

## Keefe, Glenn

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**From:** Hedrick, Terry  
**Sent:** Monday, November 01, 2004 6:17 PM  
**To:** Empson, Jon  
**Cc:** Keefe, Glenn; Parrette, Les; LaBarge, Tom; Lutes, Leroy; Huslig, Carl  
**Subject:** South Harper Attorney Meeting Notes (confidential)

A Meeting was held today with the following attendees: Tom LaBarge, Davis Rooney, Judy Ness, Andrew Bailey, Leroy Lutes, Carl Huslig, Glenn Keefe, Chris Reitz, John Crossley, Brad Bacon, Sid Douglas (Counsel for Peculiar), and Mike Fisher (Peculiar City Manager).

The following is a summary:

- Mike Fisher has already met with Gary Mallory (Cass County) twice. Gary has indicated that the County will not support the SUP approach or the CPCN approach. The County would prefer the City to take ownership of the land and build the plant.
- Sid Douglas indicated that there may be a way for the City to exercise eminent domain.
- Andrew Bailey discussed CPCN and the need to proceed with this approach. There are many options, however, they take time and they have uncertain aspects.
- Andrew indicated that the approach with the County will be "looking for cooperation, but not permission".
- If there are injunctions filed, it is anticipated that the required Bonding would be large.
- By utilizing the CPCN, a building permit will be required for the Control Building and a grading permit will be required for the substation. These are items that can not be stopped.
- There could be litigation to try to stop the Chapter 100 as an attempt to delay or impede the City.

The Team that will meet with Gary Mallory and Cass County Legal Counsel on November 5th is:

- Andrew Bailey (with Spencer Thompson or John Crossley)
- Glenn Keefe
- Leroy Lutes
- Mike Fisher
- Sid Douglas

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MAY 11 2006

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Service Commission

Exhibit No. 70  
Case No(s). EA-2006-0308  
Date 4-26-06 Rptr xf