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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 17th
day of February, 1999.

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| In the Matter of St. Joseph Light & Power) | |
| Company's Revised Electric Rate Schedules) | |
| Designed to Increase Rates for Electrical) | <u>Case No. ER-99-247</u> |
| Service in the Company's Missouri) | <u>Tariff No. 9900427</u> |
| Service Territory.) | |

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| The Staff of the Missouri Public) | |
| Service Commission,) | |
| Complainant,) | |
| vs.) | <u>Case No. EC-98-573</u> |
| St. Joseph Light & Power Company,) | |
| Respondent.) | |

**ORDER DENYING MOTION TO DISMISS, GRANTING MOTION TO
CONSOLIDATE AND ESTABLISHING TEST YEAR**

On February 4, 1999, St. Joseph Light & Power Company (SJLP) filed a Motion to Dismiss. The motion requests that the Public Service Commission dismiss Case No. EC-98-573 (the complaint case), filed by the Staff of the Public Service Commission (Staff), regarding the level of SJLP's rates and charges for electrical service. SJLP argues that the complaint case overlaps case number ER-99-247 (the rate case), filed by SJLP to increase its rates and charges. SJLP alleges that both cases exist to determine the just and reasonable electric rates and charges for

SJLP and that it would be an unnecessary duplication of effort to continue toward hearing in both cases. Therefore, SJLP urges the Commission to dismiss the complaint case.

On February 5, in response to SJLP's Motion to Dismiss, Staff filed a Motion to Consolidate the complaint case and the rate case. Staff's motion also asks that the Commission modify the test year previously adopted in the complaint case to match the test year adopted in the rate case.

On February 9, an intervenor, AG Processing, Inc. (AGP), filed its response in opposition to SJLP's Motion to Dismiss. On February 16, AGP filed an additional response indicating that it does not oppose Staff's Motion to Consolidate. Friskies Petcare and Wire Rope Corporation of America, intervenors in the rate case, joined in that response. On February 10, the Office of the Public Counsel filed suggestions in opposition to SJLP's Motion to Dismiss, and in support of Staff's Motion to Consolidate. SJLP filed its response in opposition to Staff Motion to Consolidate on February 10.

SJLP opposes the consolidation of the complaint case with the rate case because the two cases do not share a common question of fact. Their factual diversity results from the existence of different test years in the two cases. The test year established in the complaint case is the twelve months ending December 31, 1997, with an update period for known and measurable items through September 30, 1998. The test year for the rate case was established as the twelve months ending December 31,

1998, updated for known and measurable changes through March 31, 1999. The basis for SJLP's opposition to consolidation is eliminated by the adoption of a common test year for the consolidated case, as requested in Staff's Motion to Consolidate. Therefore, the consolidation of the complaint case with the rate case is appropriate.

IT IS THEREFORE ORDERED:

1. That the Motion to Consolidate Case Nos. EC-98-573 and ER-99-247 is granted.
2. That the Motion to Dismiss Case No. EC-98-573 is denied.
3. That the test year for the consolidated case is established as the twelve months ending December 31, 1998, updated for known and measurable changes through March 31, 1999.
4. That the procedural schedule for the consolidated case will be established by a separate order of the Commission
5. That the procedural schedule previously established in Case No. EC-98-573 is suspended pending the establishment of a new procedural schedule for the consolidated case.

6. That this order shall become effective on March 2, 1999.

BY THE COMMISSION



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

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

Woodruff, Regulatory Law Judge

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COMMISSION COUNSEL
PUBLIC SERVICE COMMISSION