Exhibit No.:
Issues: Site Selection
Witness: Chris R. Rogers
Sponsoring Party: Aquila Networks-MPS
Case No.: EA-2006-0309

Before the Public Service Commission
of the State of Missouri

Surrebuttal Testimony

of

Chris R. Rogers

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI
SURREBUTTAL TESTIMONY OF CHRIS R. ROGERS
ON BEHALF OF AQUILA, INC.
D/B/A AQUILA NETWORKS-MPS
CASE NO. EA-2006-0309

Q. Please state your name and business address.

A. My name is Chris R. Rogers. My business address is 16041 Foster, Stilwell, Kansas, 66085.

Q. Are you the same Chris R. Rogers who submitted direct testimony in this case on behalf of Aquila Inc, ("Aquila" or "Company") before the Missouri Public Service Commission ("Commission")?

A. Yes.

Executive Summary

Q. What is the purpose of your testimony?

A. First, I am responding to rebuttal testimony filed by StopAquila.org witness Harold R. Stanley. I will specifically address Mr. Stanley's statements concerning the Gas Compressor Station and Intensity of Use. In addition, I am responding to rebuttal testimony filed by Cass County witness Bruce G. Peshoff. I will address Mr. Peshoff's statements concerning land use planning practices, requirements for land use compatibility, examples of Cass County practices and Mr. Peshoff's Potential Industrial Locations.

Q. Mr. Peshoff is testifying as a land use planning expert. Do you consider yourself an expert in this field?

A. No, I am not a land use planning expert, nor an attorney as is Mr. Peshoff. My detailed resume was submitted with my pre-filed direct testimony as Schedule CR-3 in this case. My experience and qualifications for this case are limited to the siting, project management, design, construction and performance of power plants. I am mindful of the Code of Professional Conduct for registered professional engineers in Missouri (4 CSR 30.2010). My surrebuttal is therefore confined to apparent conflicts in Mr. Peshoff's testimony that pertain to siting of the South Harper Peaking Facility and my personal observations of apparent inconsistent land use in Cass County related to this project. I also provide a preliminary screening of the Potential Industrial Sites identified by Mr. Peshoff for their prospective use for this project.

In addition Mr. Block Andrews will provide surrebuttal testimony regarding Mr. Stanley's testimony concerning environmental issues. Mr. Jerry G. Boehm will provide surrebuttal testimony regarding Mr. Stanley's testimony about resource planning.

Stanley's Comparisons and Intensity of Use

Q. What is your response to Mr. Stanley's pre-filed rebuttal testimony comparing the size of the South Harper Peaking Facility ("SHPF") to that of the Southern Star Natural Gas Pipeline Company's Compressor Station?

A. Mr. Stanley's comparison is both incorrect and misleading.

Q. Please explain.

A. Mr. Stanley contends, among other things, that the *"…gas compressor station is miniscule compared to the SHPF: in physical size (5 acres versus 74 acres)..."*

[Page 6, lines 1 and 2.] He continues by stating that the *"SHPF overwhelms"* the Gas Compressor Station. This assertion is incorrect.

Q. Why?

A. Mr. Stanley utilized incorrect land area information. Based upon the site survey and as-built records from construction of SHPF, Surrebuttal Schedule CR-4 attached to my testimony was prepared to correctly illustrate the relative sizes of the two installations. The Gas Compressor Station is shown in the red cross-hatched area at the top center of CR-4. The site survey is also provided with my testimony as Surrebuttal Schedule CR-5 for convenient reference. As displayed on Surrebuttal Schedule CR-4, the Gas Compressor Station parcel is approximately 6.4 acres, not 5 acres. The same survey indicates the overall Aquila parcel is indeed 73.6 acres more or less. However the SHPF is constructed on the approximate 36-acre southern half of the site. The northern half of the parcel was left essentially as purchased from Mr. Bremmer except for replacement fencing. Close review of the survey in Surrebuttal Schedule CR-5 indicates the four farm ponds that were left in tact, as well as the area leased back to the Bremmers that includes a house, a barn and two other small farm buildings. Mr. Bremmer and his wife still reside in the leased area on the northern portion of the property and livestock graze on pastureland that occupies the rest of the northern half of the site.

Schedule CR-4 illustrates that the SHPF Power Block utilizes approximately 5.7 acres of land and the SHPF Switchyard is contained on about 3.6 acres of land.

The total land area in use at SHPF is then only about 9.3 acres of the total 73.6 acre tract.

Q. How would you characterize Mr. Stanley's comparison?

A. It is misleading.

Q. Why?

A. When Mr. Stanley states that the Gas Compressor Station is "*miniscule*" compared to the SHPF, he implies that Aquila is using the entire tract as a power plant when that is not the case. SHPF uses only about 13 percent of the overall Aquila-owned tract, while the Gas Compressor Station uses most of its total site area. The SHPF left approximately 87 percent of the land in its original pastureland condition for set back and added professionally landscaped berms for screening. This area is indicated on Schedule CR-4 in green and comprises most of the area of the combined 80 acres on which both SHPF and the Gas Compressor Station are located. The Gas Compressor Station, which was constructed in about 1954, is located close to Harper Road with little setback with some grass and little or no landscaping. Mr. Stanley's comparison would lead this Commission to believe that Aquila built a power plant which "*overwhelms*" a "*miniscule*" Gas Compressor Station when that is simply not the case. Aquila has made significant efforts to screen the project from view and retain the original rural character of as much of the site area as possible.

Q. How does the SHPF compare with the character of the immediately adjacent Gas Compressor Station?

A. The two sites are consistent and even complimentary industrial installations.

Q. Please explain.

A. Aquila needed a site with ready access to both electric transmission and natural gas supply. The fuel gas must be in sufficient quantity and at an appropriate pressure for the turbines. My understanding is that the total volumetric capacity of the Gas Compressor Station is more than SHPF can use. The pressure of the gas is actually higher than needed for the SHPF. As discussed in my direct testimony, we were seeking potential locations near the intersections of Aquila's electric transmission lines and natural gas transmission lines with adequate fuel capacity and sufficient pressure. This site is one of only a very few in Cass County which satisfies this criteria so well.

Q. Do you have any other concerns with Mr. Stanley's testimony?

A. Yes. He overstates the fuel consumption of the plant.

Q. Please explain.

A. Mr. Stanley states that the "*turbines, operating at full load, consume approximately 4-1/2 billion*" Btu's of natural gas per hour (page 15, line 10). At full load under guaranteed conditions, the total fuel consumption was proven during performance tests to be only about 70 percent of that amount. Combustion turbine fuel gas consumption does vary with atmospheric conditions, but Mr. Stanley does not bother to qualify the basis of his figure.

Q. Is this important?

A. Yes. Some might misconstrue from his figure that SHPF's hourly fuel cost is nearly 30 percent higher than it really is, regardless of ambient conditions. This statement by Mr. Stanley clearly misrepresents the performance of these units.

Q. Is Mr. Stanley's comparison of the two facilities misleading in other respects?

A. Yes. Mr. Stanley's comparison (page 4, line 4 through page 6, line 4) ignores the fact that the SHPF is a peaking plant, while the Gas Compressor Station is not. As other Commission Staff and Company witnesses in this case have noted, SHPF would only be operated to serve peak loads, provide back-up reserve to temporarily replace outages at other plants or as otherwise economically justified for a limited period. The SHPF is limited under the constraints of its emissions permit to operate each unit no more than 2,000 hours per year, totaling no more than 5,000 hours per year for all three. Generally speaking, Aquila would normally plan to operate one or more of the units when Aquila's electric demand peaks during high ambient temperature periods in the summer months. That is not the only time that the SHPF plant would be run, but it is the most likely time and the total annual hours of operation are constrained by emissions permit.

