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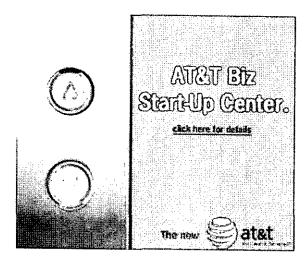
Business Pulse Survey: Should Aquila Inc. be forced to tear down its Cass County plant? Click here to vote

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From the February 3, 2006 print addition

KCP&L, Aquila: Polar opposites

Long before Kansas City Power & Light Co. filed a big rate increase to pay for a new coal-fired power plant, the company hit the streets. Company officials had meetings with residents of the area where the plant would be put, with environmental groups that would oppose any such request, with regulators, and with business and civic groups.



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Although the company couldn't completely satisfy its critics, it did present them with a chance to voice their concerns. And it does appear to have included elements in its grand plan that address many of its critics' concerns.

Regulators may make slight alterations in the request, but most likely they will approve it.

Contrast this with Aquila Inc.'s behavior in building a peaking power plant in Cass County. The company ramrodded construction of the plant, despite local opposition and the lack of a required special use permit.

The approach bought Aquila months of legal proceedings and, now, the prospect of tearing down the plant -- which it says could cost \$20 million, plus tens

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of millions more to rebuild.

As Aquila has sought to recover from the downfall of its energy trading days, company officials have asserted that they wanted to go back to being a normal utility. But the company's behavior regarding its Cass County plant suggests that it has Try Hoover's for 7 Sales Power

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a long way to go to return to its roots as a community fixture and partner.

Whether Aquila tears down the plant or strikes a last-minute deal, it will pay dearly. The question is whether Aquila executives will learn -- at last -- that utilities fare better by acting as service providers instead of as monopolies.

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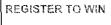
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• Pets • Dating	Aquila badly bungled construction of its \$140 million power plant in rural	Cass County.
	Now the utility is scrambling to try to get retroactive approval to operate the company essentially lacked appropriate approval from the Missouri F	
News Obituaries Weather	Commission, a judge recently ordered Aquila to start tearing down the pl	
Columnists	Circuit Judge Joseph Dandurand said Aquila was guilty of "arrogance" at law."	nd "disregard for the
Sports Entertainment	So now the utility has asked the PSC to decide that the facility is badly n	eeded to supply
Community Faces Business	power to customers and must be kept in service.	occurs to supply
FYI/Living	PSC officials are gathering information on the request, with a decision exmonths. Even if the commission approves Aquila's application, however, wrangling may continue.	-
Opinion • Submit A Letter		
EXTRAS	Aquila caused this convoluted mess by maintaining that a 1938 state cer build whatever it needed to serve customers. The company never receiv	ed zoning approval
Past Articles Video/Audio	or a building permit for the plant. That greatly irritated Cass County offici of the facility, which covers 37 acres. Legal fireworks followed.	als and neighbors
The Star's Front Page	The PSC eventually may approve continued operation of the plant. Even	if that happens,
E-Newsletters Afternoon Coffee	Aquila would have plenty of fence-mending to do.	
Break	The state commission should make it clear to all utilities operating in Mis	•
Local Traffic Maps & Directions	should work with cities and counties before erecting future power plants.	
Yellow Pages	And if the facility has to be torn down? Then Aquila — and its shareholder	ers and ratepayers
Local Coupons Discussion Boards	will have learned a very expensive lesson.	
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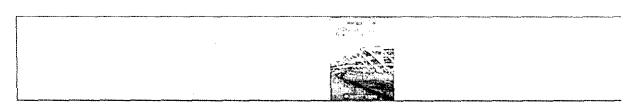
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Public counsel wants audit of Aquila's management

Kansas City Business Journal - 9.22 AM CST Friday

Missouri's top consumer advocate has taken aim at Aquila Inc.'s executives, callin regulators to audit the company's management.

In a filing Thursday with the Missouri Public Service Commission, Public Counsel accused Aquila's managers of bringing the Kansas City-based utility (NYSE: ILA) bankruptcy."



Mills' office represents reside on behalf of the state in utility matters.

In calling for the audit, Mills company's "suspect" decision executives with millions of dc for selling four utility propert million.

Aquila is selling the utilities a restructuring plan to trim its billion debt and regroup as an grade regulated utility. The coup the debt and billions of do a foray into energy trading an unregulated ventures before:

"The stated justification for these bonuses was that the team did a good job selling properties," Mills said in the filing. "This is much like giving a bonus to a captain v carelessly damaged his ship because he prevented it from sinking - so far - by thro



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valuable cargo overboard."

Aquila said Sept. 27 that nine executives would be eligible for a combined \$3.3 mi CEO Rick Green can earn a \$1 million bonus once the utilities are sold.

