

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION
JEFFERSON CITY
December 1, 1999**

CASE NO: EC-99-553

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Washington, DC 20007

Enclosed find certified copy of an ORDER in the above-numbered case(s).

Sincerely,



**Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge**

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

GST Steel Company,)	
)	
Complainant,)	
)	
v.)	<u>Case No. EC-99-553</u>
)	
Kansas City Power & Light Company,)	
)	
Respondent.)	

ORDER DENYING KANSAS CITY POWER & LIGHT COMPANY'S
MOTION TO HOLD CASE IN ABEYANCE

On May 11, 1999, GST Steel Company (GST) filed a complaint with the Missouri Public Service Commission against Kansas City Power & Light Company (KCPL). In its Complaint, GST contends that imprudent management by KCPL, manifested particularly in the form of poor maintenance practices, has caused significantly higher electricity prices for GST in that repeated outages of KCPL generation facilities has led KCPL to purchase necessary power from other suppliers. GST also complains that KCPL's alleged poor maintenance practices have resulted in a loss of reliability in the power furnished to GST. GST asserts that its production processes have been repeatedly disrupted by power failures of one sort or another.

On October 18, 1999, KCPL moved this Commission to limit the scope of the issues and discovery in this proceeding. On October 28, 1999, GST filed its response in opposition to KCPL's motion. Also on October 28, 1999, the Staff of the Missouri Public Service Commission (Staff) filed its

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response to KCPL's motion. On November 8, 1999, KCPL filed its reply to GST's response. The Commission denied KCPL's motion by its Order of November 16, 1999.

Discussion:

KCPL's reply of November 8, 1999, contained a prayer for alternative relief, namely, that the Commission hold this case in abeyance until its investigation of the boiler explosion at the Hawthorn Generating Station, Case No. ES-99-581, is complete. KCPL threatens to seek a writ of prohibition if the Commission does not grant the relief requested.

KCPL's motion must be denied. As explained in the Commission's Order of November 16, 1999, GST's economic rights are as important and as deserving of a chance of vindication as are KCPL's economic rights. The parties stand on a level playing field in that regard and, as GST was the first to reach the courthouse door, GST's action must proceed to prompt resolution. By holding this case in abeyance, the relief sought by GST would be rendered impossible, while KCPL would be protected thereby from purely speculative harm.

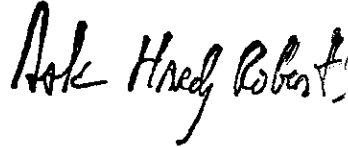
The Commission has acted to mitigate any possible economic damage to KCPL by specifically applying its protective order to Hawthorn-related information. The Commission has also invited KCPL to suggest other appropriate protective measures, an invitation that KCPL has not acted on.

IT IS THEREFORE ORDERED:

1. That the alternative motion of Kansas City Power & Light Company to hold this case in abeyance pending the completion of Case No. ES-99-581, filed on November 8, 1999, is denied.

2. That this order shall become effective on December 10, 1999.

BY THE COMMISSION



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

Kevin A. Thompson, Deputy Chief
Regulatory Law Judge, by delegation
of authority pursuant to 4 CSR
240-2.120(1), (November 30, 1995)
and Section 386.240, RSMo 1994.

Dated at Jefferson City, Missouri,
on this 1st day of December, 1999.

ALJ/Sec'y:

Thompson / Pope

11-30

Date Circulated

12-3

Return by 9 p.m.

10 am

EC-99-553

CASE NO.

[Signature]
Lumpe, Chair

[Signature]
Crumpton, Commissioner

[Signature]
Murray, Commissioner

[Signature]
Schemenauer, Commissioner

[Signature]
Drainer, Vice-Chair

[Signature]

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

I have compared the preceding copy with the original on file in this office and

I do hereby certify the same to be a true copy therefrom and the whole thereof.

WITNESS my hand and seal of the Public Service Commission, at Jefferson
City, Missouri, this 1st day of December 1999.

Dale Hardy Roberts

Dale Hardy Roberts

Secretary/Chief Regulatory Law Judge