Q. How does this compare to the Gas Compressor Station?

A. The Gas Compressor Station runs daily most weekday mornings throughout a normal winter to pressurize and pack the transmission lines with gas. The Gas Compressor Station will likely operate anytime that natural gas demand is high and it is needed to maintain adequate pipeline pressure. Thus the Gas Compressor Station may run most winter days as well as summer days when fuel gas demand is high due to electric peaking plants like SHPF. The Gas Compressor Station likely operates far more than the SHPF.

Q. Why do you believe the Gas Compressor Station operates in this fashion?

A. For two reasons, the first being the stated intent of the Gas Compressor Station's owners, and the second is the manner in which it has been operated during the first quarter of this year, i.e. winter peaking.

Q. Please explain.

A. Surrebuttal Schedule CR-6, attached to my testimony describes the historic and planned operation of the Gas Compressor Station. The document is a page from a letter dated April 28, 2000 from David N. Roberts, Williams Natural Gas Pipeline Company (then owner) to David P. Boerger with the Federal Energy Regulatory Commission ("FERC"), addressing citizen concerns about the operations of the Gas Compressor Station. This document and other pertinent data about the Gas Compressor Station can be found on the ferc.gov website in Docket No. CP00-82-000. In numbered paragraph 6 on page 3 of the letter, Mr. Roberts indicates that the Gas Compressor Station was originally constructed to be a "*base load station*", but had been operated in recent years as a "*winter peaking station*" with "*limited run time*." Mr. Roberts goes on to say that with additional new load, "*the station will once again be operated more as a base load station with daily incremental usage through the summer months in addition to its winter peaking function.*"

Q. Please explain your second reason that the Gas Compressor Station operates more than the SHPF.

A. Winter peaking for the Gas Compressor Station relates to low ambient temperatures that cause peaks in residential and commercial fuel heating load demand. Known in the industry as the "Biscuit Load", gas pipeline companies

typically ramp up their compressor stations to pack their pipelines with gas during the very early morning hours on cold days so that when their customers arise and begin to turn up the heat and run their hot water heaters, there will also be enough gas in the pipelines to cook their breakfasts.

Q. Did the 2005-2006 winter peaking operations of the Gas Compressor Station cause complaints about SHPF?

A. Yes.

Q. Please explain.

A. The Commission recently conducted three public hearings in Harrisonville concerning this case. During the first such hearing on March 20, 2006 witness Chuck Cress (Transcript Volume 1, page 71) cited noise coming from what he thought had been SHPF early in the morning during what had been relatively cold weather. Similarly witness Frank Dillon (Transcript Volume 3, page 44) testified at hearing on March 30, 2006. Both Dillon and Cress testified that they heard noises coming from the SHPF early in the mornings this winter since January. Both alleged that Aquila had been operating the SHPF and complained of the noise. However, the likely cause of these noises was operation of the Gas Compressor Station.

Q. Has Aquila been operating SHPF since January 27, 2006 in violation of the Circuit Court's order?

A. I do not believe so. Staff witness Leon Bender's testimony (page 7 at line 15) addresses this question. Mr. Bender requested that Aquila confirm the operating status of SHPF. He determined that according to the Aquila SHPF operating logs

he reviewed that the plant had not operated during the period from December 6, 2005 through March 30, 2006. I have also reviewed these documents. This period would cover the days for which witnesses Cress and Dillon complained of SHPF operating noise. The normal winter peaking operations of the Gas Compressor Station are the only logical explanation for the noises that caused these witnesses to complain, since Aquila's SHPF was not operating.

Q. Returning to Mr. Stanley's comparisons of the Gas Compressor Station to SHPF, is the difference in the operating hours of the two facilities significant?

A. Yes. Mr. Stanley describes the two facilities as being vastly different in size and intensity. The reality is that while the Gas Compressor Station is indeed somewhat smaller, but not "*miniscule*" in comparison, it will normally operate for a much more significant portion of the year. His statement that "*the SHPF is a heavy industrial facility using the area many times more intensely than the surrounding area*" mischaracterizes the situation (Page 15, lines 17 and 18) since it is not consistent with the manner in which the two facilities are normally operated. And since there are complaints (such as those documented above) about noise from the Gas Compressor Station when SHPF is not operating, it is apparent that the Gas Compressor Station is a significant industrial facility around which Cass County allowed houses to be built.

Q. Were the houses constructed sometime after the Gas Compressor Station was built in 1954?

A. Apparently so. Referring back to Surrebuttal Schedule CR-6 again, Mr. Roberts of the pipeline company states in response to neighbors concerns about property

values that the "*houses near the station were constructed sometime after the station*" (paragraph number 4.) Elsewhere on the same page he responds to complaints of alleged noise, vibration, safety, and environmental impacts, as well as property devaluation, from neighbors who had built their houses nearby after the Gas Compressor Station was operating. So it appears that these same issues that have been blamed on SHPF existed six years ago, before Aquila contemplated siting a power plant there.

Q. What do you conclude from this?

A. SHPF is built on a site that is compatible with its immediate neighbor, an industrial-zoned Gas Compressor Station.

Inconsistent Land Use / Zoning

Q. Do you find any conflicts in Mr. Peshoff's rebuttal testimony pertaining to siting of the SHPF?

A. Yes. Mr. Peshoff's pre-filed rebuttal testimony goes to great lengths to explain and justify his practice of land use planning and zoning in general and their application in Cass County. Among other things Mr. Peshoff states:

> *Zoning Regulations protect residential land uses from the negative impacts of industrial and commercial land uses **and vice versa.** (Page 4 at line 31, emphasis added)*

> *Zoning ordinances generally include provisions that encourage compatibility between uses and seek to **minimize conflicts between different types of land uses.** (Page 5 at line3, emphasis added.)*

However, Mr. Peshoff does not deal with the situation at the heart of this case where Cass County did not follow his advice and these principles he espouses. The original owners of the Southern Star Gas Compressor Station built their plant

in about 1954 immediately west and adjacent to where the T-intersection of 243rd Street and Harper Road is now located. Mr. Peshoff states that Cass County did not adopt zoning until 1959 and provides a history of Cass County's development of land use planning and zoning since that time (page 11 at line 27 and continuing through all of page 12).

Q. Where is the conflict?

A. Cass County apparently allowed the construction of residences directly across Harper Road such as the Dillon Residence in Moonlight Acres and other homes within a block of the Gas Compressor Station along 241st Street west of Harper Road. Mr. Peshoff declares the siting of SHPF is an inconsistent land use (page 25 at line 41), but Cass County apparently believes that putting residences next to the Gas Compressor Station is compatible land use. So an industrial-zoned site which compresses natural gas to pressures in excess of 800 psig using multiple engines in near base load operations is compatible with residential land use, but a peaking plant that consumes natural gas at 425 psig for limited hours each year is not according to Mr. Peshoff. The Gas Compressor Station is zoned industrial in between parcels that are zoned residential and agricultural within an area classified as a Multi-Use Tier according to Mr. Peshoff's Schedule BGP-3 Map 2.

Q. Why do you find this inconsistent?

A. The Gas Compressor Station was built before zoning was adopted by Cass County, so it must have received its apparent Industrial Zoning status at the time Cass County adopted zoning or sometime thereafter. It appears that Cass County will permit inconsistent land use if it is residential adjacent to an industrial-zoned

parcel, but in the case of SHPF, Mr. Peshoff argues that locating the peaking plant next to an industrial-zoned Gas Compressor Station is incompatible. This is inconsistent favoritism for residential growth that fails to allow for the utility infrastructure which supports the residential growth.

Q. Can you cite a similar example of inconsistency in Cass County's land use compatibility concepts as explained by Mr. Peshoff?

