

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

FILED

JUN 21 2000

Missouri Public
Service Commission

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) EM-2000-369
Company with and into Utilicorp United)
Inc. and, in connection therewith, certain)
other related transactions.)

MOTION FOR WAIVER OF REQUIREMENTS OF
4 CSR 240-2.130(6) OR IN THE ALTERNATIVE FOR
EXTENSION OF TIME TO COMPLY

COME NOW the Retired Employees of Empire District Electric Company¹ and respectfully request waiver of the requirements set forth in Commission rule 4 CSR 240-2.130, dealing with prepared testimony, or alternatively for an extension of time of one week in order to comply with such requirements as to form of prepared testimony filed with this Commission by witnesses Bill Athey and George Dorsey. In support of this Motion, Retired Employees state as follows:

1. On June 16, 2000, Retired Employees filed their Application to Intervene in this case in order to raise and address the issue of substantial irreparable harm caused by massive increases in health insurance benefits provided to Retired Employees under the Companies' Plan of Merger as set forth for Commission approval, and to urge consideration of alternatives to mitigate financial hardship caused by this proposed elimination of benefits. Such Application to Intervene expressed the intent of Retired Employees to comply with the Commission's procedural schedule in this case

¹ The names and addresses of the numerous Empire District Electric Company Retired Employees wishing to intervene in this case are provided and set forth in the Application to Intervene filed on behalf of such Retired Employees June 16, 2000. For convenience and in the interest of brevity, these individual Retired Employees will be referred to as the Retired Employees of Empire District Electric Company or "Retired Employees."

by filing prepared written testimony at the same time that PSC Staff and Office of Public Counsel are required to file such testimony, June 21, 2000.

2. Intervenors, as stated in their Application to Intervene, have only recently recognized the hardship to be imposed on them by the proposed merger and have only recently been apprised of their need to retain counsel to intervene before this Commission to object. Such Retired Employees do not have access to office equipment and other tools for preparing testimony, and are required to rely upon counsel in Jefferson City, Missouri for preparation of all such documents. The logistics of dealing with numerous Intervenors over considerable distances inhibits the Intervenors' ability to achieve full compliance with the rules on the form of testimony by the appropriate deadline.

3. Because of the logistical difficulties of procuring necessary information and prepared testimony from the numerous members of the Retired Employee group, Retired Employees are unable to provide prepared testimony which complies fully with 4 CSR 240-2.130(6) by the date provided in the procedural schedule concerning the requirement that the testimony contain and original Affidavit providing the witness' oath.

4. The testimony of witnesses Bill Athey and George Dorsey provided herewith is complete and capable of giving full notice to all parties and the Commission of the testimony and evidence of Intervenors. Although the Affidavit of Bill Athey is missing and the Affidavit of George Dorsey is a facsimile, such original signed Affidavits have been mailed to counsel but have not yet arrived. The Commission and all other parties therefore will not be harmed or delayed by these instances of technical non-compliance with Commission rules. Therefore, waiver of such requirement for these Intervenor Retired Employees is requested.

5. In the alternative, Intervenor believe that full compliance with rule 4 CSR 240-2.1130(6) concerning the form of prepared testimony can be achieved within one week, or by June 28, 2000, and that prepared testimony of these witnesses complying with the Commission rules can be provided on or before that time. Intervenor therefore request that this Commission deem the testimony of these two witnesses filed by Intervenor June 21, 2000, to be timely under the Commission's procedural order in this case, and allow Intervenor until June 28, 2000 for Intervenor to file the Affidavits of Intervenor's prepared testimony for Bill Athey and George Dorsey.

WHEREFORE, Intervenor, Empire District Electric Company Retired Employees, respectfully request that this Commission grant waiver of the form of prepared testimony requirements of rule 4 CSR 240-2.130(6), or alternatively deem filing of testimony in conformance to such rule by June 28, 2000 to be timely for purposes of this Commission's procedural schedule.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that true and correct copies of the above and foregoing document were sent U.S. Mail, postage prepaid, to the following parties of record on this 21st day of June, 2000:

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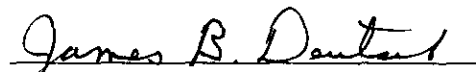
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