

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION
JEFFERSON CITY
September 29, 2000**

CASE NO: GE-2000-639

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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

In the Matter of the Application of)
UtiliCorp United Inc. d/b/a Missouri)
Public Service for a Waiver of)
Commission Rules 4 CSR 240-40.015 and)
4 CSR 240-40.016 Concerning Capacity)
Release Credits)

Case No. GE-2000-639

ORDER DIRECTING FILING OF MEMORANDUM
ON STIPULATION AND AGREEMENT BY STAFF

On April 12, 2000, UtiliCorp United Inc. d/b/a Missouri Public Service (UtiliCorp) filed with the Missouri Public Service Commission (Commission) its application for waiver for good cause from Commission Rules 4 CSR 240-40.015(2)(A) and 4 CSR 240-40.016(3)(A) concerning capacity release credits.

On June 28, 2000, the Staff of the Commission (Staff) filed its memorandum which contained a recommendation that the waiver be granted and set forth several conditions that Staff concluded that UtiliCorp should follow.

UtiliCorp filed its response July 28, 2000, which stated that it had an alternative proposal which it believed would be more straightforward and satisfy the objectives identified by the Staff.

Although no party formally asked for a prehearing conference, the Commission found that this case was contested. Thus, on August 16, 2000, the Commission scheduled a prehearing conference and also set a date for the filing of a proposed procedural schedule. The prehearing

conference was held as scheduled on September 18, 2000. Because of the developments in this case, the Commission will order that the implementation of the part of that order requiring the filing of a proposed procedural schedule should be stayed until further notice.

On September 26, 2000, all of the Parties (i.e., Staff, UtiliCorp and the Office of the Public Counsel) filed a unanimous stipulation and agreement (Agreement).

The Agreement stated, *inter alia*, that

[a]t the request of the Commission, the Staff shall have the right to submit to the Commission a memorandum explaining its rationale for entering into this Stipulation and Agreement. Each party of record shall be served with a copy of any such memorandum and shall be entitled to submit to the Commission, within five...days of receipt of Staff's memorandum, a responsive memorandum which shall also be served on all Parties.

The Commission will request a memorandum from the Staff as set forth above.

IT IS THEREFORE ORDERED:

1. That the Staff of the Public Service Commission of the State of Missouri shall file a memorandum explaining its rationale for entering into the proposed Stipulation and Agreement between the parties, filed on September 26, 2000, the said memorandum to be filed no later than October 10, 2000, and that any party that wishes to respond thereto shall do so no later than October 16, 2000.

2. That the implementation of the part of the order issued August 16, 2000, requiring the filing of a proposed procedural schedule no later than October 2, 2000, shall be stayed until further notice.

3. That this order shall become effective on October 10, 2000.

BY THE COMMISSION

A handwritten signature in black ink that reads "Dale Hardy Roberts". The signature is written in a cursive style with a large initial "D".

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

(S E A L)

Bill Hopkins, Senior Regulatory Law Judge,
by delegation of authority pursuant to
Section 386.240, RSMo 1994.

Dated at Jefferson City, Missouri,
on this 29th day of September, 2000.

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 29th day of Sept. 2000.



Dale Hardy Roberts

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge