

STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

TRANSCRIPT OF PROCEEDINGS
Hearing

November 6, 2008
Jefferson City, Missouri
Volume 1

In the Matter of the Application)
of Aquila, Inc. for Permission)
and Approval and a Certificate)
of Public Convenience and)
Necessity Authorizing it to)
Acquire, Construct, Install,)Case No. EA-2009-0118
Own, Operate, Maintain, and)
otherwise Control and Manage)
Electrical Production and)
Related Facilities)
in Certain Areas of Cass County,)
Missouri Near the City of)
Peculiar.)

HAROLD STEARLEY, Presiding,
REGULATORY LAW JUDGE

REPORTED BY:
Pamela Fick, RMR, RPR, MO CCR #447
Midwest Litigation Services

1 APPEARANCES:

2 MARK W. COMLEY, Attorney at Law
3 Newman, Comley & Ruth
4 601 Monroe, Suite 301
5 P.O. Box 537
6 Jefferson City, MO 65102
7 (573)634-2266
8 comleym@ncrpc.com

9 FOR: County of Cass.

10 STUART CONRAD, Attorney at Law
11 Finnegan, Conrad & Peterson
12 3100 Broadway
13 1209 Penntower Officer Center
14 Kansas City, MO 64111
15 (816)753-1122
16 stucon@fcplaw.com

17 FOR: Sedalia Industrial Energy
18 Users Association.

19 CARL J. LUMLEY, Attorney at Law
20 Curtis, Oetting, Heinz, Garrett & O'Keefe
21 130 South Bemiston, Suite 200
22 Clayton, MO 63105-1913
23 (314)725-8788
24 clumley@lawfirmemail.com

25 FOR: Dogwood Energy, LLC.

KARL ZOBRIST, Attorney at Law
Sonnenschein, Nath & Rosenthal
4520 Main Street
Suite 1100
Kansas City, MO 64111-7700
(816) 460-2400
kzobrist@sonnenschein.com

CURTIS D. BLANC, Managing Attorney - Regulatory
Kansas City Power & Light
P.O. Box 418679
1201 Walnut, 20th Floor
Kansas City, MO 64106
(816)556-2483
curtis.blanc@kcpl.com

FOR: Aquila, Inc. dba KCPL Greater

1 LEWIS R. MILLS, JR., Public Counsel
Office of the Public Counsel
2 P.O. Box 2230
200 Madison Street, Suite 650
3 Jefferson City, MO 65102-2230
(573)751-4857
4

FOR: Office of the Public Counsel
and the Public.
5

6 NATHAN WILLIAMS, Deputy General Counsel
P.O. Box 360
7 200 Madison Street
Jefferson City, MO 65102
8 (573)751-3234

9 FOR: Staff of the Missouri Public
Service Commission.
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P R O C E E D I N G S

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2 JUDGE STEARLEY: Good morning. Today is
3 Thursday, November 6th, 2008, and we are here for a
4 procedural conference in the case EA-2009-0118, In
5 the Matter of the Application of Aquila, Incorporated
6 for Permission and Approval and a Certificate of
7 Public Convenience and Necessity Authorizing it to
8 Acquire, Construct, Install, Own, Operate, Maintain
9 and Otherwise Control and Manage Electrical
10 Production and Related Facilities in Certain Areas of
11 Cass County, Missouri Near the City of Peculiar.

12 My name is Harold Stearley, and I'm the
13 presiding officer over this matter, and we'll begin
14 by taking entries of appearance, starting with KCP&L
15 Greater Missouri Operations Company.

16 MR. ZOBRIST: Actually, Judge, it's
17 Aquila, Inc. dba Greater -- KCPL Greater Missouri
18 Operations Company. Karl Zobrist, Sonnenschein, Nath
19 & Rosenthal, 4520 Main Street, Kansas City, Missouri
20 64111, and Curtis D. Blanc on behalf of the company.

21 JUDGE STEARLEY: Thank you, Mr. Zobrist.
22 County of Cass.

23 MR. COMLEY: Thank you, Judge Stearley.
24 Let the record reflect the entry of appearance of
25 Mark W. Comley, Newman, Comley & Ruth, 601 Monroe

1 Street, Jefferson City, Missouri. And also who's not
2 appearing today, also a representative of the county
3 is Cindy Means Martin. Her business address is 408
4 Southeast Douglas, Lee's Summit, Missouri 64063.