None of the deals has closed yet.

Mills also said the audit is justified because of Aquila's handling of the power plan in Cass County despite an injunction. If Aquila is unable to secure Missouri PSC a: 31, it will have to tear down the \$150 million plant and substation.

"It is simply astounding that one power plant project could have spawned so many Mills said in the filing.

Mills called for the audit to reach "Aquila's highest levels of management."

Aquila ranks No. 8 on the Kansas City Business Journal's list of area public comp

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built the plant without zoning approval or a building permit.

The Public Service Commission has scheduled public hearings on the plant next week.

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"Perhaps the most glaring example of Aquila's mismanagement is the quagmire that is South Harper," Mills wrote. "It is simply astonishing that one power plant could have spawned so many poor decisions."

Aguila insists the plant is vital to the company's ability to serve customers in its service area. Company lawyers have argued that a "certificate of need and necessity" gives Aquila permission to build plants as it sees fit.

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Contact Us **Advertise** Code of Ethics About The Star The Kansas City Store Cass County Counselor Debra Moore, a co-leader in the county's fight against Aquila, was not surprised by Lewis' action. "Knowing what Aquila has put Cass County through and learning what I have about this company in the past year and a half, a management audit seems highly appropriate," Moore said late Thursday, "Especially when these actions affect the general public."

After losing the initial case in Cass County, the company posted a \$350,000 bond and continued construction while it appealed to the Missouri Court of Appeals. But the company lost there, too.

Mills, in Thursday's motion, said Aquila was wrong to build in the first place without county permission. "When initial court decisions were unfavorable, it charged blindly on instead of re-evaluating," Mills wrote. "As its losses in court continued to mount, it continued to build."

Mills went on to say that when it would have been helpful to court the residents around South Harper, Aquila ignored and alienated them.

The appeals court did say Aquila could still save its plant by getting permission from the Public Service Commission. A judge has given Aquila until May 31 to get permission or face dismantling the plant.

Two hearings are scheduled for Monday at the Cass County Justice Center in Harrisonville. The first will run from 11:30 a.m. to 3 p.m. The second will go from 5:30 to 9 p.m.

While Aquila was seeking approval of its effort to sell some of its utilities, Kansas regulators had the company audited. Kansas Corporation Commission staff concluded in June 2005 that the company was in grave financial condition and that bankruptcy remained a possibility.

Aquila shares closed Thursday at \$3.99, up 3 cents.

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First glance

 Missouri's public counsel questions the awarding of millions of dollars in bonuses to Aquila executives, including Chief Executive Richard C. Green.

To reach Donald Bradley, call (816) 234-7810 or send e-mail to dbradley@kcstar.com.

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JULIE NOONAN GUEST COLUMN

In Aquila fight, county remembers ideals

By JULIE NOONAN Special to The Star

As we prepare to celebrate our nation's birthday, I consider myself incredibly fortunate to be a citizen of Cass County, a government that truly embodies the



concept of government of the people, by the people, for the people.

The U.S. Constitution and the state constitution protect citizens' rights not to be deprived of property without due process. The state constitution even states that a government that fails to protect those rights fails in its chief design.

Contrast Cass County's commitment to protect citizen rights of those who live near Aquila's South Harper power plant with the actions of the Missouri Public Service Commission.

EXTRAS

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In their recent ruling and previous rulings in 2005, it is reprehensible that the PSC consistently fails to honor and protect constitutional rights and instead seeks to trample those rights to support Aquila, a rogue company, which knowingly built a power plant in a neighborhood without the required zoning.

Let's see...the PSC is a state commission charged with regulating utility companies that are given a monopoly. The commissioners are sworn to support the constitution and to faithfully and honestly discharge their duties.

The PSC has already been reprimanded by the court of appeals in 2005 for failure to perform its duties. The PSC, like Aquila, must be counting on the citizens and the government of Cass County to give up the expensive and frustrating legal battle.

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Lucky for me, Cass County Presiding Commissioner Gary Mallory, said after the ruling, "We always hope the right will prevail, and we feel we are right in this situation; I'm not going to quit."

Also leading the fight for justice is Cass County Counsel Debra Moore-Settle. She's fought brilliantly and persistently, sacrificing time with family to battle the horde of lawyers for Aquila, the PSC, and the city of Peculiar. Might doesn't make right, and I can't wait to congratulate the county when they finally do prevail.



As I count the many blessings of living in this wonderful nation of ours that is committed to government of the people, by the people, for the people, I have a deep and humble appreciation for Cass County's commitment to protect its citizens from the tyranny of other governments that trample those rights.

Julie Noonan is a Cass County resident.



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