
12 their customers and they love them so much, no,  
13 they're a company. They want money.

14 They're divesting themselves of their  
15 unregulated business right now because they're  
16 bankrupt. They're three billion dollars in debt  
17 it said in the Kansas City Business Journal so  
18 why.

19 Does it have something to do maybe with  
20 some turbines that they need to get rid of and  
21 they need to use immediately? That probably  
22 sounds a little more realistic assuming the fact  
23 that they haven't transferred them from the  
24 unregulated side to the regulated side and that's  
25 exactly what they're trying to shove into this



ROBERTS & ASSOCIATES BY KIMBERLY G. ROBERTS, CM

1 plant, hum. If we could get a look at their  
2 books, we could answer that question, but we know  
3 they're not going to open those up.

4 So what I would suggest is or what I hope  
5 as the one body that the people have actually been  
6 able to talk to so far that you would just put  
7 this on hold until it is decided in the courts  
8 whether or not they even have the zoning ability  
9 to do this before it is decided is it truly in the  
10 public service interests to allow them to build  
11 this plant to generate the power that so many  
12 people say they need.

13 JUDGE PRIDGIN: Three minutes.  
14 You may continue.

15 MR. RICKERT: I don't think it  
16 is. That's my statement. Thank you.

17 JUDGE PRIDGIN: Mr. Rickert,  
18 thank you for your testimony. Any questions,  
19 Chairman Davis.

20 CHAIRMAN DAVIS: No questions.

21 JUDGE PRIDGIN: Thank you.  
22 Commissioner Gaw.

23 COMMISSIONER GAW: Mr. Rickert,  
24 thank you for your comments, and I want to thank  
25 you for your service to your country.

1 MR. RICKERT: Thank you.

2 JUDGE PRIDGIN: I show as the  
3 last witness Bruce Schanuth, and I apologize if I  
4 mispronounced that name.

5 BRUCE SCHANUTH  
6 called as a witness herein, being first duly sworn  
7 by the Judge testified on his oath as follows:

8

9 JUDGE PRIDGIN: Please state  
10 your name for the record and spell your last name.

11 MR. SCHANUTH: Bruce Schanuth,  
12 S-C-H-A-N-U-T-H.

13 JUDGE PRIDGIN: Are you a Cass  
14 County resident?

15 MR. SCHANUTH: No, I'm not.

16 JUDGE PRIDGIN: And are you an  
17 Aquila customer?

18 MR. SCHANUTH: Yes, I am.

19 JUDGE PRIDGIN: All right. Do  
20 you have a statement for the Commission, sir?

21 MR. SCHANUTH: Yeah, I just  
22 noticed these guys are real worried about the  
23 sound barrier from the unit coming on which I can  
24 understand that.

25 I helped build one of them at the

1 Hawthorn plant, and actually I went over and  
2 helped build one over at -- the big unit that blew  
3 up which probably everybody in here knows about,  
4 and when we was in there building it unless you  
5 was just almost right down on it you would not --  
6 I mean you could hear it but it ain't quite as  
7 loud as them young guys going down the strip with  
8 their music on.

9 I think if Aquila put up sound barriers  
10 like they say, and I don't know if they're going  
11 to or not, but I'm just saying in my own mind if  
12 they put up sound barriers like 435 has been doing  
13 going down the strip down their which if you guys  
14 have been up and down that highway you know what  
15 I'm talking about, I think that would cut your  
16 sound barrier down. I'm sure that's one of the  
17 concerns they're concerned about.

18 And then another thing and the last one I  
19 have is I know that it's probably a six or  
20 eight-inch gas line that's going to go in there  
21 and run that unit, but I believe it's probably  
22 going to put out more gas fumes than the furnaces  
23 of each individual 253 houses there. I don't know  
24 if it would be the same if it was all added  
25 altogether, but I mean the gas is going to be

ROBERTS & ASSOCIATES BY KIMBERLY G. ROBERTS, CM

1       there is what I think unless we go to windmills or  
2       something like that but it's there. It's in every  
3       home unless you're burning wood. That's all I  
4       have to say.

5                       JUDGE PRIDGIN: Sir, thank you.  
6       Any questions, Mr. Chairman?

7                       CHAIRMAN DAVIS: No questions.

8                       JUDGE PRIDGIN: Thank you. Mr.  
9       Gaw.

10                      COMMISSIONER GAW: No, sir,  
11       thank you.

12                     JUDGE PRIDGIN: Thank you very  
13       much for your time and your testimony. I don't  
14       believe I have any further witnesses on the  
15       sign-up list. Is there anyone I have neglected to  
16       call on or anyone else who wishes to testify?

17                     (No response.)

18                     JUDGE PRIDGIN: All right. Let  
19       me see if we have any concluding remarks from the  
20       Commission. Chairman Davis.

21                     CHAIRMAN DAVIS: Well, first of  
22       all I want to say thank you to each and every one  
23       of you for coming out here tonight, and, you know,  
24       I want you to know that we have listened intently,  
25       and we do have a court reporter and she is taking

ROBERTS & ASSOCIATES BY KIMBERLY G. ROBERTS, CM

1 down all of this and that, you know, we will be --  
2 I'm definitely going to go back and reread every  
3 line of the testimony that was given here tonight.

