

STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION

At a session of the Public Service  
Commission held at its office  
in Jefferson City on the 23rd  
day of February, 1993.

In the matter of The Kansas Power and Light Company of )  
Topeka, Kansas, for authority to file a tariff reflect- )  
ing a change in rates for its Missouri customers to be )  
reviewed in its 1989-1990 Actual Cost Adjustment filing ) Case No. GR-90-40  
in accordance with the Purchased Gas Adjustment on file )  
for the company. )  
)

In the matter of The Kansas Power and Light Company of )  
Topeka, Kansas, for authority to file a tariff reflect- )  
ing a change in rates for its Missouri customers to be )  
reviewed in its 1990-1991 Actual Cost Adjustment filing ) Case No. GR-91-149  
in accordance with the Purchased Gas Adjustment on file )  
for the company. )  
)

ORDER MODIFYING PROCEDURAL SCHEDULE

On February 17, 1993, Midwest Gas Users Association (Midwest) and Armco Inc. (Armco) filed an Unopposed Motion To Partially Suspend And Defer Procedural Schedule. These cases were established to maintain Gas Service's purchased gas adjustment (PGA) rates for the 1989-1990 and 1990-1991 actual cost adjustment (ACA) periods. On November 20, 1992 the Commission issued an Order Of Consolidation And Setting Procedural Schedule. By Notice issued January 15, 1993 the Commission added an additional procedural requirement of filing a hearing memorandum on March 5, 1993. On February 18, 1993, the Commission's Staff (Staff) filed a Response to the Motion.

The Motion filed herein states that a Stipulation And Agreement has been filed in Federal Energy Regulatory Commission (FERC) Docket No. RP89-183-000, et al., which, the parties to the proceeding agree that, if approved and implemented will obviate the need for hearing on all issues relating to the disposition of any and all take-or-pay billed to Gas Service prior to June 30, 1992. Apparently, all protests and objections to the Stipulation And

Agreement have been or will be withdrawn. Surrebuttal testimony addressing the aforementioned issues is presently due to be filed on February 24, 1993. Also, the hearing is presently scheduled to begin on March 15, 1993. The movants state that it appears unlikely that the FERC will act on the aforementioned Stipulation And Agreement in time for the parties to know whether these issues will remain contested in these proceedings. Movants state that to conserve valuable resources and avoid unnecessary litigation before the Commission, the procedural schedule in these proceedings as to the "take-or-pay" related issues should be suspended. Movants state that all other parties to these proceedings concur in the motion to suspend as to these issues. Movants request the Commission to extend the date for filing surrebuttal testimony to March 3, 1993 and to suspend the procedural schedule with respect to "take-or-pay" related issues until such time as the parties report that a decision has been made by the FERC.

Staff's Response indicates that it does not concur in the position that the FERC Stipulation And Agreement disposes of all issues relating to the "take-or-pay" billed to Gas Service. Staff believes that subsequent to the FERC's approval of the Stipulation And Agreement, a procedural schedule may become necessary if the parties in this case do not reach a settlement on the handling of any "take-or-pay" refunds resulting from approval of the Stipulation And Agreement.

The Commission is of the opinion that the Motion To Partially Suspend is reasonable and should be granted as requested.

**IT IS THEREFORE ORDERED:**

1. That the procedural schedule established by the Commission on November 20, 1992 and as amended by Notice dated January 15, 1993 be hereby further amended as follows:

Gas Service files surrebuttal  
testimony

March 3, 1993

2. That the surrebuttal testimony due March 3, 1993, the hearing memorandum due March 5, 1993 and the hearing set for March 15-16, 1993 be partially suspended with respect to "take-or-pay" related issues until further order of the Commission.

3. That the procedural schedule, as herein amended, continues in effect as to all issues other than "take-or-pay" related issues.

4. That this order shall become effective on the date hereof.

BY THE COMMISSION

*Brent Stewart*

Brent Stewart  
Executive Secretary

(S E A L)

McClure, Chm., Mueller, Rauch,  
Perkins and Kincheloe, CC., concur.