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MAY 11 2006

Missouri Public
Service Commission



Cass County Missouri Special Use Permit Application

Submitted by Aquila, Inc.

June 2004

Exhibit No. 41
Case No(s). EA-2006-0308
Date 4-26-06 Rptr FF

Plaintiff Cass
County
Exhibit No. 23

**CASS COUNTY, MISSOURI
SPECIAL USE APPLICATION FORM**

For Office Use Only

Cass No: _____
Filing Fee: _____
Date Advertised: _____
Date Notices Sent: _____
Public Hearing Date: _____

APPLICANT: Aquila, Inc
ADDRESS: 10,700 E. 350 Highway, KC, Mo.
OWNER: Aquila, Inc.
ADDRESS: Same

PHONE: 816-737-7528
ZIP: 64138
PHONE: Same
ZIP: Same

737-7843

LOCATION OF PROPERTY: Cass County, Missouri, T45N, R31W, Sect 25 - Approx 0.5 miles east of intersection of Highway #7 and 235th Street on 235th Street.

LEGAL DESCRIPTION:

See Exhibit B attached

Present Zoning: Agricultural

Requested Zoning: Special Use

Present Use of Property: Agricultural

SURROUNDING LAND USE AND ZONING:

	Land Use	Zoning
North	<u>Agricultural</u>	<u>Agricultural</u>
South	<u>Agricultural</u>	<u>Agricultural</u>
East	<u>Agricultural</u>	<u>Agricultural</u>
West	<u>Agricultural</u>	<u>Agricultural</u>

CHARACTER OF THE NEIGHBORHOOD: Undeveloped agricultural area with scattered residences and limited small tract residential development to the Northwest.

Does the proposed use meet the following standards?

- | | <u>YES</u> | <u>No</u> |
|--|------------|-----------|
| 1) Is deemed necessary for the public convenience at that location: | <u>X</u> | |
| 2) Is so designed, located, and proposed to be operated that the public health, safety, and welfare will be protected: and | <u>X</u> | |
| 3) Is found to be generally compatible with the neighborhood in which it is located unless specifically granted. | <u>X</u> | |
| 4) Will comply with the height and area regulations of the district in which it is located unless specifically granted. | <u>X</u> | |
| 5) Off street parking and loading areas will be provided in accordance with the standards set forth in the zoning regulations, and such areas will be screened from adjoining residential uses and located so as to protect such residential use from any injurious effects. | <u>X</u> | |
| 6) Adequate utility, drainage, and other such necessary facilities have been or will be provided. | <u>X</u> | |

YES

No

Should this special use be valid only for a specific time period?

X

If YES, what length of time? N/A

BY:

Glenn P. Keefe

TITLE:

Operating VP

Date:

JUNE 9, 2004

Attachments Required:

- Site plan showing existing and proposed structures on the property in question and adjacent Property off-street parking, driveways, and other information
- Certified list of property owners within one thousand feet (1,000)
- Title Report for property in which the special use permit is requested

Exhibit B

Legal Description –

All that part of the North Half of the Northwest Quarter of Section 25, Township 45 North, Range 31 West of the Fifth Principal Meridian, more particularly described as follows:

BEGINNING at the Northwest Corner of said Northwest Quarter; thence South 87°27'22" East along the North line of said Northwest Quarter a distance of 1346.57 feet to a point that bears North 87°27'22" West a distance of 1313.11 feet from the Northeast corner of said Northwest Quarter; thence South 01°43'49" West a distance of 1327.75 feet to the South line of said North Half; thence North 87°30'57" West along said South line a distance of 1347.78 feet to the Southwest corner of the Northwest Quarter of said Northwest Quarter; thence North 01°46'59" East along the West line of said Northwest Quarter a distance of 1329.14 feet to the POINT OF BEGINNING. Except that part in public road right-of-way along said North line.