A. Yes. During the summer of 2004 Aquila sought a Special Use Permit ("SUP") for the Camp Branch Energy Center ("CBEC") which was the initial site selected for this project. Mr. Peshoff notes the Cass County Planning Board denied the SUP (page18 at line 20.) Schaeffer Estates, a subdivision of homes on large multi-acre lots is located north of 235th Street and east of Missouri Highway 7, but the CBEC was planned for an approximately 40-acre tract on the south side of 235th Street. In between CBEC and Schaeffer Estates there are four large high-pressure Panhandle Eastern Pipeline Company ("PEP") interstate natural gas transmission lines in an underground corridor running west to east within Schaeffer Estates. My understanding is that these lines operate in excess of 800 psig. Actually, the northern most of these four lines is within or very close to several residences in Schaeffer Estates. In addition there is an Aquila 161-kV electric transmission corridor running from south to north through the edge of Schaeffer estates and almost perpendicular across the natural gas pipelines.

But as Mr. Peshoff recounts CBEC was planned in "*an area the city of Harrisonville intended to annex for residential purposes according to its Plan of Intent*" and the Cass County Planning Board recommended that the CBEC special

use permit application be denied for land use incompatibility among other reasons (page 18, lines 1 through 6.)

Q. Why is this an inconsistency on the part of Cass County?

A. Once again Cass County (in this case along with the City of Harrisonville) favors residential construction over utility infrastructure to support the residences even when the homes are located in the immediate vicinity of high pressure interstate natural gas pipelines and in this instance, a high voltage electric transmission corridor as well. It appears that Cass County's zoning regulations protect residential land uses from the negative impacts of industrial and commercial land uses but **not vice versa** as Mr. Peshoff states they should (Page 4 at line 31). Neither does Cass County's application of zoning ordinances **minimize conflicts between different types of land uses** (Page 5 at line 3) by allowing residential sites nearly on top of high pressure natural gas pipeline corridors and adjacent to high voltage electric transmission right of ways. Nonetheless Mr. Peshoff asserts that Aquila should have located this project within the Urban Service Tier (throughout page 26 of his testimony) which was the case for the CBEC site. These examples clearly indicate that Cass County arbitrarily applies the concept of incompatible land use in an inconsistent manner when it serves Cass County's preference for residential use.

Q. Are there other inconsistencies in Cass County's application of Mr. Peshoff's land use concepts?

A. Yes. Mr. Peshoff concludes that the SHPF "*is not an appropriate use for its rural location*" (page 25, line 36), but Cass County did not oppose SHPF when it was

originally planned to be annexed by the City of Peculiar (Fisher rebuttal testimony, page 6, lines 6 through 13.) The character of the finished site and the project itself would have been no different when it was originally planned to be annexed into the City of Peculiar. Thus, Cass County supported the project and set aside its land use plans when a municipal jurisdiction was involved. It simply became another jurisdiction's problem. This is a working demonstration of the concept Mr. Peshoff identified as "*not in my backyard*", aka "*NIMBY*" (page 23, line 37 and page 24, line 1).

Q. Are there functional requirements for siting peaking plants?

A. Yes. Peaking plants like SHPF primarily require access to electric transmission and fuel gas supplies, among other things. Electric transmission lines bring startup power to the peaking plant and deliver the plant's electric output to the transmission grid for use by ratepayers. Natural gas transmission pipelines deliver fuel to operate the plant. Both the electric transmission lines and the natural gas pipelines must have sufficient capabilities to support the peaking facility. These are "functional requirements" for the siting of peaking plants.

Q. How does Mr. Peshoff address these "functional requirements" in his testimony?

A. Except to question the electric transmission lines and gas pipelines that Aquila utilized for SHPF (page 24, line 27) Mr. Peshoff's testimony ignores these requirements and their resulting capital and operation and maintenance costs that must ultimately be borne by Aquila's rate payers, a great number of which are Cass County residents. The Potential Industrial Locations identified in his

Schedule BGP-3 Map 5 and introduced in Mr. Peshoff's testimony (page 30, line 25 through page 31, line 8) largely ignore these requirements.

Q. Is there more involved in "functional requirements" than the costs of extending electric lines and gas pipes?

A. Yes. It is difficult and time consuming to gain approval for siting overhead electric transmission lines. It often requires condemnation of land for rights of way and causes difficulties for all concerned. Indeed, as Ameren pointed out in an amicus brief to the Western District Court of Appeals in Case No. WD64985, the land use requirements for a transmission path can readily exceed those of a power plant. This is in addition to the fact that a transmission path can affect many more land owners than a power plant. Although essential to bring electric service to ratepayers, overhead electric lines cause NIMBY reactions. Natural gas pipelines seem to have less impact because they are ultimately "out of sight; out of mind". However, the point is that locating a peaking plant far away from any populated area not only increases capital and operating costs for ratepayers, such siting practices guarantee that many more citizens will be impacted by the construction, on going maintenance and appearance of overhead electric transmission lines. The confluence of infrastructure necessary to support the economic siting of a power plant almost guarantees that some portion of the population will be affected.

Q. Must Aquila have its own electric transmission lines to connect to a new peaking plant?

A. Yes, Aquila would most likely need to utilize its own electric transmission lines. In a situation such as this in which a regulated public utility is building a peaking plant in its certified service territory to serve its own native load, it would not make much sense to site it to connect to another regulated utility's transmission lines. For instance, if Aquila sited this peaking plant to connect only directly with Kansas City Power and Light Company ("KCPL") transmission lines, Aquila would have to pay KCPL for transmission service; but more importantly Aquila is building the plant to serve its loads, not those of KCPL. So this project could not be sited merely anywhere there is an overhead electric transmission line, it would need to be Aquila's line, and need to have sufficient capability or the ability to have its capability increased to appropriately match the peaking plant.

Q. Why do you raise this point?

A. Because Mr. Peshoff has identified eleven potential sites for this peaking plant with no apparent regard for such requirements (page 30, line 25 through page 31, line 8 and Schedule BGP-3 Map 5). The next section of my testimony will evaluate each of Mr. Peshoff's potential sites with respect to the criteria used for this project.

PESHOFF'S POTENTIAL SITES

Q. What are Mr. Peshoff's Potential Sites?

A. Mr. Peshoff identified eleven potential sites "*where an industrial use, such as a power plant would be appropriate*" (page 30, line 25). He describes them as "*examples of areas that appear to accommodate heavy and industrial uses*" (page 31, line 36) with the clear implication that such sites would be appropriate for this

peaking plant. Mr. Peshoff only identifies these sites in Schedule BGP-3 on Map 5 and provides no other specific information about their respective locations.

Q. What have you done to evaluate these sites?

A. Time constraints did not permit a walk down of each site and the level of investigation that was conducted for each of the Aquila sites identified in my direct testimony (Schedules CR1 and CR-2). For presentation purposes another map was developed that contains Mr. Peshoff's Potential Sites, the sites evaluated by Aquila, Mr. Peshoff's County Wide Land Use Tiers (Schedule BGP-3 Map1), electric transmission lines and natural gas transmission lines on a map of Cass County. This new map is attached to this testimony as Surrebuttal Schedule CR-7. However, since this new map is literally a compilation of several maps developed by various sources, a disclaimer must be made. In compiling this map, we relied upon work performed by others and over which we have no control (including Aquila, Planning Works, Cass County, and commercial cartographers). Therefore I cannot take responsibility for the accuracy of any discrete dimension on this map, but I submit it as a fair representation of these locations.

Q. Please describe Surrebuttal Schedule CR-7, which you have titled "Compilation of Aquila Sites and Peshoff Sites".

A. Each of Mr. Peshoff's Potential Sites is identified with a red dot and a number. Surrebuttal Schedule CR-8 to this testimony also provides the results of a brief preliminary screening table of these sites. Each site is listed in chronological order as numbered on Schedule CR-7. The only order of presentation is a generally north to south orientation. No other relative significance applies to the

numbering system; the sites are not ranked. It should be noted that this is merely a screening of the sites conducted from reviewing Mr. Peshoff's Schedule BGP-3, Google[tm] aerial photographs of each site area and the information compiled on Schedule CR-7 from other sources as noted.

