

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