AQUILA Inc.
Camp Branch Energy Center
Application for Special Use Permit

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 - j. Storm Water Runoff Permit and SWPPP**
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 - l. Facility Security Plan**
 - m. Sanitary Waste Disposal**
 - n. Damage Claim Plan.**
 - o. Certified List of Landowners within 1000 feet**
 - p. Public Announcement of Re-zoning Meeting**

Exhibit A

Artist Photo Rendering and Fact Sheet

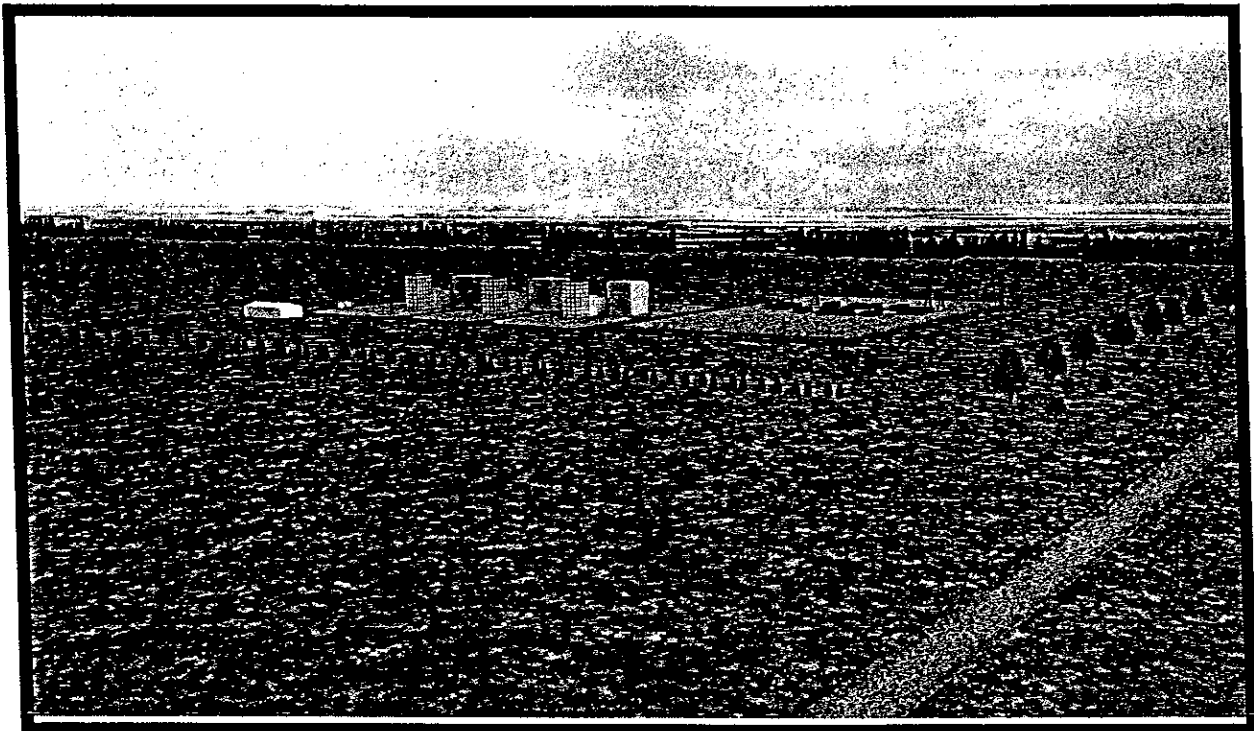


Aquila

AQUILA, INC.

CAMP BRANCH ENERGY CENTER

APPENDIX A - PROJECT FACT SHEET



Project Description

Aquila, Inc. proposes to construct, own, and operate a nominal 315-megawatt (MW) peaking power plant (Project) to be located just north of Harrisonville, Missouri in rural Cass County. Electric power will be generated by three, high-performance combustion turbine-generators fueled with natural gas. As a peaking power plant, the Project is expected to operate less than 4,000 hours per year, primarily on warm summer days when demand for electrical power is the highest.

The proposed site provides good access to an existing 161-kV electric transmission line owned by Aquila, Inc for interconnecting the Project to the electric grid, and to Panhandle Eastern Pipe Line Company to provide fuel for the Project. Construction of the Project is expected to begin in the fall of 2004 and will be completed by June 2005.

Aquila, Inc., through its regulated business unit Aquila Networks-MPS, is headquartered in Kansas City, Missouri and provides safe, reliable, and cost effective electric energy to its customers in west central Missouri.

