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January 21, 2000

**FILED**

JAN 21 2000

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

Missouri Public  
Service Commission

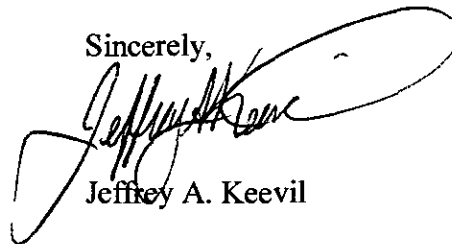
RE: Case No. EM-2000-292  
In the matter of the joint application of UtiliCorp United Inc. and St. Joseph Light  
& Power Company

Dear Mr. Roberts:

Enclosed for filing in the above-referenced case are an original and fourteen (14)  
copies of a RESPONSE TO MOTION TO CONSOLIDATE on behalf of the City of  
Springfield, Missouri, through the Board of Public Utilities ("City Utilities").

Copies of this filing have on this date been mailed or hand-delivered to counsel of  
record. Thank you for your attention to this matter.

Sincerely,



Jeffrey A. Keevil

JAK/er  
Enclosures  
cc: counsel of record

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI

FILED

JAN 21 2000

Missouri Public  
Service Commission

In the Matter of the Joint Application of )  
UtiliCorp United Inc. and St. Joseph Light & )  
Power Company for Authority to Merge St. )  
Joseph Light & Power Company with and )  
into UtiliCorp United Inc., and, in )  
Connection Therewith, Certain Other )  
Related Transactions. )

Case No. EM-2000-292

**RESPONSE TO MOTION TO CONSOLIDATE**

COMES NOW Intervenor, the City of Springfield, Missouri, through the Board of Public Utilities ("City Utilities"), and for its Response to Motion to Consolidate respectfully states as follows:

1. In its Notice Regarding Motion to Consolidate issued on December 22, 1999 (the "Notice"), the Commission allowed the parties to file responses to the Motion to Consolidate filed herein by the Office of the Public Counsel ("OPC") no later than January 21, 2000. In its Motion to Consolidate, OPC requested that the Commission consolidate this case with Case No. EM-2000-369.

2. City Utilities strongly supports OPC's Motion to Consolidate. As stated by OPC, consolidation of the two cases "would avoid a tremendous and unnecessary waste of resources" because both cases "involve substantially similar issues of law and fact, [and] would primarily require the attention of the same experts."

3. In the Joint Applicants' Response filed herein on December 3, 1999, the Joint Applicants stated that "to the extent appropriate, discovery in one case should be utilized in the other. Issues common to the two transactions need only be litigated one

time . . . .” As City Utilities previously stated in this case in its Reply to the Joint Applicants’ Response, “the only reasonable and practical way to accomplish this objective in a manner which provides all parties with due process is for the Commission to **consolidate the cases.**” In its Notice the Commission stated that it “would like to have input from possible intervenors in Case No. EM-2000-369 before ruling on the Motion to Consolidate.” To the best knowledge of City Utilities (which has intervened in Case No. EM-2000-369), nothing has occurred to cause it to change its position as set forth in its Reply to the Joint Applicants’ Response.

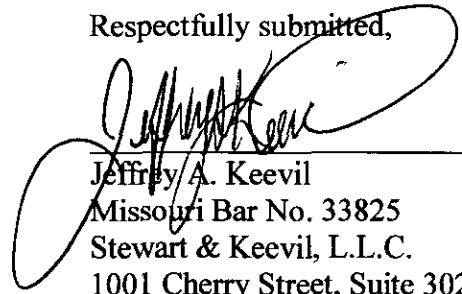
4. Also, as discussed in City Utilities’ Response to UtiliCorp and Empire’s Motion to Establish Procedural Schedule in Case No. EM-2000-369 which is being filed contemporaneously herewith, consolidation of the two cases would permit an earlier resolution of both cases than proceeding with the cases on a separate track. This is because, as OPC has already noted, both cases will require the attention of the same expert witnesses. If the cases are not consolidated, the procedural dates for Case No. EM-2000-369 must be significantly delayed in order to allow the experts (as well as attorneys) adequate time to devote to the analysis of Case No. EM-2000-292, the conduct and analysis of discovery in Case No. EM-2000-292, the preparation and review of testimony in Case No. EM-2000-292, and the preparation for and participation in hearings and briefing in Case No. EM-2000-292. The experts (as well as attorneys) should not, and cannot, be expected to proceed with two substantially similar cases involving substantially similar parties and electric systems on different, overlapping procedural schedules, but should be allowed to devote all necessary time and attention to

one **consolidated** case. The Joint Applicants' "divide (the attention of other parties) and conquer" approach to scheduling should not be permitted by the Commission.

5. Furthermore, consolidating the cases will conserve the time and resources of the Commission as well as that of the parties. The Commission will only have one hearing and will only be required to read the consolidated briefs (from each of the parties) and will only issue one consolidated order if the cases are consolidated, whereas if the cases are not consolidated the Commission will have twice as many hearings to attend, twice as many briefs to read, and twice as many orders to issue.

WHEREFORE, for all of the reasons set forth above, City Utilities respectfully requests the Commission issue its order granting the Motion to Consolidate filed by the Office of the Public Counsel and consolidate Case No. EM-2000-292 and Case No. EM-2000-369.

Respectfully submitted,



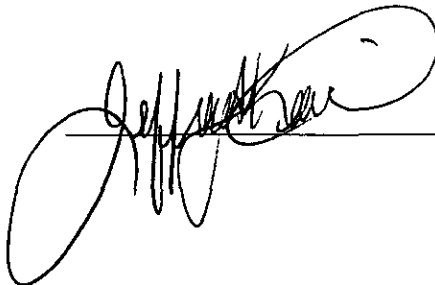
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ATTORNEY FOR THE CITY OF  
SPRINGFIELD, MISSOURI, THROUGH  
THE BOARD OF PUBLIC UTILITIES

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing was served by placing same in first-class mail with proper postage affixed, or by hand delivery, to counsel of record on this 21st day of January, 2000.



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A handwritten signature in black ink is written over a horizontal line. The signature is stylized and cursive, with a large loop on the left and a smaller loop on the right.