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BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of a Tariff Filed on Behalf of)
UtiliCorp United Inc. d/b/a Missouri Public) **Case No. ET-99-241**
Service Allowing a Special Contract Rate for) (Tariff File 9900378)
"Green Power.")

ORDER GRANTING MOTION FOR CONTINUANCE

On November 10, 1998, UtiliCorp United, Inc. d/b/a Missouri Public Service (MPS) filed tariff sheets which added a special contract "Green Power" rate. On December 8, 1998, the Commission established an intervention date of January 7, 1999, and suspended the tariff until April 10, 1999. On January 5, 1999, Union Electric Company d/b/a AmerenUE filed an application to intervene. On January 6, 1999, the Missouri Department of Natural Resources, Division of Energy, filed an application to intervene. On January 7, 1999, Kansas City Power and Light filed an application to intervene. On January 14, 1999, the Commission issued an order granting intervention to all of the aforesaid parties.

On February 8, 1999, the parties filed a document entitled "Proposed Procedural Schedule." The document did not contain a proposed procedural schedule; instead it stated that the parties met on January 20, 1999 for a prehearing conference. The document did not mention any issues which were defined. The document also stated that the parties agreed to meet again on February 25, 1999 for a technical conference to further define and discuss the issues related to the

proposed "Green Power" tariff. The Commission interpreted this document as a request for an extension of time to file a procedural schedule and granted an extension until March 4, 1999.

On March 4, 1999, MPS filed two documents. The first voluntarily extended the effective date of the proposed tariff one hundred twenty (120) days from April 10, 1999 to August 8, 1999.

The second document moved for a general continuance of the proceedings. The motion states that the parties participated in a technical conference on February 25, 1999, at which time a number of the issues related to the proposed tariff filing were defined and discussed. However, the document stated that ". . . MPS believes that the Commission should continue this matter indefinitely to give interested parties further opportunity to explore issues, define positions and to better develop a 'Green Power' proposal for the Commission's consideration."

The continuance is granted. The parties are advised of 4 CSR 240-2.110(4)(A): "When a continuance has been granted . . . the Commission may dismiss the proceeding for failure to prosecute if it has not received a request . . . that the matter again be continued or set for hearing within ninety (90) days from the date of the order granting continuance."

Tariff filing is a poor method for MPS's purpose. MPS insists it does not want an evidentiary hearing. The Commission, however, must accept or reject the filed tariffs based on competent and substantial evidence, and it must do so within the statutory 11 month period. Section 386.315(3), RSMo.

The Commission requests that MPS consider other means to accomplish its purpose rather than leaving on file a tariff for which it does not intend to present supporting evidence.

IT IS THEREFORE ORDERED:

1. That the continuance is granted.
2. That this order shall become effective on April 6, 1999.

BY THE COMMISSION



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

Bill Hopkins, Senior Regulatory Law Judge,
by delegation of authority pursuant
to 4 CSR 240-2.120(1) (November 30,
1995) and Section 386.240, RSMo 1994.

Dated at Jefferson City, Missouri,
on this 26th day of March, 1999.