PROJECT FACT SHEET

Fuel	The Project will use only clean-burning natural gas for operations. Natural gas will be supplied through an interconnection with one or more major interstate gas pipelines located close to the Project site.
Site	The Project site is located just north of Harrisonville, Missouri on Highway # 7 and east on 235 th street on a 40-acre parcel of land.
Permits	Aquila will secure all appropriate federal and state environmental permits required to ensure the Project does not have an adverse impact on the local environment. The Project will be constructed and operated at all times in accordance with all applicable Federal, State, and Local ordinances and environmental and safety regulations.
Emissions	Power generation using natural gas fuel is the cleanest method of generating needed power from organic fuels. The Project will utilize state-of-the-art technology to minimize air emissions. The Project's emissions will be approved and monitored by the Missouri Department of Natural Resources to ensure compliance with environmental permits.
Noise	The Project will operate primarily in the daytime during the summer, and will be designed and operated to control and minimize noise impacts.
Water Usage	The Project requires only nominal amounts of water on certain hot days to cool the inlet air entering the combustion turbines. On those days when water is required for evaporative cooling, usage will average less than 150 gpm when the power plant is operating, and will be purchased from the local water system.
Land Use & Aesthetics	An architect's photo rendering of the Project is shown on the cover sheet. The Project site will be approximately 40 acres, with the power generating equipment requiring less than 10 acres of the land. A portion of the remaining property will be used for substation and fuel gas conditioning equipment, road access, control and communications facility, construction equipment storage and erection, and contractor parking and field office facilities. The Project will be designed and constructed to minimize impact on the surrounding area, and painted in neutral colors to decrease visibility. Low visibility, shielded, non-glare lighting fixtures will be used. Selective landscaping will further reduce the visual impact.
Dust & Odors	During operations, the Project will generate no significant dust or odors. Dust from construction activities will be controlled with periodic water/MgCL mixture sprinkling, MC30 oil, selective paving or other approved dust suppressants.
Elevation	The Project's exhaust stacks will be about 50 feet high, which is similar to the existing electric transmission towers. No FAA notification is required for heights less than 200 feet. A power plant using combustion turbines is an unobtrusive and low -profile facility as indicated in the artist photo rendering accompanying this Fact Sheet.
Traffic	The Project requires only a small, part time operating staff. The impact of traffic during operations will be minimal, and limited to employees and occasional delivery trucks for parts and supplies.
Safety	The Project will be constructed, operated and maintained in accordance with applicable safety regulations and industry standards. The power plant personnel will be extensively trained to operate the Project in a safe and reliable manner.
Security	A security fence, controlled access gates, and remote monitoring will be installed at the facility to prevent access by children or other unauthorized persons.

CONTACTS

Terry Hedrick 816-737-7854 terry.Hedrick@aquila.com
Dennis Greashaber 816-737-7418 Dennis.Greashaber@aquila.com
Glenn Keefe 816-737-7815 glenn.keefe@aquila.com

Exhibit D

Traffic Control and Road Maintenance Plan

Exhibit D –

Summary, Traffic Plan

Aquila, Inc does not believe the plant construction and operational phases will significantly impact the normal flow of traffic in the area of the plant site. Route surveys will be completed by the Aquila Engineer and detailed instructions for all deliveries will be included in all purchase contracts for equipment and construction services. All deliveries will be well planned and handled in compliance with applicable MoDOT requirements. Any superloads will require a MoDOT permit which requires a comprehensive structural analysis and road feasibility study of the proposed route. Any negative impact on local roads resulting from delivery of equipment will be addressed and repaired by Aquila in compliance with applicable MoDOT and Cass County requirements.

- 1) Construction Labor – The plant construction phase is anticipated to require a maximum of 80 personnel on site at any one time. Most of the craft labor employed by subcontractors of Aquila, Inc will reside in the local area and commute to the construction site via Missouri Highway #7 and then east on 235th street to the plant site. Access to Mo. Highway #7 will be from Highway 71 through Harrisonville, Highway #291 through Harrisonville, or from Highway #7 or Highway #58 near Pleasant Hill.
Aquila will provide adequate signage at the intersection of Highway #7 and 235th street during the construction phase to alert the general public to the nearby “construction zone. Additionally, Aquila believes it to be prudent to install and maintain during the construction period, a flashing caution sign just north of the intersection of Highway #7 and EE Highway to alert the general public to the potential of vehicles turning at the 235th street intersection.
- 2) Concrete Deliveries – Currently, no commitment has been made for concrete deliveries and many alternatives are available in the local area. The primary delivery route to the construction site will be Highway #7 from either the north or south. If deliveries must go through Harrisonville, Aquila will require the suppliers to favor use of Jefferson Parkway north to 227th street. If APAC is selected, the proposed route to the Highway 291 batch plant will be 225th street and 227th street to the intersection of Highway #7.
- 3) Heavy Equipment deliveries (rail and overland) – Overland equipment deliveries will follow the same general routes as the concrete deliveries. Currently, Aquila has the bulk of the plant equipment stored in leased aircraft hangers located at the

old Richards Gebaur air base in Belton. Semi truck deliveries from this location will most likely follow Highway #71 south to the first Harrisonville exit and then to the intersection of the Jefferson Parkway route to the plant site.

