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January 18, 2005

VIA FACSIMILE: 573-751-1847

Missouri Public Service Commission
Secretary of the Commission
c/o Data Center
P.O. Box 360
Jefferson City, MO 65102-0360

FILED³

JAN 21 2005

Missouri Public
Service Commission

Re: Application in Case No.: EO-2005-0156

Dear Public Service Commission:

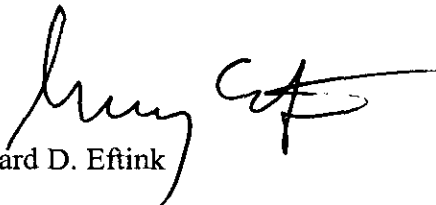
Enclosed are an original and one copy of the following documents for filing:

1. Motion to Suspend Proceedings filed by StopAquila.org; and
2. StopAquila.Org's Response to Aquila, Inc's Suggestions in Opposition to Application of StopAquila.Org to Intervene.

We have also this date emailed copies to all counsel of record and faxed copies of these documents to your office.

Sincerely,

VAN HOOSER, OLSEN & EFTINK, P.C.



Gerard D. Eftink

GDE/alb

Enclosures

FILED³

JAN 21 2005

**Missouri Public
Service Commission**

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI**

In the Matter of the Application of Aquila,)
Inc., for Authority to Acquire, Sell and Lease)
Back Three Natural Gas-Fired Combustion)
Turbine Power Generation Units and) **Case No.: EO-2005-0156**
Related Improvements to be installed and)
Operated in the City of Peculiar, Missouri)

**STOPAQUILA.ORG'S RESPONSE TO AQUILA, INC'S
SUGGESTIONS IN OPPOSITION TO
APPLICATION OF STOPAQUILA.ORG TO INTERVENE**

On December 28, 2004, StopAquila.org sent its Application to Intervene by fax and email to the Public Service Commission. On January 12, 2005, Aquila, Inc. filed its Suggestions in Opposition to that application.

Aquila, Inc. filed an Application Requesting the Authority to Acquire, Sell, and Lease Back Three (3) Combustion Turbine units "in the City of Peculiar, Missouri."¹ In the application, Aquila, Inc. requests permission to enter into this transaction based upon a finding that the transaction is not detrimental to the public interest. Aquila, Inc. also asks that the PSC make certain findings, including a finding that the project is the "least cost option" for additional power generation.

On January 6, 2005, the Circuit Court of Cass County, Missouri, entered a mandatory injunction to stop the construction of this power plant. Aquila, Inc. is filing an appeal of the decision of the Circuit Court of Cass County. If the decision of the Trial Court is affirmed, as it should be, Aquila, Inc. will be required to tear down what it has constructed.

¹ This is not true because the location of the site is outside of the City of Peculiar.

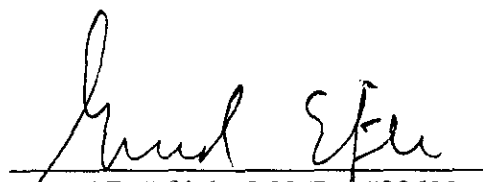
The citizens group called StopAquila.org is also filing an appeal of a decision entered by the Circuit Court of Cass County in a case "StopAquila.org v. City of Peculiar." In that case, the issue was whether the City of Peculiar could issue revenue bonds for the project without a vote of the people. The decision of the Trial Court is being appealed to the Court of Appeals.

Aquila, Inc. objects to the proposed intervention of StopAquila.org. However, StopAquila.org would draw the PSC's attention to the case of In the Matter of the Application of Union Electric Company for Permission and Authority to Construct, Operate, Own and Maintain a 345 Kilovolt Transmission Line in Maries, Osage and Pulaski counties, Missouri, Case No. EO-2002-351. In that case, Concerned Citizens of Family Farms and Heritage, as well as an individual named Mary Claire Kramer, were allowed to intervene. The PSC should follow the same standards set out in that case. Ms. Kramer was allowed to intervene because she owns real property where the transmission lines were to be constructed, and her interest was different than that of the general public. She said that the decision would directly affect her interests. Concerned Citizens was an unincorporated association of landowners in the area. Concerned Citizens alleged that each of its members had an interest in this proceeding because they are owners of real estate in the area. Each of its members had an interest that is different than that of the general public and which would not be adequately represented by any other party in this case. The PSC found that Concerned Citizens and Ms. Kramer were in substantial compliance with the PSC rules regarding that applications for intervention and their interests were, in fact, different from those of the general public. The PSC granted the Request for Intervention. In fact, the PSC allowed these Requests for Intervention to be filed out of time.

In the present case, the members of StopAquila.org are landowners who reside in close proximity to where Aquila, Inc. wants to build the power plant. They oppose various aspects of

this proposed power plant, including the proposed financial arrangement involving the City of Peculiar, the health and safety risks involved in building a power plant close to, or in, a residential area, and the efforts by Aquila, Inc. to ignore county zoning requirements and other county requirements. Because these people who compose StopAquila.org live in the immediate area, or live inside the City of Peculiar, their interests are different from the interests of the general public. The general public does not have to live within close proximity to a power plant, with the noise and the pollutants that emanate therefrom. The general public does not have to live next to an unsightly power plant. The general public outside of the City of Peculiar does not have to live with the risks that are involved in its Board of Aldermen attempting to issue \$140 million in bonds to the benefit of a public utility that is in financial difficulty and may not be able to pay its debts. However, members of StopAquila.org are in such situations.

The Office of Public Counsel represents the general public interests. The interests of the members of StopAquila.org are in some aspects different from interests that are being protected by the Office of Public Counsel. It is important that the Public Service Commission permit StopAquila.org and its members to intervene.



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CERTIFICATE OF MAILING

I hereby certify that on this 18th day of January 2005, a copy of the foregoing was sent electronically via email to:

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By: _____