Q. Are any of the Peshoff Potential Sites suitable for a peaking plant project like the SHPF?

A. Based on this very preliminary screening, a few of these sites might be suitable, but none are any more so or any more appropriate than the existing SHPF site or the CBEC site Aquila originally selected. Several of the Peshoff Potential Sites are completely unsuitable. One is so remote as to be too costly to warrant further consideration and many landowners would be affected by lengthy electric transmission line and gas supply pipeline extensions to serve it. Others of Mr. Peshoff's sites are nearby sites that Aquila already evaluated and which either did not compare favorably to Aquila's other site options or were ruled out due to opposition or other flaws.

Q. Which of the Peshoff Potential Sites do you consider to be fatally flawed so as not to be worthy of consideration?

A. Potential Site No. 1 is close to a Belton City Park and has dense residential neighborhoods on two sides with no apparent natural screening.

Potential Site No. 4 is near two apparent quarry operations. Inlet filter dust and likely bearing vibration issues generally make quarries and combustion turbine peaking plants virtually incompatible.

Potential Site No. 5 would be in the same category as No. 4 above with an apparent quarry operation nearby.

Potential Site No. 7 is within about ¼ mile or so of an apparent airfield. Exhaust from simple cycle gas turbines such as this is problematic in the vicinity of airfield traffic patterns and should be avoided because heat rising upward in the exhaust plume could cause unstable air conditions in aircraft flight paths for take off and landing.

Q. Which of the Peshoff Potential Sites are nearby sites that Aquila already evaluated which either did not compare favorably to Aquila's other site options or were ruled out due to opposition or other flaws?

A. Potential Site No. 2 – is adjacent to the Aries Combined Cycle merchant plant. The plant site is owned by Calpine. As the Commission knows, Calpine has been adamantly opposed to Aquila constructing a peaking plant. It seems safe to say that Calpine views a peaking plant as a competitive threat to Aries. It is my understanding that even when Aquila, through its merchant subsidiary co-owned the Aries plant with Calpine, it would have required the approval of Calpine to construct another generating facility at that location. Despite Mr. Peshoff's question about them (page 24, line 30), there were several other factors which contributed to the prior elimination of this site. These included insufficient Aquila-owned substation area for the necessary expansion; insufficient natural gas supply pipeline capacity for additional turbines; potential electric transmission impacts from additional generation; and the possibility of air

permitting requirements for the additional turbines affecting the operating permits for the existing units.

Potential Site No. 6 – is less than one mile east of the Aquila Camp Branch Energy Center site which was not acceptable to the Cass County Planning Board and the City of Harrisonville despite being in the Urban Service Tier. There was strong, organized local opposition to this site.

Potential Site No. 5 – in addition to the reason cited in the preceding answer, this site is located about one mile from the Aquila North Lake site which was first offered by and subsequently opposed by the City of Harrisonville.

Q. Which of the Peshoff Potential Sites is so remote as to be too costly to receive further consideration?

A. Potential Site No. 11 – setting just north of Drexel is nowhere near appropriate fuel gas supply or Aquila electric services. Applying similar evaluating criteria to those utilized for the Aquila sites on Schedule CR-2 (which was filed with my direct testimony in this case) results in an estimated incremental cost of between $24.5 to $33 Million for natural gas pipeline and electric transmission extensions and upgrades. Such extra costs and likely difficulty in obtaining rights of way would eliminate this site from further contention for the project.

Q. Have you identified any of the Peshoff Potential Sites that might be potentially suitable for a peaking plant like the SHPF?

A. Yes. There are four sites that might be suitable, but would be no better than the existing SHPF or the CBEC sites.

Q. Please explain.

A. Potential Site No. 3 – was assigned an incremental cost of $12 to $16 million for natural gas supply and electric transmission interconnections. However, as with the SHPF site, No. 3 is located in the Multi-Use Tier, and is similar in character to the SHPF. It is in apparent agricultural use with large lot residential use in the immediate vicinity.

Potential Site No. 8 – is within the Urban Service Tier like the CBEC site, and is also in apparent agricultural use with some large lot residential use in the vicinity. Additional incremental natural gas supply and electric transmission costs were estimated at $11 million.

Potential Site No. 9 – is in the Multi-Use Tier like the SHPF. However this site is near a potentially sensitive Missouri Department of Conservation parcel which could preclude its use for a power plant site. Otherwise it is a similar rural setting to the SHPF site, but with no apparent natural screening features. Additional incremental natural gas supply and electric transmission costs were estimated at $14 million.

Potential Site No. 10 – is within the Multi-Use Tier like the SHPF site. It is also in apparent agricultural use with large lot residential use nearby. Additional incremental natural gas supply and electric transmission costs were estimated at $11 million.

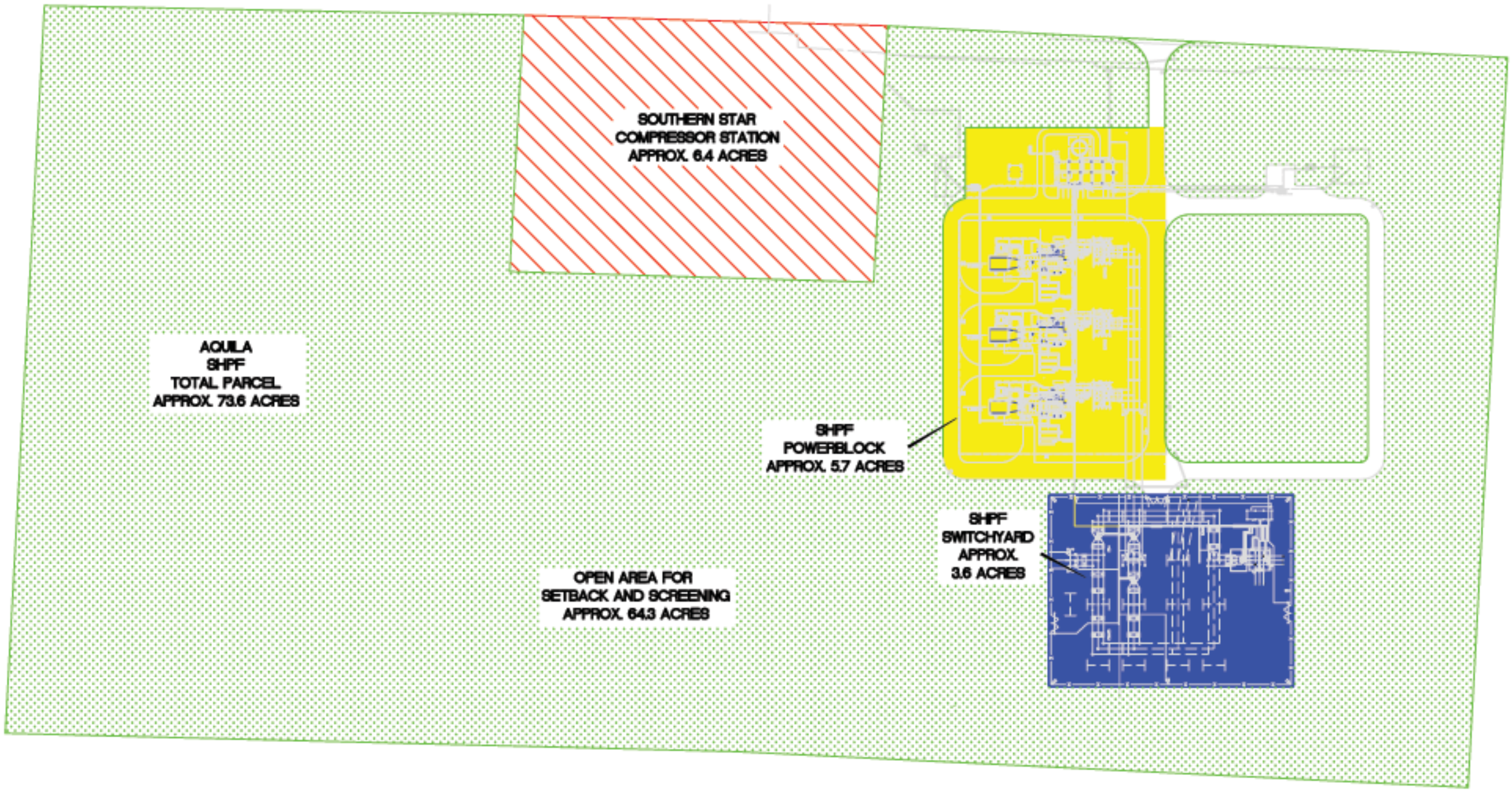
Q. What do you conclude from your preliminary review of Mr. Peshoff's Potential Sites?

