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STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

At a Session of the Public Service
Commission held at its office
in Jefferson City on the 4th
day of May, 1999.

In the Matter of the Application of Various)
Electrical Corporations for the Rescission of)
4 CSR 240-22.010, 4 CSR 240-22.020,)
4 CSR 240-22.030, 4 CSR 240-22.040,) Case No. EO-99-365
4 CSR 240-22.050, 4 CSR 240-22.060,)
4 CSR 240-22.070, and 4 CSR 240-22.080.)

ORDER EXTENDING DATE FOR COMMISSION ACTION

On February 25, 1999, St. Joseph Light & Power Company (SJLP),
The Empire District Electric Company (Empire) and AmerenUE (UE) filed a
petition pursuant to 4 CSR 240-2.180 requesting that the Commission issue
a notice of proposed rulemaking to rescind the entirety of 4 CSR 240-22.

Kansas City Power & Light Company (KCPL) and Missouri Public Service
Company (MPS) were made parties to this action by order of the
Commission.

4 CSR 240-2.180.6(B) provides that "within thirty (30) days
after the rulemaking petition is filed, the commission shall either deny
the petition in writing, stating the reason for its decision, or shall
initiate rule-making in accordance with Chapter 536." On March 9, SJLP,
Empire and AmerenUE filed a Motion to Extend Procedural Schedule. KCPL
joined that motion on March 12. The motion indicated that
representatives of all of the affected electric utilities, the Staff of
the Public Service Commission (Staff) and the Office of the Public

Counsel (Public Counsel) had discussed a possible settlement of the issues presented by the petition. The motion requested additional time to conduct more negotiations before submitting recommendations to the Commission regarding the petition to rescind rules. The Motion to Extend Procedural Schedule was granted by the Commission by Order issued on March 15. Staff filed another Motion to Extend Procedural Schedule on April 12. That motion was granted by the Commission in an Order issued on April 15.

The additional discussions were fruitful and on April 27, SJLP, Empire, UE, KCPL, MPS, Staff and Public Counsel filed a Unanimous Stipulation and Agreement. The Stipulation and Agreement provides that SJLP, Empire, MPS, KCPL and UE may file with the Commission an application for variance from the provisions of 4 CSR 240-22, conditioned upon their agreement to the discussion topics contained in Appendix A to the Stipulation and Agreement, as a procedure to be followed in lieu of the filings otherwise required under 4 CSR 240-22 for the specified time periods. Staff and Public Counsel agreed that they will support the granting of the various applications for variance.

The Stipulation and Agreement also provides that if the Commission grants a variance to the affected electric companies in the manner contemplated in the Stipulation and Agreement, on or before June 1, 1999, the Petitioners will voluntarily withdraw their Petition for Rescission of Administrative Rules. The parties further agreed not to file any similar petition for the rescission of 4 CSR 240-22, before June

1, 2001, provided that the affected electric companies are operating under the terms of a Commission-approved variance incorporating the provisions of Appendix A, and there have been no orders or additional requirements of the Commission, or amendments to 4 CSR 240-22, which have taken effect and which place a greater administrative burden on such companies with regard to reporting of the topics contained in Appendix A than what appears in Appendix A.

In order to allow the Commission to consider the various applications for variance to be filed by the affected electric companies, the parties agreed that the period within which the Commission is required by its regulation to rule on the Petition for Rescission of Administrative Rules should be extended to June 1.

The Commission has considered the Unanimous Stipulation and Agreement of the parties and has concluded that it should be accepted. Acceptance of the Stipulation and Agreement does not require the Commission to grant any of the applications for variances to be filed. Any proposed variance will be evaluated by the Commission on its own merits. Any applications for variance shall be filed with the Commission no later than May 11. Staff's recommendations and any comments that Public Counsel may wish to make regarding the applications for variance shall be filed no later than May 14. The Commission recognizes that if it rejects any of the requested variances, it must act on the Petition for Rescission of Administrative Rules no later than June 1.

IT IS THEREFORE ORDERED:

1. That the Unanimous Stipulation and Agreement submitted by the parties on April 27, 1999 is accepted.

2. That any application for variance from the requirements of 4 CSR 240-22 filed by parties to the Unanimous Stipulation and Agreement shall be filed no later than May 11, 1999. Staff shall file its recommendations and the Office of the Public Counsel may file its comments regarding the applications for variance no later than May 14.

3. That in conformance with the requirements of the Unanimous Stipulation and Agreement, the date by which the Commission is required to act on the Petition for Rescission of Administrative Rules is extended to June 1, 1999.

4. That this order shall become effective on May 14, 1999.

BY THE COMMISSION



Dale H. Roberts
Chief Regulatory Law Judge/Secretary

(S E A L)

Lumpe, Ch., Crumpton, Murray,
Schemenauer, and Drainer, CC., concur

Woodruff, Regulatory Law Judge