

Jay Wolfe Acura

www.jaywolfeacura.com

KansasCity.com

Current: 73°  
74° / 56°  
Complete Forecast

TIME WARNER CABLE Business Class  
TERRIFIC Sa  
24/7 Local S



New M&I Smart Saver CD  
with rate bump-up option

Check CD rates now >



Search KansasCity.com Archives Historic Archives Web Search powered by YAHOO! SEARCH

Go

Welcome Guest  
Login | Register | Sign in to Classifieds

- THE KANSAS CITY STAR
- Manage your account
- Click for special Star rates
- Subscribe to digital E★Star

Business

Monday, Apr 21, 2008

## Business

Posted on Thu, Apr. 17, 2008 10:15 PM

email print reprint or license

AIM del.icio.us Digg it

### Judge lashes out at lawmaker regarding Aquila's South Harper power plant

By DAN MARGOLIES  
The Kansas City Star

A downstate judge has blasted Missouri Rep. Ed Emery for championing a bill allowing Aquila Inc. to avoid dismantling a power plant it built in violation of zoning laws.

■ The full text of Judge Charles Curless' e-mail to Rep. Ed Emery

In a blistering e-mail message sent Wednesday, Barton County Associate Circuit Judge Charles Curless excoriated the Lamar Republican for his "incredibly scandalous preferential treatment of the folks at Aquila, regarding the unlawful power plant in Cass County."

"Aquila knowingly built a plant in that county without a permit and in violation of county zoning laws," he wrote. "The trial court ordered the plant dismantled, and his decision was upheld" by the **Western District Court of Appeals**.

"Now, you have led the charge in approving legislation to overturn the lawful and correct decisions of the courts. I wonder if your ruminations on the situation would have brought you to the same conclusion (to adjudicate from the legislature) had the plant been in your backyard."

Curless sent copies of the e-mail to several hundred recipients, one of whom forwarded it to *The Kansas City Star*.

In a telephone interview Thursday, Emery said he had not yet responded to the e-mail but described Curless as "a good judge and a man of outstanding character" whom he has known for several years.

"When he's upset, I take it seriously," Emery said. "I know we don't always see eye to eye on judicial things, and I'm sure we'll work this out."

Al Butkus, a spokesman for Aquila, declined Thursday to get in the middle of the quarrel between Curless and Emery.

"Everybody has their own opinion," Butkus said. "This is an unusual situation, which we have acknowledged. We followed what we believed was the law, and the appeals court's decision changed 25 years of practice and the way things had been done."

Curless, also in a phone interview Thursday, said he felt impelled to write by the legislature's attacks on the judiciary in recent years. Emery, who represents Curless' district, is among those who have criticized the courts as too activist.

"It was partly out of a sense of shared disgust," Curless said. "Ed has taken potshots and absolutely done his very best in his now-three terms as our representative to bring the judiciary completely under the control of the legislative and executive branches."

"I suppose I'll now be the primary target of their wrath, but finally I reached the boiling point."

Curless sent his note after a House panel headed by Emery voted 6-5 on April 10 to approve legislation retroactively approving construction of the \$140 million South Harper power plant. Bolivar Republican Mike Parson, who was appointed to the panel the day before the vote to fill a position that had been open all year, provided the winning margin.

Emery championed the bill at Aquila's urging. The bill now goes to the full **House**, where its fate is uncertain.

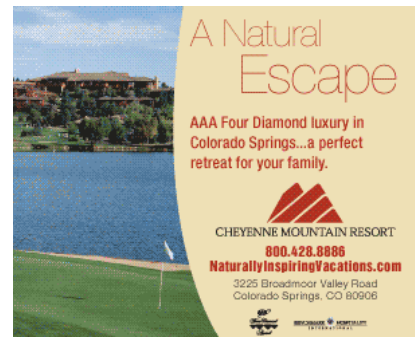
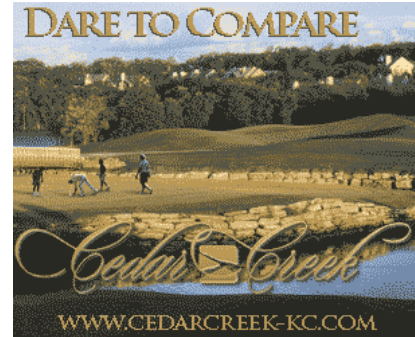
"You have two competing principles involved," Emery said at last week's session. "One is the principle that they should follow the law. The other is the principle of logic. Does it really help anyone to make them tear down a \$140 million plant so they can rebuild it exactly where it is?"

In his e-mail, Curless ripped into Emery for what he termed "activist legislation" that Emery had "ramrodded through" the **House Special Committee on Utilities**.

Next page >

To reach Dan Margolies, call 816-234-4481 or send e-mail to [dmargolies@kcstar.com](mailto:dmargolies@kcstar.com).

Join the discussion



Villa Decor  
Furniture & unique accessories  
for your home



**CAPTURE YOUR AUDIENCE**  
Advertise Here. Align your ad  
with KansasCity.com articles.  
Contact 816-234-7900 for details  
today!

- Top Jobs
- Cars
- Real Estate
- Rentals
- Local Shopping
  - KC Auto Deals
  - ShopLocal
  - Newspaper Ads
- All Classifieds
  - Create an Ad
  - Find an Ad
  - Pets

- News
- Columnists
- Sports
- Entertainment
- Video | Photos
- Business
  - Columnists
  - Companies
  - Consumer News
  - Emerging Business
  - MoneyWise
  - Star 50
  - Technology
  - Workplace
- FYI/Living
- Star Magazine
- Opinion

#### EXTRAS

- Press Release Central
- Past Articles
- The Star's Front Page
- Local Traffic
- Maps & Directions
- Yellow Pages
- Local Coupons
- Discussion Boards
- Visitor's Guide
- Weddings
- Hemingway
- The Star in Education

#### SERVICES

- Commercial Printing
- RSS
- Place an Ad
- Contact Us
- Advertise
- About The Star
- Code of Ethics
- Star Speakers Bureau
- Star Awards
- Star Tours
- The Kansas City Store



## REAL Cities

Visit other Real Cities sites

Share your observations and experiences about news. Lively, open debate is the goal, but please refrain from personal attacks or comments that are racist, vulgar or otherwise inappropriate. If you see an inappropriate comment, please click the "Report as violation" link to notify a KansasCity.com editor. Thanks for your feedback.

### Recent Comments

hey pied piper BITE ME.Its judge cluess that dosent live within a...  
I was just wondering where Judge Curless was going to get electrici...  
Way to go Judge!!! Hey Rat, I bet you don't even live within 100...  
If you know Judge Curless and Ed Emery, and if you know the law and...  
By Judge Curless's own words, he is angry because Representative...

[»Read More](#)

Post Your Comment

Name:

#### [Countrywide®](#)

##### [Home Loans](#)

No Closing Cost Refi.  
No Points. No Credit  
Report or  
[www.Countrywide.com](http://www.Countrywide.com)

#### [Learn Online](#)

##### [Currency Trading](#)

Discover Currency  
Trading with a Free  
starter kit from GFT.  
[www.GFTforex.com](http://www.GFTforex.com)

#### [Qualified Candidates](#)

We are hybrid rice  
cultivars seeknew  
employees.  
[www.ricetec.com](http://www.ricetec.com)

Ads by Yahoo!

Get *The Star* now for only **99¢/week** -TAX  
[Click here for this special offer >](#) 