

Motion

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March 4, 1987

See

Mr. Harvey G. Hubbs
Public Service Commission
P.O. Box 360
Jefferson City, MO 65102

Re: Arkansas Power & Light Co.
Case No. AO-87-48

Dear Mr. Hubbs:

Enclosed for filing in the above-referenced matter please find three (3) copies of a Motion to Suspend Phase-In Tariffs.

I have this date mailed a copy of the same to all parties of record.

Sincerely yours,

Rob E. Fulton
Robin E. Fulton

REF:alw

Enclosures

cc: All Parties of Record

FILED
MAR 5 1987
PUBLIC SERVICE COMMISSION

RECEIVED

MAR - 5 1987

PUBLIC SERVICE COMMISSION

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March 4, 1987

Mr. Harvey G. Hubbs
Public Service Commission
P.O. Box 360
Jefferson City, MO 65102

Re: Arkansas Power & Light Co.
Case No. ER-85-265

Dear Mr. Hubbs

Enclosed for filing in the above-referenced matter please find an original and thirteen (13) copies of a Motion to Suspend Phase-In Tariffs.

Please bring this Motion to the immediate attention of the Commission.

I have this date mailed a copy of the same to all parties of record.

Sincerely yours,


Robin E. Fulton

REF:alw

Enclosures

cc: Mr. James Swearengen
Mr. Gerald Roark
Mr. Ralph Teed
Office of Public Counsel
Office of General Counsel
Mr. Donald Johnstone
Mr. Willard C. Reine
Mr. John Low
Mr. Rich Ashby
Mr. Jack Krokroskia

BEFORE THE PUBLIC SERVICE COMMISSION OF THE
STATE OF MISSOURI

FILED
MAR 5 1987
PUBLIC SERVICE COMMISSION

In the matter of Arkansas Power)
& Light Company of Little Rock,)
Arkansas, for authority to file)
tariffs increasing rates for)
electric service provided to)
customers in the Missouri)
service area of the Company.)

Case No. ER-85-265

and

In the matter of the investi-)
gation of the revenue effects)
upon Missouri utilities of the)
Tax Reform Act of 1986.)

Case No. AO-87-48

MOTION TO SUSPEND PHASE-IN TARIFFS

Come now Intervenor, Doe Run Company, a partnership of St. Joe Minerals Corporation and Homestake Lead Mining Company of Missouri, and Intervenor ASARCO, Inc., by their attorneys, Schnapp, Graham, Reid & Fulton, and hereby move this Commission to suspend the phase-in tariffs scheduled to go into effect March 21, 1987; and in support of such Motion states to the Commission as follows:

1. That Arkansas Power & Light Company's second-year phase-in tariffs are scheduled to commence on March 21, 1987.

2. That Arkansas Power & Light Company has filed a new set of tariffs reflecting that phase-in, which tariffs are effective March 21, 1987, which tariffs have not been approved by the Commission.

3. That this Commission has the authority pursuant to Section 393.150 to suspend tariffs whenever there is filed with

the Commission any schedule stating a new rate. The Commission has the authority under said statute to suspend the tariff either upon its own initiative without' complaint or with complaint. Said suspension may be for a period of up to 120 days for investigation and, if 120 days is insufficient, under Section 393.150.2 the Commission can suspend the tariff for an additional six months.

4. That in Case Number AO-87-48 Arkansas Power & Light is resisting any efforts to reduce rates to reflect the decreased revenue effects resulting from the decrease in Federal taxation and has, in fact, missed the filing requirement ordered by the Commission of March 2, 1987.

5. That Arkansas Power & Light Company in its various pleadings before the Commission in Case Number AO-87-48 has admitted that the revenue effect would be decreased in Missouri by various amounts, the most recent of which was \$1.65 million as set forth in their Motion for Rehearing or in the Alternative for Extension of Time filed with the Commission on or about February 27, 1987.

6. That Intervenors have previously filed a pleading before this Commission in this case and in Case Number AO-87-48 entitled Motion to Reduce Tariffs of Arkansas Power & Light Company Effective January 1, 1987, to Reflect Decreased Federal Income Tax Rates wherein the Intervenors have calculated the decreased revenue requirement to be \$2.296 million.

7. That both the Arkansas Power & Light Company calculation of \$1.65 million and the calculation by Intervenors of

\$2.296 million are in excess of the scheduled phase-in amount of \$1.328 that Arkansas Power & Light Company will be recovering pursuant to the March 21, 1987, phase-in tariffs.

8. That, therefore, Arkansas Power & Light customers are entitled to a decrease in rates even after taking into consideration the phase-in amount of at least \$322,000.00 and possibly \$968,000.00.

9. That Arkansas Power & Light Company has been recalcitrant and uncooperative with the Commission, the Commission Staff and various intervenors in the generic tax docket in providing information for which the tax phasing can be accurately calculated and that, due to their failure to file the data in a timely manner, the scheduled informal conference was moved from March 6, 1987, to April 27, 1987. In effect, by this action Arkansas Power & Light Company is being rewarded for delaying tactics.

10. That every day that passes without action by this Commission results in Arkansas Power & Light Company's rate-paying customers' paying excessive rates.

11. That by suspending the phase-in tariffs, the Commission will be able to more fully investigate the tax savings and adjust Arkansas Power & Light Company's rates accordingly.

WHEREFORE, for the foregoing reasons these Intervenors pray that the Commission suspend Arkansas Power & Light Company's phase-in tariffs, hold hearings in which to determine the

appropriate amount of phase-in increases or phase-in decreases and for such other and further relief as to the Commission may seem just and proper.

Respectfully submitted,

SCHNAPP, GRAHAM, REID & FULTON

By: *Robin E. Fulton*

Robin E. Fulton #29513
135 East Main Street
Fredericktown, Missouri 63645
314-783-7212
Attorney for Intervenor
Doe Run Company
and ASARCO, Inc.

PROOF OF SERVICE

THE UNDERSIGNED CERTIFIES THAT A COMPLETE COPY OF THIS INSTRUMENT WAS SERVED UPON THE ATTORNEY OF RECORD OF EACH PARTY TO THE ABOVE BY ACTUALLY ENCLOSED THE SAME IN ENVELOPES ADDRESSED TO SAID ATTORNEYS AT THEIR BUSINESS ADDRESS AS DISCLOSED IN THE PLEADINGS OF RECORD HEREIN, WITH FIRST-CLASS POSTAGE FULLY PREPAID, AND BY DEPOSITING SAID ENVELOPES IN A U. S. POST OFFICE MAIL BOX

IN FREDERICKTOWN, MISSOURI ON THE 4th DAY
OF March A.D. 1987
R. E. Fulton OF
SCHNAPP, GRAHAM & REID
135 EAST MAIN
FREDERICKTOWN, MISSOURI