

B R I C K F I E L D  
B U R C H E T T E  
R I T T S . P C

WASHINGTON, D C  
AUSTIN TEXAS

January 28, 2000

**FILED**

FEB 2 2000

**VIA FACSIMILE**

Mr. Kevin Thompson  
Deputy Chief Regulatory Law Judge  
Missouri Public Service Commission  
Truman State Office Building, Room 530  
301 West High Street  
Jefferson City, Missouri, 65101

**Missouri Public  
Service Commission**

**Re:** EC-99-553

Dear Judge Thompson:

In light of the points raised in KCPL's letters to you dated January 20 and 27, GST believes the following brief comments are warranted.

First, as noted in Mr. Swenson's January 20 letter, KCPL and GST agree that the dispute before the Commission is *not* a contract action (see KCPL letter at p. 3). GST's petition asked the Commission to investigate the adequacy and reliability of KCPL's electric service to GST, particularly in view of the February 1999 Hawthorn explosion, and to direct KCPL not to pass through costs incurred due to its mismanagement of its generation plant.

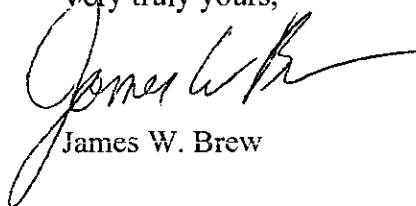
With that noted, KCPL's recitation of the case specific facts arising in the precedents cited by GST and Staff--Sims v. Missouri Life Insurance Co., State v. Kelly, and Berkel & Co. Contractors, Inc. v. JEM Dev. Corp., (citations omitted), does not begin to address the law applied in those cases (*i.e.*, that, in Missouri, parties may sue and be sued in fictitious business names, and that KCPL, having done business with GST Steel for years, is estopped from alleging that the Commission lacks jurisdiction).

Second, the section of Fletcher's Cyclopedia of the Law of Private Corporations, referenced in Mr. Zobrist's January 27 letter is inapposite because, as noted exhaustively in the pleadings previously filed and at the Order the Show Cause Hearing, GST Steel Company is a properly registered business name in Missouri for GS Technologies Operating Co., Inc., a properly registered corporation in the State. The cases previously cited by GST and the sections of Fletcher's that GST provided on January 20 describe the applicable law in this matter (*i.e.*, that the Petition is properly brought by GST Steel).

BRICKFIELD  
BURCHETTE  
RITTS, P.C.

Finally, as indicated by Mr. DeFord at the hearing, GST is quite willing to file an amended Petition to clarify the company's business and filing status in Missouri.

Very truly yours,

A handwritten signature in cursive script, appearing to read "James W. Brew", with a long horizontal flourish extending to the right.

James W. Brew