5 JUDGE STEARLEY: Thank you, Mr. Comley.
6 Dogwood Energy, LLC.

7 MR. LUMLEY: Good morning, Judge. Carl
8 Lumley, the Curtis, Heinz law firm, 130 South
9 Bemiston, Suite 200, Clayton, Missouri 63105, appearing
10 on behalf of Dogwood Energy, LLC.

11 JUDGE STEARLEY: Thank you, Mr. Lumley.
12 Sedalia Industrial Energy Users Association.

13 MR. CONRAD: Stu Conrad on behalf of the
14 SIEUA Group, Finnegan, Conrad & Peterson. My office
15 is 3100 Broadway, Suite 1209, Kansas City, Missouri
16 64111. Also, although he is not here today, David
17 Woodsmall of the same firm, 428 East Capitol Avenue,
18 Suite 300, Jefferson City, 65101.

19 JUDGE STEARLEY: Thank you, Mr. Conrad.
20 Staff of the Missouri Public Service Commission.

21 MR. WILLIAMS: Nathan Williams, Post
22 Office Box 360, Jefferson City, Missouri 65102.

23 JUDGE STEARLEY: Thank you,
24 Mr. Williams. And the Office of Public Counsel.

25 MR. MILLS: Lewis Mills. My address is

1 Post Office Box 2230, Jefferson City, Missouri 65102.

2 JUDGE STEARLEY: All right. Are there
3 any preliminary matters we need to address?

4 MR. WILLIAMS: Judge, I think a couple.
5 One, I should let you know as you may not be aware,
6 Aquila has filed a case within the past few days
7 where apparently they've changed the name of the
8 company to now be Kansas City -- KCP&L Greater
9 Missouri Operations Company. The Commission has not
10 acted on that request, so that's something that's in
11 the works.

12 And then the Staff and I think the other
13 parties would like to know if the Commission has any
14 process in mind in particular with regards to this
15 case, such as local public hearings.

16 JUDGE STEARLEY: At this point the
17 intervenors really didn't indicate a position one way
18 or the other on the application, so I thought what I
19 would do is a week from today, have you all file a
20 status report with me. If someone wants to request
21 an evidentiary hearing or a local public hearing,
22 they could make the request at that time.

23 And then I will also be taking the
24 matter to the Commissioners to see if they want to
25 have a local public hearing or an evidentiary hearing

1 as well. But I thought I would have the parties file
2 that for me jointly next Thursday the 13th after
3 you've had an opportunity to have some discussions.
4 That way you can kind of give me a sense of what
5 direction you want to go.

6 Obviously, if no one's in opposition, no
7 one may wish to have a hearing, in which case we'll
8 get a recommendation from Staff on the application.

9 MR. ZOBRIST: Judge, just as long as
10 we're on the record, I could clarify a couple of
11 things from what we stated in our application. I
12 understand that all the litigation now has been
13 resolved with regard to South Harper.

14 I think in our application we stated
15 that there was one outstanding claim. That was
16 resolved about two weeks ago. So to the best of our
17 knowledge, there are no outstanding claims or suits
18 with regard to either the South Harper plant or the
19 Peculiar substation.

20 And in the status report we can advise
21 as to the procedural schedule before the City of
22 Peculiar. As I understand it, there will be some
23 changes on the zoning application filed at the end of
24 this month. A hearing before the City of Peculiar
25 Planning Commission is scheduled for December 11th,

1 and then the ultimate approval would come from the
2 Peculiar Board of Aldermen, and that would be either
3 January 6th or January 20th, and we can set forth
4 that.

5 My understanding is that there is no
6 opposition to that application. All of the approvals
7 have been granted with regard to the South Harper
8 plant by Cass County.

9 JUDGE STEARLEY: Okay. Anything else we
10 need to pick up at this time? I did bring a couple
11 copies of our adjudication calendar --

12 MR. WILLIAMS: Thank you.

13 JUDGE STEARLEY: -- if you did need to
14 look for any particular dates. And I guess I'll be
15 waiting to hear from you. If there's nothing else
16 for me to address at this time, we'll end our
17 on-the-record portion of the procedural conference.
18 Thank you all very much.

19 (WHEREUPON, the recorded portion of the
20 procedural conference was concluded.)

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