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January 21, 2000

Mr. Dale H. Roberts
Secretary/Chief Regulatory Law Judge
Public Service Commission
P. O. Box 360
Jefferson City, MO 65102

FILED²
JAN 21 2000
Missouri Public
Service Commission

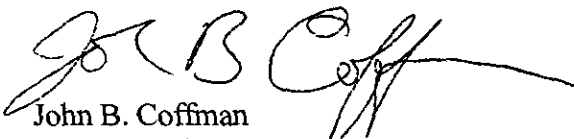
RE: UtiliCorp United Inc. and Empire District Electric Company
Case No. EM-2000-369

Dear Mr. Roberts:

Enclosed for filing in the above-referenced case please find the original and fourteen copies of **Public Counsel's Response to Joint Applicants Motion to Establish Procedural Schedule**. Please "file" stamp the extra enclosed copy and return it to this office.

Thank you for your attention to this matter.

Sincerely,


John B. Coffman
Deputy Public Counsel

JBC:mm

cc: Counsel of Record

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

FILED²

JAN 21 2000

Missouri Public
Service Commission

In the Matter of the Joint Application of)
UtiliCorp United Inc. and the Empire)
District Electric Company for Authority)
to Merge the Empire District Electric)
Company with and into UtiliCorp United)
Inc. and, in Connection Therewith, Certain)
Other Related Transactions, Filed.)

Case No. EM-2000-369

**Public Counsel's Response to
Joint Applicants Motion to Establish Procedural Schedule**

Comes now, the Office of the Public Counsel (Public Counsel) and in response to the Motion to Establish Procedural Schedule of UtiliCorp United, Inc. and the Empire District Electric Company (Joint Applicants), states as follows:

1. The procedural schedule recommended by the Joint Applicants is inadequate to permit Public Counsel to conduct sufficient discovery and analysis of the effects of the proposed merger. To adequately allow for discovery and analysis of the proposed merger, Public Counsel recommends a procedural schedule that includes a deadline for prepared rebuttal testimony on August 31, 2000, the deadline for prepared surrebuttal testimony on October 26, 2000, and an evidentiary hearing to be held November 27 – December 1, 2000. Public Counsel is also concerned that the Joint Applicants may attempt to provide a market power study in surrebuttal testimony, a scenario that would not grant responsive parties adequate time to address it, and in that case, the above schedule would need additional extension to allow responsive parties adequate due process.

2. Public Counsel has reviewed the January 21, 2000 "Staff Response to Commission Notices Regarding Motion to Establish Procedural Schedule and Motion to Consolidate" (Staff's Response) and supports the recommendations contained therein. If the Commission consolidates this case with Case No. EM-2000-292, and thus allows for the efficient procedure of addressing the related questions and fact for these two proposed mergers on a concurrent schedule, Public Counsel would be willing to agree to the consolidated procedural schedule in Staff's Response.

WHEREFORE Public Counsel respectfully requests that the Commission adopt a procedural schedule for this case consistent with the position expressed in this pleading.

Respectfully submitted,

OFFICE OF THE PUBLIC COUNSEL

By:


John B. Coffman

(#36591)

Deputy Public Counsel

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed or hand-delivered to the following this 21st day of January, 2000:

Paul A. Boudreau
Brydon, Swearingen & England
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Steven Dottheim
Public Service Commission
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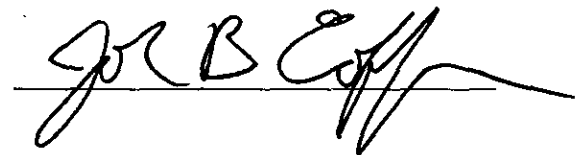
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A handwritten signature in black ink, appearing to read "J B Coffey", written over a horizontal line.