A. None of Mr. Peshoff's Potential Sites would be a more appropriate location for this project than the SHPF site or the CBEC site. Six of the 11 Peshoff Potential

Sites are either fatally flawed as described above or so remote as to be prohibitively expensive and likely difficult to connect for this project. One is a clone of the CBEC site which was not acceptable to Cass County or the City of Harrisonville, regardless of being located in the Urban Service Tier. The remaining Peshoff Potential Sites are so similar to the SHPF site that Aquila would likely suffer the same treatment from Cass County as has occurred for the SHPF site.

Q. Does this conclude your testimony?

A. Yes.



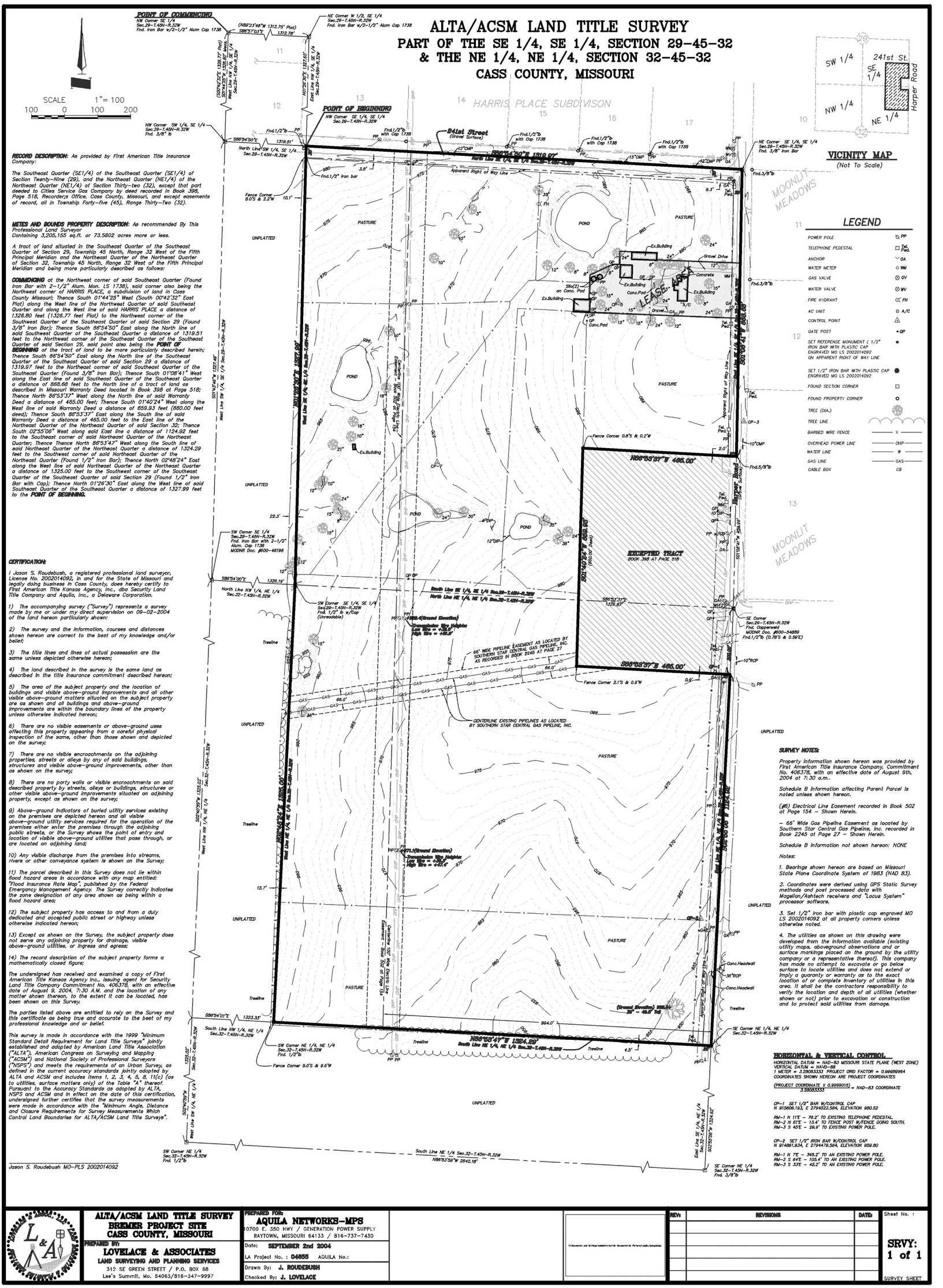
SOUTH HARPER PEAKING FACILITY

N

200 0 200 400

SCALE IN FEET

Schedule CR-4



RECORD DESCRIPTION: *As provided by First American Title Insurance Company:*

The Southeast Quarter (SE1/4) of the Southeast Quarter (SE1/4) of Section Twenty-Nine (29), and the Northeast Quarter (NE1/4) of the Northeast Quarter (NE1/4) of Section Thirty-two (32), except that part deeded to Cities Service Gas Company by deed recorded in Book 398, Page 518, Recorders Office, Cass County, Missouri, and except easements of record, all in Township Forty-five (45), Range Thirty-Two (32).

METES AND BOUNDS PROPERTY DESCRIPTION: *As recommended By This Professional Land Surveyor:*
Containing 3,205,155 sq.ft. or 73.5802 acres more or less.

A tract of land situated in the Southeast Quarter of the Southeast Quarter of Section 29, Township 45 North, Range 32 West of the Fifth Principal Meridian and the Northeast Quarter of the Northeast Quarter of Section 32, Township 45 North, Range 32 West of the Fifth Principal Meridian and being more particularly described as follows:

COMMENCING *at the Northwest corner of said Southeast Quarter (Found Iron Bar with 2-1/2" Alum. Mon. LS 1738), said corner also being the Northwest corner of HARRIS PLACE, a subdivision of land in Cass County Missouri; Thence South 01°44'25" West (South 00°42'32" East Plat) along the West line of the Northwest Quarter of said Southeast Quarter and along the West line of said HARRIS PLACE a distance of 1326.80 feet (1326.77 feet Plat) to the Northwest corner of the Southwest Quarter of the Southeast Quarter of said Section 29 (Found 3/8" Iron Bar); Thence South 86°54'50" East along the North line of said Southwest Quarter of the Southeast Quarter a distance of 1319.51 feet to the Northwest corner of the Southeast Quarter of the Southeast Quarter of said Section 29, said point also being the* ***POINT OF BEGINNING*** *of the tract of land to be more particularly described herein; Thence South 86°54'50" East along the North line of the Southeast Quarter of the Southeast Quarter of said Section 29 a distance of 1319.97 feet to the Northeast corner of said Southeast Quarter of the Southeast Quarter (Found 3/8" Iron Bar); Thence South 01°08'41" West along the East line of said Southeast Quarter of the Southeast Quarter a distance of 868.68 feet to the North line of a tract of land as described in Missouri Warranty Deed located in Book 398 at Page 518; Thence North 86°53'37" West along the North line of said Warranty Deed a distance of 405.00 feet; Thence South 01°40'24" West along the West line of said Warranty Deed a distance of 659.93 feet (660.00 feet deed); Thence South 86°53'37" East along the South line of said Warranty Deed a distance of 405.00 feet to the East line of the Northeast Quarter of the Northeast Quarter of said Section 32; Thence South 02°55'06" West along said East line a distance of 1124.02 feet to the Southeast corner of said Northeast Quarter of the Northeast Quarter; Thence North 86°53'47" West along the South line of said Northeast Quarter of the Northeast Quarter a distance of 1324.29 feet to the Southwest corner of said Northeast Quarter of the Northeast Quarter (Found 1/2" Iron Bar); Thence North 02°48'24" East along the West line of said Northeast Quarter of the Northeast Quarter a distance of 1325.00 feet to the Southwest corner of the Southeast Quarter of the Southeast Quarter of said Section 29 (Found 1/2" Iron Bar with Cap); Thence North 01°26'30" East along the West line of said Southeast Quarter of the Southeast Quarter a distance of 1327.99 feet to the* ***POINT OF BEGINNING.***

