

**Before the
Missouri Public Service Commission**

* * * * *

**Re: Joint Application of UtiliCorp Inc.
and Empire District Electric Company for
Authority to Merge Empire District Electric Company
with and into UtiliCorp United**

Docket No. EM-2000-369

* * * * *

REPLY BRIEF

OF

MISSOURI DEPARTMENT OF NATURAL RESOURCES

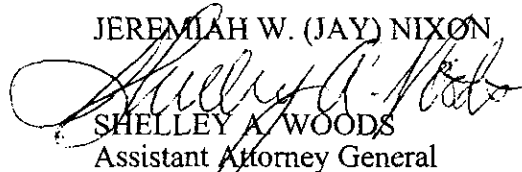
FILED³
NOV 22 2000 *mh*
Missouri Public
Service Commission

In its Initial Brief, Utilicorp United, Inc. (Utilicorp) argues that this Commission should not grant the Missouri Department of Natural Resources (MDNR) the relief it seeks in this proceeding because to do so would come dangerously close to confiscating Utilicorp property.

Utilicorp is not accurately characterizing what the MDNR asks this Commission to do. As set out in Ms. Anita Randolph's Testimony, the MDNR is asking that this Commission direct that Utilicorp enter into a collaborative partnership with the MDNR and other interested stakeholders to develop programs for low income weatherization, as well as the promotion of renewable energy and other energy efficiency measures. MDNR Exhibit 400, p. 21. While Mr. Colton suggested that funding for these programs could come out of merger savings, other funding mechanisms may be explored, developed and utilized during the collaborative process. Colton Rebuttal Testimony, p. 51. The MDNR has no intention or desire to deprive Utilicorp of its property. However, the evidence presented by the MDNR does demonstrate that absent an order similar to the one suggested in the MDNR's Initial Brief, the proposed merger will be detrimental to the public interest.

Respectfully submitted,

JEREMIAH W. (JAY) NIXON



SHELLEY A. WOODS
Assistant Attorney General

MBE #33525
P. O. Box 899
Jefferson City, MO 65102
Telephone (573) 751-8795
TELEFAX No. (573) 751-8464
Email: Shelley.Woods@mail.ago.state.mo.us

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was mailed, postage prepaid, by United States mail, this _____ day of _____, 2000, to:

Office of the Public Counsel
P.O. Box 7800
Jefferson City, MO 65102

James C. Swarengen/Paul A.
Boudreau/Dean Cooper/Gary Duffy
Brydon, Swarengen & England, P.C.
P.O. Box 456
Jefferson City, MO 65102-0456

William A. Jolley
Jolley, Walsh, Hurley & Raisher
204 West Linwood
Kansas City, MO 64111

Jeffrey A. Keevil
Stewart & Keevil Law Offices
1001 Cherry St., Suite 302
Columbia, MO 65201

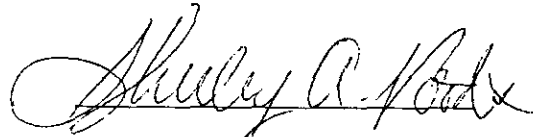
James B. Deutsch
Blitz, Bardgett & Deutsch, L.C.
308 East High Street, Suite 301
Jefferson City, MO 65101

Leslie Jackson Parrette, Jr.
UtiliCorp. Inc.
20 W. 9th Street
Kansas City, MO 64105

General Counsel
Missouri Public Service Commission
P.O. Box 360
Jefferson City, MO 65102

James J. Cook
Union Electric Company d/b/a AmerenUE
P.O. Box 66149 (MC 1310)
St. Louis, MO 63166

Stuart W. Conrad
Finnegan, Conrad & Peterson
3100 Broadway, 1209 Penntower Office
Kansas City, MO 64111



Shelley A. Woods