

**Pridgin, Ron**

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**From:** Noonan, Julie L [DEV] [Julie.L.Noonan@sprint.com]  
**Sent:** Wednesday, May 31, 2006 1:02 PM  
**To:** Davis, Jeff; Murray, Connie; Appling, Linward (Lin); Pridgin, Ron; Clayton, Robert; Clayton, Robert  
**Cc:** Gaw, Steve; Gerry Eftink; Debra Moore-Settle; Keith Mayer; hstanley@casstel.net; Della January; Stephenson, Natalie S [IT]; Dale, Cully  
**Subject:** EA2006-0309 Responses  
**Attachments:** StopAquila Resolutions-Adopted 050906.pdf; Judge Pridgin Ex Parte-Julie Noonan 050306.doc

Commissioners:

Attached please find two documents in response to:

- 1) Item #314 Commission Report and Order
- 2) Statement made by Judge Pridgin in public session representing PSC position on Aquila's burden of proof in order to receive a Special Certificate of Need & Necessity (originally submitted through the PSC web site at the beginning of May)

I realize that the PSC would prefer that all communications be submitted via EFIS, however, it doesn't always appear to work. Follow up communications in order to relay input doesn't seem to be the most efficient route either. It appears to me that the PSC has made up rules during these proceedings in the name of expediency and/or preference at the moment, so I'll take the liberty to follow suit.

When Governments begin to make rules and processes to endorse those who fail to submit to the law, common sense, and common decency, who knows what type of additional bothersome behavior may ensue? I suspect that my penchant for direct e-mail communications versus "proper channels" may be the least offensive actions by someone in a group that actually champions the lawful behavior rather than thumbing their nose at it.

Please surprise us and reconsider your hasty Report and Order. You know there are 113 additional counties and many other utilities. I can't fathom that you seriously want to invite such "messes" by others in the future.

<<StopAquila Resolutions-Adopted 050906.pdf>> <<Judge Pridgin Ex Parte-Julie Noonan 050306.doc>>

Respectfully Submitted,

**Julie Noonan**

Development Support Services Organization

Billing Product Management

Sprint|6300 Sprint Parkway|KSOPHB0314 - 3A318|Overland Park, KS 66251-6103|Office: (913)794-2823|Wireless: (816)695-4434|Julie.L.Noonan@sprint.com

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5/31/2006

May 3, 2006

RE: EA-2006-0309 Aquila's Burden

Judge Pridgin:

In your explanation to the public of EA-2006-0309, it is my perception that you indicated in your introduction that the burden of proof for Need and Necessity would be on the applicant, Aquila. I've heard very little in testimony regarding Need and Necessity. What little I have heard about the topic is sensational public relations sound bites that Aquila has fed the press and the public during "community outreach". I've heard nothing that convinces me that Aquila truly has an urgent need for peak capacity.

It is my understanding that PSC staff may have counseled Aquila in the past that they needed to negotiate better terms for purchase contract arrangements and/or build base load capacity. If better terms related to purchased power and/or increased base load capacity are what Aquila really needs, then it seems to me that a peaking facility would not meet that criteria to be granted a Special Certificate of Need and Necessity.

Certainly, we all know the dangers of increased reliance on gas and the incredible inflation we are seeing and will continue to see in that space. If I need groceries, I don't stock up at Quick Trip for fast food and other high priced fare. Instead I evaluate the need, document the need, and go to a reputable grocer to satisfy my need while minimizing the expense over time.

Further, as a member of StopAquila.org, I believe that "Rate payers should not be asked or required to subsidize facilities that are not truly needed to ensure power. A utility that purposefully divests itself of facilities and contracts for power is not justified in claiming "need" for a new facility if the need appears to be associated with divestiture from existing resources". I doubt that anyone, including PSC staff, could deny that Aquila's "need" for power is directly related to divestiture from other resources. Although I'm disappointed with the recent rate case outcome, it is my hope that the PSC will ultimately support this fundamental principal. If not, what is to stop any company from building unnecessary power generation at the rate payers' expense?

Thank you for your consideration.

Julie Noonan