The turbines, generators, and transformers are stored at the existing Aquila power plant in downtown Pleasant Hill. These loads are all in excess of 100 tons and will require delivery by rail to a location near the plant site and then by special trailer overland to the plant site. Currently, Aquila believes that several of these loads can be scheduled for delivery on the Missouri Arkansas Railroad to the intersection of 235th street and the Mo-Ark line. A small staging area adjacent to the ConocoPhillips compressor station may have to be developed to minimize traffic disruptions at the rail crossing. Alternatively, rail loads may be scheduled for delivery to the Mo-Ark siding on Locust Street adjacent to the MFA station in north Harrisonville. From there, loads will be moved north on Jefferson Parkway to the plant site.

- 4) Balance of Plant equipment deliveries will follow the same routes selected in #3 above
- 5) Road Maintenance – Following the detailed traffic and delivery plan, Aquila will survey the proposed route and document the condition via digital photography. Any reinforcements or upgrades required may become permanent if approved by the Cass County road district. Any damage sustained during deliveries will be repaired to “as found” condition upon completion of all deliveries. Any damage caused by Aquila deliveries during the interim, that may result in distress to the general public during routine commute, will be promptly patched by Aquila pending permanent repairs. All permanent repairs will be completed in compliance with Cass County Ordinance 02-01.
The approximately 1.5 mile portion of 235th Street immediately east of Highway #7 will be evaluated similarly. Highly visible signs will be located at the apex of the hill in both directions warning travelers of an approach to a “construction entrance”. Any damage to this portion of the road caused by Aquila deliveries will be patched to insure a safe roadway during the construction phase. The proposed open cut, required for installation of the high pressure gas line(s), will be completed and repaired in compliance with the Cass County Ordinance 02-01. Following the completion of construction, the road will be repaired and re-surfaced with chip and seal to meet the requirements of Cass County Ordinance 02-01.
- 6) Normal Working/Delivery hours – Normal working hours will be 7am to 7pm Monday thru Friday. Normal deliveries will be 8am to 5pm Monday thru Friday and consist of up to 20 trucks per day. Normal daily deliveries will be approximately 10-15 trucks.
- 7) Dust Control – Dust control on the construction site will be provided as necessary using a water wagon and selected manual application. If necessary, the wetting

solution will include Magnesium Chloride or be upgraded to MC30 oil. Severe areas will be paved to eliminate dusting.

Exhibit E

Landscaping Plan

Attachment E1 – Landscaping Drawing

Aquila, Inc
Camp Branch Energy Center

Exhibit E -

Landscaping Plan

The proposed site is located in Township 45N, Range 31W, Section 25 approximately one half mile east of Highway #7 on 235th street. The property was acquired in March of 2004 from Dean and Wilma Waltmire.

The acquired property includes 40 acres, more or less, and is bounded to the north by 235th street, to the west by the section 25 line and an existing shelterbelt, to the south by a shelter belt generally marking the property line between the site and the Homer Harris property. The eastern boundary will be established by survey to insure retention by the Waltmires of 40 acres of the original 80 acre purchase.

A 100' right of way for electric utility use in favor of Missouri Public Service (a regulated electric utility operating division of Aquila, Inc. now known as Aquila Networks-MPS) runs north to south through the property generally dividing it 1/3 to the west and 2/3 to the east.

In the purchase contract with Mr. Waltmier, Aquila, based on professional recommendations, has agreed to screen the property from the Sellers retained property with two rows of Moonglow Junipers, approximately five to six feet in initial height, spaced ten feet apart in each row. At maturity, these evergreen trees will attain a height of about 25 feet. Planting will be completed at the end of the construction period and in conformance with seasonal recommendations. This commitment can be superceded by the Special Use Permit resulting from this application.