CERTIFICATION:

I Jason S. Roudebush, a registered professional land surveyor, License No. 2002014092, in and for the State of Missouri and legally doing business in Cass County, does hereby certify to First American Title Kansas Agency, Inc., dba Security Land Title Company and Aquila, Inc., a Delaware Corporation.

1) The accompanying survey ("Survey") represents a survey made by me or under my direct supervision on 09-02-2004 of the land hereon particularly shown:

2) The survey and the information, courses and distances shown hereon are correct to the best of my knowledge and/or belief;

3) The title lines and lines of actual possession are the same unless depicted otherwise hereon;

4) The land described in the survey is the same land as described in the title insurance commitment described hereon;

5) The area of the subject property and the location of buildings and visible above-ground improvements and all other visible above-ground matters situated on the subject property are as shown and all buildings and above-ground improvements are within the boundary lines of the property unless otherwise indicated hereon;

6) There are no visible easements or above-ground uses affecting this property appearing from a careful physical inspection of the same, other than those shown and depicted on the survey;

7) There are no visible encroachments on the adjoining properties, streets or alleys by any of said buildings, structures and visible above-ground improvements, other than as shown on the survey;

8) There are no party walls or visible encroachments on said described property by streets, alleys or buildings, structures or other visible above-ground improvements situated on adjoining property, except as shown on the survey;

9) Above-ground indicators of buried utility services existing on the premises are depicted hereon and all visible above-ground utility services required for the operation of the premises either enter the premises through the adjoining public streets, or the Survey shows the point of entry and location of visible above-ground utilities that pass through, or are located on adjoining land;

10) Any visible discharge from the premises into streams, rivers or other conveyance system is shown on the Survey;

11) The parcel described in this Survey does not lie within flood hazard areas in accordance with any map entitled: "Flood Insurance Rate Map", published by the Federal Emergency Management Agency. The Survey correctly indicates the zone designation of any area shown as being within a flood hazard area;

12) The subject property has access to and from a duly dedicated and accepted public street or highway unless otherwise indicated hereon;

13) Except as shown on the Survey, the subject property does not serve any adjoining property for drainage, visible above-ground utilities, or ingress and egress;

14) The record description of the subject property forms a mathematically closed figure;

The undersigned has received and examined a copy of First American Title Kansas Agency Inc., issuing agent for Security Land Title Company Commitment No. 406378, with an effective date of August 9, 2004, 7:30 A.M. and the location of any matter shown thereon, to the extent it can be located, has been shown on this Survey.

The parties listed above are entitled to rely on the Survey and this certificate as being true and accurate to the best of my professional knowledge and or belief.

This survey is made in accordance with the 1999 "Minimum Standard Detail Requirement for Land Title Surveys" jointly established and adopted by American Land Title Association ("ALTA"), American Congress on Surveying and Mapping ("ACSM") and National Society of Professional Surveyors ("NSPS") and meets the requirements of an Urban Survey, as defined in the current accuracy standards jointly adopted by ALTA and ACSM and includes items 1, 2, 3, 4, 5, 8, 11(c) (as to utilities, surface matters only) of the Table "A" thereof. Pursuant to the Accuracy Standards as adopted by ALTA, NSPS and ACSM and in effect on the date of this certification, undersigned further certifies that the survey measurements were made in accordance with the "Minimum Angle, Distance and Closure Requirements for Survey Measurements Which Control Land Boundaries for ALTA/ACSM Land Title Surveys".

Jason S. Roudebush MO-PLS 2002014092

SURVEY NOTES:

Property information shown hereon was provided by First American Title Insurance Company, Commitment No. 406378, with an effective date of August 9th, 2004 at 7:30 a.m..

Schedule B Information affecting Parent Parcel is noted unless shown hereon.

(#6) Electrical Line Easement recorded in Book 502 at Page 154 - Shown Herein.

- 66' Wide Gas Pipeline Easement as located by Southern Star Central Gas Pipeline, Inc. recorded in Book 2245 at Page 27 - Shown Herein.

Schedule B Information not shown hereon: NONE

Notes:

1. Bearings shown hereon are based on Missouri State Plane Coordinate System of 1983 (NAD 83).

2. Coordinates were derived using GPS Static Survey methods and post processed data with Magellan/Ashtech receivers and "Locus System" processor software.

3. Set 1/2" iron bar with plastic cap engraved MO LS 2002014092 at all property corners unless otherwise noted.

4. The utilities as shown on this drawing were developed from the information available (existing utility maps, aboveground observations and or surface markings placed on the ground by the utility company or a representative thereof). This company has made no attempt to excavate or go below surface to locate utilities and does not extend or imply a guaranty or warranty as to the exact location of or complete inventory of utilities in this area. It shall be the contractors responsibility to verify the location and depth of all utilities (whether shown or not) prior to excavation or construction and to protect said utilities from damage.

HORIZONTAL & VERTICAL CONTROL

HORIZONTAL DATUM = NAD-83 MISSOURI STATE PLANE (WEST ZONE)
VERTICAL DATUM = NAVD-88
1 METER = 3.28083333 PROJECT GRID FACTOR = 0.99989964
COORDINATES SHOWN HEREON ARE PROJECT COORDINATES
(PROJECT COORDINATE X 0.9999015) = NAD-83 COORDINATE
3.28083333

GP-1 SET 1/2" BAR W/CONTROL CAP
N 915606.183, E 2794522.584, ELEVATION 980.52

RM-1 N 11°E - 76.2' TO EXISTING TELEPHONE PEDESTAL
RM-2 N 61°E - 13.4' TO FENCE POST W/FENCE GOING SOUTH.
RM-3 S 45°E - 39.9' TO EXISTING POWER POLE.

GP-2 SET 1/2" IRON BAR W/CONTROL CAP
N 914981.834, E 2794479.564, ELEVATION 959.80

RM-1 N 7°E - 345.3' TO AN EXISTING POWER POLE.
RM-2 S 64°E - 105.4' TO AN EXISTING POWER POLE.
RM-3 S 33°E - 42.2' TO AN EXISTING POWER POLE.

ALTA/ACSM LAND TITLE SURVEY
BREMER PROJECT SITE
CASS COUNTY, MISSOURI

PREPARED BY:
LOVELACE & ASSOCIATES
LAND SURVEYING AND PLANNING SERVICES
312 SE GREEN STREET / P.O. BOX 68
Lee's Summit, Mo. 64063/816-347-9997

PREPARED FOR:
AQUILA NETWORKS-MPS
10700 E. 350 HWY / GENERATION POWER SUPPLY
RAYTOWN, MISSOURI 64133 / 816-737-7430

Date: **SEPTEMBER 2nd 2004**
LA Project No. : **04055** AQUILA No.:
Drawn By: **J. ROUDEBUSH**
Checked By: **J. LOVELACE**

REVs	REVISIONS	DATEs

Sheet No. :
SRVY: 1 of 1
SURVEY SHEET

conducted at Peculiar station show that the station currently exceeds the required noise level established by the FERC. Since Williams proposes to modify the existing units and add a new turbine, the entire station will have to meet the FERC noise requirements. A copy of a letter sent to Mr. Rew on April 19, 2000 addressing the noise levels is attached.

