

NEWS RELEASE



State Rep. Luke Scavuzzo

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Cass County residents testify against Aquila bill

JEFFERSON CITY, Mo. – A group of Cass County residents traveled to the Missouri Capitol today to join state Rep. Luke Scavuzzo in opposing legislation that attempts to grant retroactive approval for an Aquila Inc. power plant near Peculiar that the state Court of Appeals has twice said the company had no authority to build.

“Aquila repeatedly broke the law by building first and asking for forgiveness after the fact,” said Julie Noonan, a Peculiar resident who lives a half-mile from the plant. “State regulators tried to illegally authorize Aquila’s actions, but the courts have ruled numerous times that the plant must be dismantled. There is nothing in logic or law that supports passage of this legislation. We hope legislators see past the smoke screen and soundly defeat the bill so others will not suffer, and utilities and state regulators are not given eminent domain.”

After failing to obtain the necessary zoning approval from Cass County for its new power plant in 2004, Aquila built it anyway. Opponents of the project sued, and the Missouri Court of Appeals Western District ruled in 2005 that the company had no legal authority to build the plant. In the wake of the ruling, the company obtained retroactive permission from the Missouri Public Service Commission, which prompted another lawsuit. That case was decided last month when the appeals court ruled the PSC had no power to approve the plant after the fact.

HB 2468 sponsored by state Rep. Shane Schoeller, R-Willard, would authorize the PSC to give retroactive permission for the Peculiar plant. Scavuzzo’s legislative district includes the controversial power plant; Schoeller lives approximately 135 miles to the south.

“Since the courts have twice rejected the creative interpretations of the law Aquila concocted to justify its actions, the company is now seeking to change the law,” Scavuzzo said. “Even if lawmakers were to approve this special interest legislation, however, it won’t do Aquila any good as the bill violates the Missouri Constitution’s ban on retrospective laws. The only thing this bill will accomplish is another lawsuit that Aquila will lose.”

Article I, Section 13 of the Missouri Constitution says: “That no ex post facto law, nor law impairing the obligation of contracts, or retrospective in operation, or making any irrevocable grant of special privileges or immunities, can be enacted.”

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