Aquila believes that the existing shelterbelts provide sufficient screening for the other adjacent landowners.

Additionally, Aquila proposes to develop a landscaping plan for the plant entrance and a portion of the 235th street frontage. See Attachment E1 for the conceptual landscaping plan. This plan will be executed in a timely manner following completion of the facility. Additional plantings for this phase of the plan will include Pin Oaks and Redbuds.

Description of Proposed Plantings --

Moonglow Juniper -

The Moonglow Juniper ("Juniperus scopulorum") is an evergreen displaying a dense silver-blue foliage. The broad pyramidal form makes a most attractive landscape accent for screens, hedges, and group plantings. It thrives in full sun with minimal water and

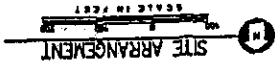
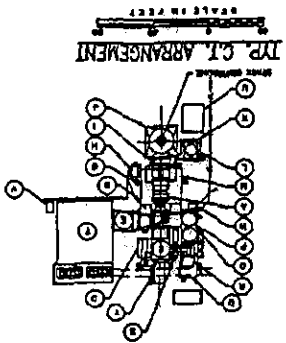
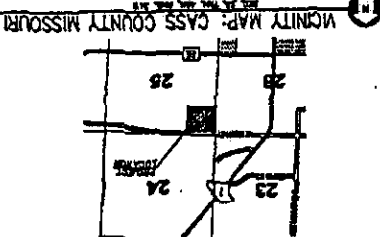
provides a drought tolerant, rugged, and reliable plant for large-scale screening, massive hedges and windbreaks.

Pin Oak –

The common Pin Oak (*Quercus palustris*) is one of the most widely used trees for landscaping. It may reach a height of 60-70 feet and spread 25-40 feet. It is the fastest growing species of the Oak family averaging about 2.5 feet per year. The tree transplants easily on many sites and is tolerant of urban conditions. Leaves remain during the winter thereby providing year round screening.

Red Bud –

The Missouri native Red Bud (*Cercis Canadensis*) is commonly used in landscaping groupings and woodland settings. It commonly reaches a height of 25-30 feet with a spread of 25-30 feet. The tree transplants easily and is tolerant of urban conditions. It has a moderate growth rate of one foot per year and produces a beautiful springtime flowering display of "a touch of class".

[illegible]

0-15-20'
Two Rows
New Grass from
Spaced 10' &
A- Pin Oaks 60-70'
+- Red Bud 25-30'

- [illegible]

- [illegible]

50105A-LEGEND:

PLANT KNOWLEDGE:

[illegible]

Exhibit F

Road Maintenance and Repair

Aquila, Inc.
Camp Branch Energy Center

Exhibit F-

Road Maintenance and repair -

- 1) Road Maintenance - Following the detailed traffic and delivery plan, Aquila will survey the proposed route and document the condition via digital photography. Any reinforcements or upgrades required will be completed in compliance with the Cass County Road District or MoDOT requirements, as applicable, and may become permanent if approved by the Road District. Any damage sustained during deliveries will be repaired to "as found" condition upon completion of all deliveries. Any damage caused by Aquila deliveries during the interim, that may result in distress to the general public during routine commute, will be promptly patched by Aquila pending permanent repairs. All permanent repairs will be completed in compliance with Cass County Ordinance 02-01.
The approximately 1.5 mile portion of 235th Street immediately east of Highway #7 will be evaluated similarly. Highly visible signs will be located at the apex of the hill in both directions warning travelers of an approach to a "construction entrance". Any damage to this portion of the road caused by Aquila deliveries will be patched to insure a safe roadway during the construction phase. The potential open cut required for installation of the high pressure gas line(s) will be completed and repaired in compliance with the Cass County Ordinance 02-01. Following the completion of construction, the road will be repaired and re-surfaced with chip and seal from Highway #7 to the plant entrance to meet the requirements of Cass County Ordinance 02-01.
- 2) Dust Control - Dust control on the construction site will be provided as necessary using a water wagon and selected manual application. If necessary, the wetting solution will include Magnesium Chloride or be upgraded to MC30 oil or other approved supressant. Severe areas will be paved to eliminate dusting.

Exhibit G

Permanent Parking

Aquila, Inc.
Camp Branch Energy Center

Exhibit G—

Permanent Parking

Off street parking sufficient for the normal compliment of employees and visitors will be provided by Aquila in general conformance to Article IX (Parking and Loading Requirements) of the Cass County Zoning Ordinance.