2) House vibration - **Peculiar station currently operates on a limited basis and any associated vibration is of a short duration. The modifications proposed to the existing engines at Peculiar station should minimize any vibration problem.**

3) Safety - **Before Williams increased the operating pressure of the Sedalia 20" pipeline, the line was water tested to 1.5 times the proposed increased pressure to insure the pipeline would withstand the higher pressure. There have been no safety issues related to the Sedalia 20" pipeline and the line is in compliance with DOT Office of Pipeline Safety requirements.**

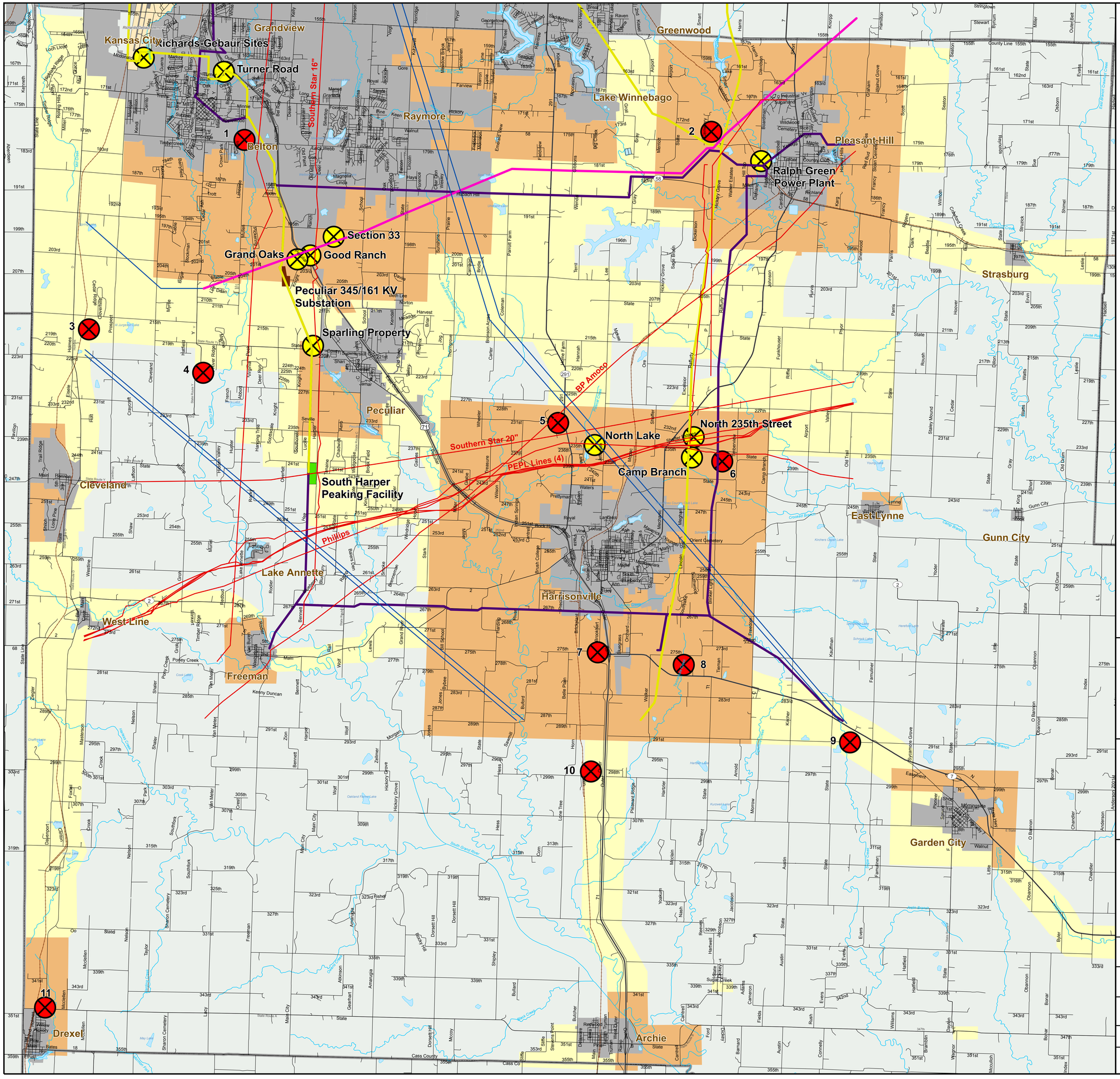
4) Property value - **As stated above, the Peculiar compressor station has been in operation since 1954. The houses near the station were constructed some time after the station. Williams has no policy to offer compensation to property owners for perceived property devaluation.**

5) Environmental impact - **There will be minimal environmental impact to the surrounding area since the new turbine will be constructed on existing station property. Some increased equipment noise and activity will occur as a result of construction, but will be short-term in nature.**

6) Change in usage of station - **When Peculiar station was originally constructed, it was used as a base load station. However, in recent years the station has been operated as a winter peaking station and has had limited run time. With the addition of the power plant load, the station will once again be operated more as a base load station with daily incremental usage through the summer months in addition to its winter peaking function.**

2. For all gas releases which occurred within the previous year where public safety officials were notified (as mentioned in the letter) or which were significant unscheduled releases provide:

As stated in response to question 1, attachment 1(a), there have been no gas releases within the previous year where public safety officials were notified or where significant releases of gas were involved. The following information is provided for the most recent occurrence when public safety officials were notified.



This map should only be used as a guide and not as definitive information for construction or measurement. The areas and locations depicted on this map are approximate and are provided for illustration only. We have endeavored to make this map accurate, complete, correct and timely. We have also relied upon information provided by others, which appears to be accurate, complete, correct and timely, but over which we have no control. The user of this map assumes sole responsibility for the appropriateness of this document. It is provided with no warranty whatsoever.

Legend

- South Harper Peaking Facility
- Peculiar 345/161 KV Substation
- Planning Works Potential Industrial Sites
- Sites Evaluated by Aquila
- Aquila 161 KV Transmission Line
- Aquila 69 KV Transmission Line
- Aquila 345 KV Transmission Line
- KCP&L Transmission Line
- Gas Pipeline
- Incorporated Areas
- Multi-Use Tier
- Urban Service Tier

