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Case No. GO-99-118

## NOTICE OF TIME FOR RESPONSE

On September 25, 1998, UtiliCorp United Inc. d/b/a Missouri Public Service (MPS or Company) filed its application for a variance from certain refund provisions of its Purchased Gas Adjustment Clause (PGA) from Section IV (Refund Factors), found on Tariff pages, P.S.C. Mo. 5, 4th Revised Sheet 37 and 2nd Revised Sheet 38. MPS states that it has received two refund checks in the amounts of \$429,012.02 and \$500,265.26 from Williams Natural Gas Company and one check in the amount of \$40,889.72 from Panhandle Eastern Pipe Line Company. These refund checks were paid relating to overcharges of ad valorem taxes charged by first sellers of natural gas and collected from their customers during the years 1983 to 1988. Refunds to customers were required by order of the Federal Energy Regulatory Commission (FERC) in FERC Docket RP97-369-000. The refund checks apply to gas purchased by MPS. MPS claims that it would be inappropriate and inefficient to refund these amounts to customers of MPS at this time because, principally, the decision rendered by FERC is not yet a final judgment and is still subject to appeal. MPS

requests expedited treatment because MPS is required to make its winter PGA filing between October 15 and November 4, 1998, and if the Commission does not grant this variance by November 4, the Kansas ad valorem tax refund will become a part of MPS's winter PGA filing and refunds will be made in accordance with the tariff. MPS asserts that issuing refunds at this time would not be in the best interest of MPS or its customers.

The Commission has reviewed MPS's application for variance and finds it in substantial compliance with Commission rules regarding applications for variance pursuant to 4 CSR 240-2.060(11)(A-G). Given the stated need for expedited treatment, the Commission directs Staff and any other interested party, to respond by October 9, 1998.

BY THE COMMISSION



Dale Hardy Roberts  
Secretary/Chief Regulatory Law Judge

(S E A L)

Dated at Jefferson City, Missouri,  
on this 29th day of September, 1998.

Register, Regulatory Law Judge

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