



Martha S. Hogerty
Public Counsel

State of Missouri

Mel Carnahan
Governor

Office of the Public Counsel
Harry S Truman Building - Ste.
250
P.O. Box 7800
Jefferson City, Missouri 65102

Telephone: 573-751-4857
Facsimile: 573-751-5562
Web: <http://www.mo-opc.org>
Relay Missouri
1-800-735-2966 TDD
1-800-735-2466 Voice

June 27, 2000

Mr. Dale H. Roberts
Secretary/Chief Regulatory Law Judge
Public Service Commission
P. O. Box 360
Jefferson City, MO 65102

FILED³

JUN 27 2000

Missouri Public
Service Commission

RE: UtiliCorp United Inc. and Empire District Electric Company
Case No. EM-2000-369

Dear Mr. Roberts:

Enclosed for filing in the above-referenced case please find the original and eight copies of **Public Counsel's Response in Support of Application to Intervene**. Please "file" stamp the extra enclosed copy and return it to this office.

Thank you for your attention to this matter.

Sincerely,

John B. Coffman
Deputy Public Counsel

JBC:jb

cc: Counsel of Record

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI**

FILED³

JUN 27 2000

In the Matter of the Joint Application of)
UtiliCorp United Inc. and the Empire)
District Electric Company for Authority)
to Merge the Empire District Electric)
Company with and into UtiliCorp United)
Inc. and, in Connection Therewith, Certain)
Other Related Transactions, Filed.)

Case No. EM-2000-369 Missouri Public
Service Commission

Public Counsel's Response in Support of Application to Intervene

Comes now, the Office of the Public Counsel (Public Counsel) and for its Response in Support of Application to Intervene hereby expresses its support for the Application to Intervene filed on June 19, 2000 on behalf of Albert Fuchs, et al ("Retired Empire Employees") pursuant to 4 CSR 240-2.075, and hereby states as follows:

- 1) The interest that the Retired Empire Employees have in their retirement benefits is "an interest which is different from that of the general public and which may be adversely affected by a final order arising from the case" pursuant to 4 CSR 240-2.075(4)(A). Applicants have properly stated that their interest in their retirement benefits could be significantly affected if the proposed merger is approved.
- 2) The interest that the Retired Empire Employees have in this case is definitely an interest that is "different from that of the general public." Although Public Counsel has raised an issue regarding retirement benefits in its prepared rebuttal testimony, the interests of the Retired Empire Employees could not be exclusively nor adequately represented by Public Counsel. Public Counsel primarily focuses

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its representation of the public on utility customers. It would thus promote the public interest and due process in this case to grant the Application to Intervene.

- 3) Granting the Application to Intervene of the Retired Empire Employees would cause no hardship or prejudice to the Joint Applicants nor to any other party. The Application to Intervene was filed prior to the due date for any responsive testimony and all contentions raised by the Retired Empire Employees could be adequately addressed in the Joint Applicant's prepared surrebuttal testimony.

Respectfully submitted,

OFFICE OF THE PUBLIC COUNSEL

By: 

John B. Coffman

Deputy Public Counsel

P. O. Box 7800

Jefferson City, MO 65102

(573) 751-5565

(573) 751-5562 FAX

(#36591)

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed or hand-delivered to the following this 21st day of January, 2000:

Paul A. Boudreau
Brydon, Swearengen & England
P.O. Box 456
Jefferson City, MO 65102

Steven Dottheim
Public Service Commission
P.O. Box 360
Jefferson City, MO 65102

William J. Niehoff
Union Electric Company
P.O. Box 66149 (MC 1310)
St. Louis, MO 63166

Jeffery A. Keevil
Stewart & Keevil
1001 Cherry St., Suite 302
Columbia, MO 65201

Stuart W. Conrad
Finnegan, Conrad & Peterson
1209 Penntower Office Bldg.
3100 Broadway
Kansas City, MO 64111

William A. Jolley
Jolley, Walsh, Hurley & Raisher
204 W. Linwood Blvd.
Kansas City, MO 64111

Shelley A. Woods
Assistant Attorney General
P.O. Box 176
Jefferson City, MO 65102

James B. Deutsch
Blitz, Bardgett, & Deutsch, L.C.
208 East High Street, Suite 301
Jefferson City, MO 65101

A handwritten signature in black ink, appearing to read "JB Deutsch", is written over a horizontal line.