Sega

Engineers - Architects - Technicians
Design - Construction - Field Services

16041 Foster
P.O. Box 1000
Stilwell, Kansas 66085-1000

Aquila

COMPILATION OF AQUILA SITES AND PESHOFF SITES

DESIGN BY: B. ROMINES	CHECKED BY: C. ROGERS
DRAWN BY: J. CLAUSSEN	DATE: 4-17-06
CLIENT ID:	SEGA PROJECT NO. 06-0034

GIS FILE NAME: SITES.MXD

SCHEDULE CR-7 | REV. 1

Schedule CR - 8

Preliminary Screening

Peshoff's Potential Sites

BGP Site No.	Description / Location	Electric Transmission Access	Natural Gas Supply Access	Air Permit Issues	Comments
		Δ Improvement Cost [1]	Δ Improvement Cost [2]		Σ Δ Cost
1.	Inside southern border of Belton near intersection of Cambridge and Mullen Roads. Large open tract near dense residential neighborhoods. West of US Highway 71 and South of MO State Highway 58.	Close proximity to Aquila 69-kV/161-kV transmission line.	12 miles south to Panhandle Eastern Pipeline (PEP); 9 miles south to Southern Star (SS). Many road crossings and density issues add cost. $15 to $20 Million likely.	Likely within probable future ozone non-attainment.	Close to Belton Memorial Park and dense residential neighborhoods to the north and south. No apparent natural screening. Potential extra Air Pollution Controls (APC) expense and emissions permit difficulty.
		+ $1.0 Million	+$15 Million		+$16 Million
2.	Adjacent to Aries Plant site owned by Calpine, a non-regulated independent power producer. Inside the Urban Service Tier west of Pleasant Hill near 175th Street and Cemetery Road.	Close to Aquila 161-kV transmission line. Capacity for additional generation uncertain. Will require updated transmission study.	Requires gas pipeline extension. 12 miles south to PEP; 9 miles south to SS. Several crossings – State Highway 58 and railroads.	Near probable future ozone non-attainment area. Also Aries emissions compound ground level concentrations. Likely 110'+ Stacks req'd.	Calpine financial problems add uncertainty. Potential extra APC expense and emissions permitting difficulty. Little natural screening for tall stacks.
		+$2 Million	+$15 Million		+ $17 Million
3.	East of MO State Road D (Holmes Road) and north of 223rd Street, along rail road. In Multi-Use Tier.	6.5 miles east to Aquila 161-kv transmission (runs from Peculiar to South Belton Substation) or about 3 miles northeast to Aquila's side of the 345-kV transmission line.	3.5 miles south to SS; 8 miles south to PEP.	Close to probable future ozone non-attainment area.	Similar site character to SHPF, somewhat denser residential use in immediate vicinity.
		+$7 to $8 Million	+$5 to $8 Million		+$12 to $16 million
4.	East of MO State Road Y at 227th Street, on south edge of Multi-Use Tier, 3 miles south east of No. 3 above. Appears to be agricultural use.	3.5 miles east to Aquila 161-kv transmission (runs from Peculiar to South Belton Substation) or about 2 miles north to Aquila's side of the 345-kV transmission line.	2.5 miles south to SS; 5 miles south to PEP.	Outside probable future ozone non-attainment area.	Two nearby apparent quarry operations a concern for seismic alignment and inlet filter dust. Otherwise similar site character to SHPF.
		+$4 Million	+$3 to $5 million		+$7 to $9 Million
5.	Near Aquila's North Lake Site, west of MO State Route 291 at about 231st Street. Inside Urban Service Tier.	3.5 miles east to Aquila 161-kV transmission line.	Within 1 mile of SS; and about 1 mile to PEP.	Outside probable future ozone non-attainment area.	Proximity to apparent quarry or batch plant. Residential in vicinity. Otherwise similar to SHPF. About 1 mile from Aquila North Lake site that was offered by and then opposed by the City of Harrisonville.
		+$4 Million	+$1 Million		+$5 Million
6.	West of Timberview Road south of 235th Street, about ½-mile east of the original Aquila Camp Branch Energy Center site. Inside Urban Service.	¾ mile east of Aquila 161-kV transmission line.	PEP ¾ mile north; SS 1-1/2 mile north.	Outside probable future ozone non-attainment area.	Due east of CBEC and visible from Schaeffer Estates. In or near Harrisonville Plan of Intent. Near CBEC site previously rejected by both Harrisonville and Cass County.
		+$1 Million	+$1 to $2 Million		+$3 Million
7.	West of the intersection of US Highway 71 and MO State Highway 7 in the Urban Service Tier surrounded by, if not now within Harrisonville.	1.5 miles east to Aquila 161-kV transmission line.	5.5 miles northwest to PEP; 6 miles northwest to SS. Many crossings and density factors.	Outside probable future ozone non-attainment area.	Within ¼ mile of apparent airfield – problematic conflict with stack heights and 1,000 °F + exhaust gas temperatures. Prior rejection of Aquila plant by Harrisonville. Anticipate high land costs.
		+$2 Million	+$8 Million		+$10 Million

Schedule CR - 8

Preliminary Screening

Peshoff's Potential Sites

BGP Site No.	Description / Location	Electric Transmission Access	Natural Gas Supply Access	Air Permit Issues	Comments
		Δ Improvement Cost [1]	Δ Improvement Cost [2]		Σ Δ Cost
8.	North of MO Highway 7 and 2 miles east of US Highway 71 in Urban Services Tier and about 2 miles east of Site No. 7 above. South east of Harrisonville. Rural in character with some large lot residential.	About ½ mile west to Aquila 161-kV transmission line.	7.5 miles west northwest to PEP or 5.5 miles north to PEP around Harrisonville; 8 miles west northwest to SS or 6.5 miles north to SS. Many crossings on route to the north.	Outside probable future ozone non-attainment area.	Rural character similar to SHPF. Prior rejection of Aquila plant by Harrisonville.
		$1 Million	+$10 Million		+$11 Million
9.	South of MO Highway 7 and 6 miles east of US Highway 71, in Multi-Use Tier	5 miles northwest to Aquila 161-kV transmission line.	8.5 miles north to PEP; 9 miles north to SS. Highway crossing but mostly rural route.	Outside probable future ozone non-attainment area.	1 mile east of potentially sensitive MO Conservation lands. Rural setting similar to SHPF, but no apparent natural screening.
		+$5 Million	+$9 Million		+$14 Million
10.	Between rail line and west side of US Highway 71, north of 299th Street. In Multi-Use Tier.	2 miles northeast to Aquila 161-kV transmission line.	8 miles northwest to PEP; 9 miles northwest to SS.	Outside probable future ozone non-attainment area.	In Multi-Use Tier. Similar to SHPF in rural character with large lot residential tracts in vicinity.
		+$2 Million	+$9 Million		+$11 Million
11.	Immediately north of Drexel in Urban Service Tier. North of State Road A at State Road D. Between State Road A and rail line to the west.	11 miles northeast to Aquila 69-kV transmission line at Freeman with likely insufficient capacity.	9.5 miles north to PEP at West Line; 13 miles north to SS at Cleveland.	Outside probable future ozone non-attainment area.	Nowhere near appropriate gas or electric services. Apparent rural character with denser residential in Drexel immediately south. Otherwise similar to SHPF.
		+$15 to $20 Million depending on extent of upgrades required.	+$9.5 to 13 Million		+$24.5 to $33 Million

(1) Differential Improvement Costs for Access to Electric Column do not reflect total actual costs. Differential costs are meant to compare the items of a design that differ from a zero distance site, e.g. distances to electrical interconnect. Number assumes site requires plant substation and that new or reconductored line costs $1.0 Million/mile.

(2) Differential Improvement Costs for Access to Natural Gas do not reflect total actual costs. Differential costs are meant to compare the items of a design that differ from a zero distance site, e.g. distances to gas supply. Number assumes new gas line costs $1.0 Million/mile. An arbitrary factor was used to account for added costs of extra wall thickness for large pipe runs through towns, road borings, creek crossings, and r.o.w. or easement acquisition.

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the matter of the Application of Aquila, Inc. for Permission and Approval and a Certificate of Public Convenience and Necessity authorizing it to acquire, construct. Install, own, operate. maintain, and otherwise Control and manage electrical production and Related facilities in unincorporated areas of Cass County, Missouri near the town of Peculiar.	)	Case No. EA-2006-0309

County of Jackson)
) ss
State of Missouri)

AFFIDAVIT OF CHRIS R. ROGERS

Chris R. Rogers, being first duly sworn, deposes and says that he is the witness who sponsors the accompanying testimony entitled "Surrebuttal Testimony of Chris R. Rogers;" that said testimony was prepared by him and under his direction and supervision; that if inquiries were made as to the facts in said testimony and schedules, he would respond as therein set forth; and that the aforesaid testimony and schedules are true and correct to the best of his knowledge, information, and belief.

Chris R. Rogers

Subscribed and sworn to before me this 18th day of April, 2006.

Notary Public
Terry D. Lutes

My Commission expires:

8-20-2008

Notary Public Notary Seal State of Missouri

TERRY D. LUTES
Jackson County
My Commission Expires
August 20, 2008