

**STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION  
JEFFERSON CITY**

**April 5, 2001**

**CASE NO: EO-2001-472**

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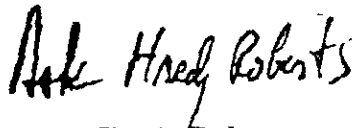
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**Enclosed find certified copy of an ORDER in the above-numbered case(s).**

**Sincerely,**



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

**STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION**

At a Session of the Public Service  
Commission held at its office  
in Jefferson City on the 5th  
day of April, 2001.

In the Matter of an Investigation )  
Respecting the Sale of UtiliCorp United )  
Inc.'s Utility Network Construction, )  
Operation, and Maintenance Organization )  
Procedure )

Case No. EO-2001-472

**ORDER DENYING MOTION TO OPEN CASE**

On March 6, 2001, the Staff of the Commission filed a motion to open a case to investigate UtiliCorp United Inc.'s proposed sale of its network construction, operation, and maintenance operations. Staff asks the Commission to open a case because: 1) it has received information that does not clearly indicate that UtiliCorp will file for regulatory approval of any sale; 2) it has had inquiries from legislators and the public about the transaction; 3) it has concerns about the timing of any request for approval, indicating that UtiliCorp might ask for expedited approval, and that having a case open will make it easier for Staff to respond; and 4) it has concerns that the proposed transaction might affect UtiliCorp's ability to provide safe and adequate electric service.

On March 15, UtiliCorp filed a response opposing the opening of a case. UtiliCorp states that it would be premature for the Commission to open a case now because the structure of any transaction is not yet known. UtiliCorp also states that there is no urgency, and that it has concerns about maintaining the confidential bid process if a case was open. UtiliCorp affirms that it will file for and obtain regulatory approval, if it is required to do so by law, once the specifics of any transaction are

known. UtiliCorp states that it has provided, and will continue to provide, information to the Staff and Public Counsel.

Local 53 of the International Brotherhood of Electrical Workers and AG Processing, Inc. (AGP) moved to intervene, and UtiliCorp opposed those motions. Because the Commission is declining to open a case now, these motions to intervene are moot.

AGP, together with the Sedalia Energy Users' Association, filed a pleading supporting Staff's motion to open a case, as did Public Counsel.

The Commission is persuaded by UtiliCorp's statement that the structure of any transaction which might take place is not yet known. Indeed, it is possible that no transaction will occur. It is premature to open a case, and Staff's motion will be denied. The Staff, of course, may continue to monitor and investigate UtiliCorp's proposed transaction.

The Commission expects UtiliCorp to request authorization pursuant to Section 393.190, RSMo 2000, if the form of the transaction is such that approval is required. The Commission notes that approval of any request for authorization requires a finding that the transaction is not detrimental to the public interest, which may require notice and the opportunity for interested entities to intervene, the filing of testimony, and evidentiary hearings.

**IT IS THEREFORE ORDERED:**

1. That the request of the Staff of the Commission filed on March 6, 2001, is denied.
2. That this order shall become effective on April 15, 2001.

3. That this case may be closed on April 16, 2001.

**BY THE COMMISSION**

A handwritten signature in black ink, reading "Dale Hardy Roberts". The signature is written in a cursive, slightly slanted style.

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

( S E A L )

Lumpe, Ch., Drainer, Murray, and Simmons, CC., concur  
Gaw, C., not participating

Mills, Deputy Chief Regulatory Law Judge

ALJ/Secretary:

Mills/Boyce

Date Circulated

4-2

CR. 2001-472  
CASE NO.

Lumpie, Chair

4/2/01

Draimer, Vice Chair

200

Murray, Commissioner

LM

Simmons, Commissioner

KS

Gaw, Commissioner

NP

Agenda Date

4-5

Action taken:

4-045

Must Vote Not Later Than

## 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 5<sup>th</sup> day of April 2001.

Dale Hardy Roberts

Dale Hardy Roberts  
Secretary/Chief Regulatory Law Judge

