

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

FILED

JAN 20 2005

Missouri Public
Service Commission

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 Related Improvement to be)
Installed and Operated in the City of)
Peculiar, Missouri)

Case No. EO-2005-0156

APPLICATION TO INTERVENE OUT OF TIME

COMES NOW the City of Peculiar, Missouri ("City" or "Peculiar"), pursuant to 4 CSR 240-2.075 of the Commission's Rules of Practice and Procedure, and for its Application to Intervene out of time respectfully states:

1. The City of Peculiar, Missouri is a city of the fourth class of the State of Missouri under the classification provisions of Chapter 72, Revised Statutes of Missouri, and is a political subdivision of the state with powers, duties and obligations as provided by law.
2. Correspondence, communications, orders and the decision in this matter should be addressed to:

City Administrator

City of Peculiar, Missouri

600 Schug Avenue

Peculiar, Missouri 64078

With a copy to:

E. Sid Douglas III

Gilmore & Bell, P.C.

Suite 1100, 2405 Grand Boulevard

Kansas City, Missouri 64108


3. On December 10, 2004, the Commission established an intervention deadline in this proceeding of December 30, 2004. On December 30, 2004 the County of Cass, Missouri made application to intervene in this proceeding. On January 3, 2005 STOPAQUILA.ORG made application to intervene in this proceeding. Both of the above referenced applications cite suits filed against Aquila, Inc. in the Circuit Court of Cass County, Case No. CV104-1443CC regarding Aquila's right to construct three natural gas-fired combustion turbine power generation units. STOPAQUILA.ORG further references a suit filed by that organization against the City in the Circuit Court of Cass County, Case No. CV104-1355CC. The Circuit Court issued a decision in the latter case upholding the right of Peculiar to issue revenue bonds for construction of generation units and related improvements.
4. Peculiar believes that the interventions on the part of the County of Cass, Missouri and STOPAQUILA.ORG only repeat the same general allegations contained in their various complaints filed before the Circuit Court of Cass County. Those issues should remain before the courts and not before this Commission.
5. The respective motions for intervention on the part of the County of Cass and STOPAQUILA.ORG state an opposition to the revenue bonds authorized by the City and upheld as lawful by the Circuit Court of Cass County for the financing of three combustion turbines and related improvements. The financing documents for the revenue bonds were not approved by the City until December 28, 2004, which was

only two days prior to the intervention deadline in this proceeding of December 30th. Further, the City's filing is partly responsive to the interventions requested by the County of Cass and STOPAQUILA.ORG. Should the Commission authorize those interventions, the City should be authorized to intervene as well in support of Aquila's application so that the Commission can be advised of all the relevant viewpoints associated with the issues at hand.

6. Peculiar, as issuer of the revenue bonds, believes it has an interest in this matter that cannot be adequately represented by any other party. Since the City is a party to the financing document, intervention by Peculiar would serve the public interest.
7. Further, because no procedural schedule has yet been established nor any hearings held to date, granting its Application to Intervene out of time will cause disadvantage to no other party.

Wherefore, for the foregoing reasons, the City of Peculiar, Missouri, respectfully requests that the Commission grant its Application to Intervene in this matter.

Respectfully submitted,



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