

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI

FILED<sup>2</sup>

OCT 19 1999

Missouri Public  
Service Commission

In the matter of the Joint Application of )  
UtiliCorp United Inc. and St. Joseph Light )  
& Power Company for authority to merge )  
St. Joseph Light & Power Company with )  
and into UtiliCorp United Inc. and, in )  
connection therewith, certain other related )  
transactions. )

Case No. EM-2000-292

**MOTION TO ESTABLISH PROCEDURAL SCHEDULE**

COME NOW UtiliCorp United Inc. ("UtiliCorp") and St. Joseph Light & Power Company ("SJLP") and for their Motion to Establish Procedural Schedule in the captioned matter, state as follows to the Missouri Public Service Commission ("Commission"):

1. On October 19, 1999, UtiliCorp and SJLP filed with the Commission a Joint Application for approval to merge SJLP with and into UtiliCorp, the latter surviving, all as more particularly described in and pursuant to the terms of an Agreement and Plan of Merger dated March 4, 1999. At the same time, UtiliCorp and SJLP filed their direct testimony and schedules in support of the Joint Application.

2. UtiliCorp and SJLP desire that this Joint Application be processed as expeditiously as possible while at the same time affording all parties ample time to undertake and complete discovery and to develop testimony with respect to any relevant issues. Accordingly, Utilicorp and SJLP propose the following procedural schedule for this case:

Event

Date

Joint Application of UtiliCorp and SJLP	October 19, 1999
Direct Testimony in support of UtiliCorp/SJLP Joint Application	October 19, 1999
Intervention deadline	November 19, 1999
Staff, Public Counsel and Intervenor rebuttal testimony	February 11, 2000
UtiliCorp and SJLP surrebuttal testimony	March 10, 2000
Prehearing conference	March 27-31, 2000
Statement of Positions	April 5, 2000
Evidentiary hearings	April 10-14, 2000
Briefs	May, 2000

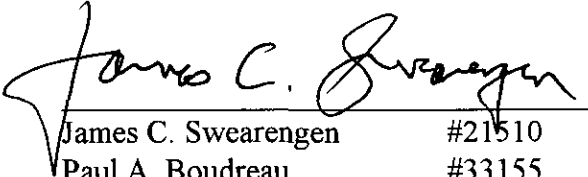
3. The proposed schedule is reasonable as it provides for a full and fair opportunity for all interested parties to inquire about the consequences of the merger through discovery and to prepare and file testimony in a timely manner. The schedule contemplates that the case will be fully submitted to the Commission by the end of May 2000, approximately 7½ months after the filing of the Joint Application. A Report and Order could be issued as early as June 30, 2000, for a total processing time of approximately 8½ months. This proposal is not overly ambitious under the circumstances. Discovery in this case is already well underway. The Commission Staff, at the request of and as a convenience to UtiliCorp and SJLP, has already served over 90 data requests, the answers to which have been made available to the Staff by UtiliCorp and SJLP on October 19, 1999. The proposed schedule provides approximately four (4) months for the filing of rebuttal testimony, which is ample opportunity for the Commission Staff, the Office of the Public Counsel and any Intervenor to conduct additional discovery, to fully develop any relevant issues and to respond to the direct testimony of UtiliCorp and SJLP.

4. Additionally, neither UtiliCorp or SJLP, at the present time, anticipate that it will be necessary to initiate a Missouri rate case before June 30, 2000, by which time the Commission may have issued its decision in this case. In fact, the Regulatory Plan proposed in the Joint Application calls for a five year rate moratorium for the SJLP unit effective upon the closing of the merger. Thus,

the merger case should not be complicated by simultaneous rate filings, another reason why the proposed schedule is appropriate. Moreover, while the proposed schedule contemplates the possibility that a contested issue or issues will be presented to the Commission for resolution, it is also possible that the Joint Application will be resolved by a stipulated settlement, in which case a Report and Order could be issued prior to June 30, 2000. In any event, assuming that the case is litigated, the proposed schedule is consistent with the Commission's past experience given the fact that the only merger case actually litigated to decision in recent history took ten months from the time the application was filed to the issuance of the Report and Order. *Re Application of Kansas Power and Light Company, Mo. P.S.C. 3d 150 (1991).*

WHEREFORE, UtiliCorp and SJLP respectfully request that the Commission issue its order approving the procedural schedule set out above in paragraph 2 and for such other orders and relief as are appropriate in the circumstances.

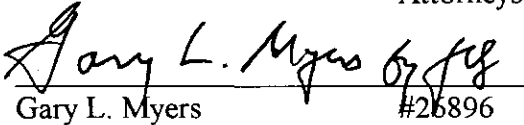
Respectfully submitted,

  
James C. Swearingen #21510  
Paul A. Boudreau #33155

Brydon, Swearingen & England P.C.  
P.O. Box 456  
Jefferson City, MO 65102-0456  
Telephone (573) 635-7166  
Facsimile (573) 635-0427  
E-Mail PBoudreau@mail.ultraweb.net

Karl Zobrist #28325  
Christine Egbarts #45773  
Blackwell Sanders Peper Martin LLP  
Two Pershing Square, 2300 Main, Suite 1100  
Kansas City, MO 64108  
Telephone (816) 983-8000  
Facsimile (816) 983-8080  
E-Mail Kzobrist@bspmlaw.com

Attorneys for UtiliCorp United Inc.

  
Gary L. Myers #26896

Vice President, General Counsel  
and Secretary  
St. Joseph Light & Power Company  
520 Francis Street  
P.O. Box 998  
St. Joseph, MO 64502  
Telephone (816) 233-8888  
Facsimile (816) 387-6332  
E-Mail Gmyers@sjlp.com

Mark W. Comley #28847  
601 Monroe Street  
Jefferson City, MO 65101  
Telephone (573) 634-2266  
Facsimile (573) 636-3306  
E-Mail Comley@ncrpc.com

Attorneys for St. Joseph Light & Power Company

Certificate of Service

I hereby certify that a true and correct copy of the above and foregoing document was sent by U.S. Mail, postage prepaid, or hand-delivered, on this 19TH day of OCTOBER 1999, to:

The Office of the Public Counsel  
Truman Building, Room 250  
P.O. Box 7800  
Jefferson City, MO 65102-7800