4 You guys from Aquila have got some  
5 explaining to do. I mean this with the City of  
6 Peculiar with the strong man transaction and the  
7 letter signed by the attorney from Blackwell  
8 Sanders I mean clearly I mean there is something  
9 there to the fact that these people are feeling  
10 intimidated in my opinion just my impression based  
11 on the evidence that I have seen here so far, and  
12 we may be taking more evidence as a result of this  
13 and I don't know where to begin, but at this point  
14 in the proceedings, and I haven't made up my mind  
15 yet, but it certainly leaves an impression of bad  
16 faith, and we will leave it at that.

17 JUDGE PRIDGIN: Mr. Chairman,  
18 thank you. Mr. Gaw.

19 COMMISSIONER GAW: I want to  
20 echo what the chairman said in regard to thanking  
21 you all for your time. You know, spending an  
22 evening here is not what I'm sure most of you  
23 would like to be doing tonight but you did it  
24 anyway, and I think it means a tremendous amount  
25 when you see people turn out to exercise their

ROBERTS & ASSOCIATES BY KIMBERLY G. ROBERTS, CM

1 right to say what they believe in and to try to  
2 influence the outcome of something in the way that  
3 you all have, and that's what this country is  
4 supposed to be standing for. So I thank you for  
5 that.

6 I thank you for the fact that you're here  
7 and for the courage of your convictions and your  
8 willingness to stand up for what you believe in.  
9 We will all look at this and I hope that we can  
10 reach some decision whatever that is and that it  
11 is the right one for all of us. Thank you.

12 JUDGE PRIDGIN: Commissioner  
13 Gaw, thank you. Commissioner Appling.

14 COMMISSIONER APPLING: I think  
15 my colleagues have summarized what they feel here  
16 tonight very well so I won't belabor this because  
17 so many know about it already. I do appreciate  
18 you coming here, but there is another concern that  
19 we have in this country. We are all in this  
20 together whether we want to be or not, and I  
21 respect you for coming here, but we are going to  
22 have to work together in the future in order to  
23 produce the utilities that we need, and we need to  
24 get involved in this process much earlier before a  
25 company gets this far down the road, but I

ROBERTS & ASSOCIATES BY KIMBERLY G. ROBERTS, CM

1       certainly appreciate you being here and thanks  
2       again, and that is all I need to say tonight.

3                   JUDGE PRIDGIN: Mr. Appling,  
4       thank you. I certainly would like to join with  
5       the commissioners who are here this evening and  
6       thank you for your attendance and for your  
7       testimony and also on behalf of the commissioners  
8       who are not present this evening. I guarantee  
9       they will appreciate your testimony and your time  
10      and they will read your comments. We thank you  
11      very much for everything that you've done this  
12      evening. That will conclude the local public  
13      hearing in EA-2005-0248. We are off the record.  
14      Thank you.

15                   (Proceedings concluded at 10:30 p.m.)

16

17

18

19

20

21

22

23

24

25

1	I N D E X	
2		PAGE NUMBER
3	GEORGE LEWIS STATEMENT	10
4	GEORGE BREMER STATEMENT	14
5	JAMES TOONE STATEMENT	16
6	TOM SHIFLETT STATEMENT	18
7	GARY KEMP STATEMENT	24
8	MIKE BAKER STATEMENT	28
9	PETE BROWNE STATEMENT	32
10	LEONARD WHITING STATEMENT	34
11	DAN DOERHOFF STATEMENT	41
12	JAMES HAYES STATEMENT	50
13	HAROLD STANLEY STATEMENT	52
14	SCOTT MANNING STATEMENT	63
15	NANETTE TROUT STATEMENT	76
16	MICHAEL HAM STATEMENT	80
17	FRANK DILLON STATEMENT	84
18	JIM GABRIEL STATEMENT	91
19	NANCY MANNING STATEMENT	96
20	DELLA JANUARY STATEMENT	102
21	DEBBIE VINCENT STATEMENT	115
22	JOHN BOCKELMAN STATEMENT	119
23	CINDY MAYER STATEMENT	128
24	BILL YATES STATEMENT	136
25	LORI SHUEY STATEMENT	146



1	I N D E X Continuing	
2		PAGE NUMBER
3	MARK ANDREWS STATEMENT	150
4	TERESA ANDREWS STATEMENT	154
5	MICHAEL TUNNICLIFF STATEMENT	160
6	CHARLES JACKSON STATEMENT	168
7	BARBARA BRUNO STATEMENT	170
8	JULIE NOONAN STATEMENT	171
9	MIKE CRABTREE STATEMENT	177
10	JOHN RICKERT STATEMENT	182
11	BRUCE SCHANUTH STATEMENT	186
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		

1	E X H I B I T S		
2	NUMBER	DESCRIPTION	MARKED
3	1	Water supply information	
4		packet	35
5	2	One-page document	63
6	3	St. Louis city ordinance	62
7	4	Two photographs	100
8	5	Twelve-page fax	126
9	6	Photographs	127
10	7	Plat map	138
11	8	One-page letter	139

12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

1 C E R T I F I C A T E

2 STATE OF MISSOURI )

3 ) ss

4 COUNTY OF PETTIS )

5

6 I, Kimberly G. Roberts, CCR No. 354, do  
7 hereby certify that I reported in machine  
8 shorthand the foregoing proceedings and that the  
9 foregoing pages constitute a full and complete  
10 transcription of my shorthand notes.

11 Dated this 21st day of March, 2005.

12

13

14

15

16 \_\_\_\_\_  
KIMBERLY G. ROBERTS, CCR No. 354

17

18

19

20

21

22

23

24

25