

Debbie Evans

It started in March 2004 with Aquila selling its interest in the Aires Power plant to Calpine after they defaulted on 190 million dollars in loans. Aquila worked with Cass County on this project and even convinced the county to carry the bonds for this project. They also secured rezoning on this project. Now it sits idle I believe. I question what kind of planning was used to build a plant of this size, if peaking plants were really what was needed. It looks to me like they had plenty of property for expansion to add even more peaking plant capacity if needed and the property and zoning was already there and ready for them.

Then in April 2004 less than 30 days after they abanded Aires, they proceeded to sign a contract on 40 acres to build a power plant at a cost of 140 million dollars near Harrisonville. They used the threat of imminent domain to secure the property, and proceed with plans for the construction of the power plant, construction documents were already prepared and they were ready to start construction by June, without ever even speaking with any of the neighbors in the area, of which several were less than a ¼ mile away. We started a group to fight the proposed power plant. Aquila then had meetings with the City of Harrisonville which we attended and listened as aquila said that the power plant was for peak use in the summer and would be used for 2 weeks a year to keep our air conditioners running, they also claimed they did not know who owned the power lines that were on the property. Aquila also had a community meeting at the high school, where, again they said it was for a couple of weeks in the summer and maybe a short period in the winter if needed. I spoke with someone from the MPSC at that meeting who said that he was there to observe and report back but that they did not become involved with locations of power plants. I also spoke with our representative about this and was told MPSC, or the state did not get involved in zoning issues, that it was up to the county zoning board to approve or disapprove. At the rezoning hearing first thing Aquila did was ask for a variance to allow for construction of 70 foot tall stacks instead of the 40 foot shown on the drawings. Aquila argued that Independence power light had peaking power plants in their city, and showed Arial pictures, of the plants although you could not really see what exactly what they were. I drove to those locations a couple of days later and I found one plant to in an area of about 200 feet by 200 feet in the corner of a golf course, and next to railroad tracks, the highest portion of this plant, was maybe 20 feet tall at most, the next plant is located off the square in Independence in what looks to be an old rock quarry or a dug area of some sort, this facility was about 500 feet by 600 feet with a parking lot in front of it, at its highest point this plant would be 30 - 40 feet, and is across the street from low income housing. In no way did these facilities come close to what aquila was showing as the plant that they were considering constructing, or what has been built at south harper. After viewing pictures and testimony Cass county rezoning recommended that rezoning not be approved. I could not find any other peaking plants in this area to compare the location to the one that they now have. But in traveling to western Kansas I did find that they had a power plant on the East side of Dodge City ks that was next to a feed lot, railroad tracks and a meat processing plant. No homes were in the area it was in an industrial area.

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Then they used the letter from 1918 or 1938 whichever year it is to claim that they did not have to seek rezoning to build a power plant that the letter gave them that right. So they constructed the South Harper plant which I have been told operated 50 plus days from June to December, that's a lot more than they said it was going to operate in the meetings I attended.

But from what I have learned it just gives them the right to run power lines along county right of way, irregardless this is 2006 and we have county zoning laws that were not in place in those years to protect us from private companies doing what ever they want without any control on them. As a private citizen I have to abide by zoning laws, and regulations, and a private company is by law to abide by the same zoning laws. I have been in construction for 32 years and I have never worked with a customer that hasn't been required to seek rezoning or permit a project. This includes car plants, offices, stores, any development that you can imagine. I would say that they would not be able to waltz in to Lee's Summit, Blue Springs, Loch Loyd, Raintree, Lakewood, Grandview or any other communities in the state of Missouri that has zoning laws and regulations, and begin construction of a power plant based on a letter. They tried to build East of Lees summit a large substation but as far as I know that project also was shut down, they also tried to use eminent domain in this case also, as I know one of the lawyers for one of the principles who was to loose property, but he choose to fight.

As citizens we expect our elected officials at the local, county, state, and federal governments to make sure private companies do not over step their bounds and to abide by laws of the land.

How many chances do you get to prove that you understand you must abide by the law, that you cannot keep disregarding the laws, and using lawyers to help skirt the laws or find loop holes in them to keep you from having to abide by the law's, eventually someone has to say enough, you have you're your chances and you continue to disregard the law you not only have 3 strikes but 3 outs, ball game over, lights out. Abide by the order and finally follow the law.