Exhibit H

Permit to Construct

Aquila, Inc
Camp Branch Energy Center

Exhibit H-


Permit to Construct

As a "Major Stationary Source", as defined in the federal Prevention of Significant Deterioration (PSD) rulemaking promulgated under 40 CFR 52.21 and adopted by the State of Missouri under 10CSR 10-6.060(8), Camp Branch Energy Center is obligated to file an application with the Missouri Department of Natural Resources for "Authority to Construct" the power generating facility.

This application has been completed and filed effective March 29, 2004.

Enclosed herein as Attachment H-1 is a copy of the application title page. (Note: the facility has been re-named since the application was submitted)

Also enclosed as Attachment H-2 is a copy of the DRAFT permit issued by MoDNR on June 3, 2004.

	Missouri Department of Natural Resources Air Pollution Control Program APPLICATION FOR AUTHORITY TO CONSTRUCT		PERMIT REVIEW AND USE ONLY	
	Check No.:		Check Recd: / /	
	Check Amount:		Check Date: / /	
	\$		Project Number:	
All Applications Must be Accompanied by a \$100 Filing Fee, Except for Those Applying for Permit Amendments. Processing Fees at the Rate currently charged by the APCP will be Assessed at the End of the Review (unless no Permit is required).				
Installation Name:				
1.) Aquila Cass County Energy Center				
Installation Street Address:				
2.) Intersection of MO Highway 7 and 235th Street (Preliminary)				
Installation Mailing Address:				
3.)				
Installation City:				
4.) Harrisonville		State:	ZIP CODE:	
		MO	64701	
County:				
5.) Cass		6.) NW 1/4, of NW 1/4, of Section: 25 Township: 45N Range: 31W		
Final Product/Principle Activity				
7.) Electrical Power Generation				8.) 4911
Parent Company:				
9.) Aquila, Inc.				
Parent Company Mailing Address:				
10.) P.O.Box 110				
Parent Company City:				
11.) Kansas City		State:	ZIP CODE:	
		MO	64080	
Contact Person:				
12.) Terry S. Hedrick		Contact Person's Title:		
		Generation Services Manager		
Contact Person's Mailing Address:				
13.) Aquila, Inc., 10700 East 350 Highway				
Contact Person's City:				
14.) Kansas City		State:	ZIP CODE:	
		MO	64138	
Contact Person's Telephone Number:				
15.) (816) 737-7854		Contact Person's Fax Number:		
		16.) (816) 743-3854		
Contact Person's Email Address:				
17.) terry.hedrick@aquila.com				
Unified Review				
18.) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				
This Application is for:				
<input checked="" type="checkbox"/> New Installation <input type="checkbox"/> Modification or Addition to an Existing Installation <input type="checkbox"/> Amendment to Existing Permit: Permit No. _____				
19.)				
FIPS County ID Number:				
20.) 037		Plant ID Number:		
		21.)		
Projected Date to Commence Construction:				
22.) September 1, 2004		Projected Date of Operation Startup:		
		23.) June 1, 2005		
APPLICANT'S CERTIFICATION STATEMENT:				
I certify that I have personally examined and am familiar with the information in this application and believe that the information submitted is accurate and complete. I am aware that making a false statement or misrepresentation in this application is grounds for denying or revoking the construction permit. I may also be guilty of a misdemeanor and upon conviction, may be punished by fine or imprisonment.				
Signature of Responsible Official:				
24.)		Date:		
		25.) / /		
Type or Print Name of Responsible Official:				
26.) Glenn P. Keefe		Responsible Official's Telephone Number:		
		27.) (816) 737-7815		
Official Title of Responsible Official:				
28.) Operating Vice President - Electric				

H-1

Emission Information for Air Construction Permit Application

Form 1.1 Process Flow Diagram for Facility According to Proposed Application

Installation Name: (a.) Aquila Cass County Energy Center	FIPS County No. (b.) 037	Plant No. (c.)
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For a new installation, show the entire installation. For an addition to an existing installation, show only the new processes/equipment/emission points and begin the ID numbering where the existing EIQ emission point numbers leave off. If the application is for a modification or an addition to an existing emission point or unit, show the upstream and downstream point(s) or equipment that this modification will affect.

A process flow diagram for the facility as proposed is shown in Figure 2-3.