

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION
JEFFERSON CITY**

August 1, 2000

CASE NO: EO-2000-845

Office of the Public Counsel

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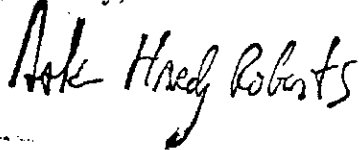
Missouri Public Service Commission
P.O. Box 360
Jefferson City, MO 65102

Stuart W. Conrad

Finnegan, Conrad & Peterson, L.C.
1209 Penntower Office Center
3100 Broadway
Kansas City, MO 64111

Enclosed find certified copy of an ORDER in the above-numbered case(s).

Sincerely,



**Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge**

Uncertified copy:

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a Session of the Public Service
Commission held at its office
in Jefferson City on the 1st
day of August, 2000.

In the Matter of the Application of)	
St. Joseph Light & Power Company for the)	
Issuance of an Accounting Authority)	<u>Case No. EO-2000-845</u>
Order Relating to its Electrical)	
Operations)	

ORDER DENYING PUBLIC COUNSEL'S MOTION TO DISMISS

On June 23, 2000, St. Joseph Light & Power Company (SJLP) filed an Application for Accounting Authority Order. SJLP's application indicates that an accounting authority order (an AAO) is needed because of a turbine failure and fire at its Lake Road power plant and a resulting need to purchase electricity for its customers on the open market at increased cost.

On July 3, the Office of the Public Counsel (Public Counsel) filed a pleading entitled Public Counsel's Motion to Dismiss St. Joseph Light and Power Company's Application for Accounting Authority Order, or in the Alternative, Request for Hearing. Public Counsel argues that, for various reasons, the costs for which SJLP is requesting deferral do not meet the AAO standard that the Commission has applied in the past. Public Counsel also suggests that if SJLP requires additional revenue it should file a rate case. Public Counsel requests that the Commission

dismiss SJLP's application or in the alternative that the Commission schedule a hearing on the issues raised by Public Counsel.

SJLP replied to Public Counsel's Motion to Dismiss in a pleading filed on July 13. SJLP argues that there is no legal basis for Public Counsel's Motion to Dismiss. SJLP further states that its application for an AAO is in keeping with past Commission precedent. SJLP also points out that it is not seeking to recover any expenses in this proceeding; it is merely seeking the opportunity to do so in a future rate case. SJLP states that it is not practical for it to file an immediate rate case because such a rate case would likely not be concluded before it closes its books on the year 2000 and because of its pending merger with UtiliCorp United Inc.

Public Counsel's motion to dismiss raises many arguments about why SJLP's request for an AAO should be denied. That motion does not, however, provide any justification for the dismissal of SJLP's application without the benefit of a hearing. For that reason Public Counsel's motion will be denied.

Public Counsel's motion, as an alternative to dismissal, requests that the Commission hold a hearing on SJLP's application. That, not dismissal, is the proper course for dealing with SJLP's application.¹

¹ On July 17, the Commission issued an order that established an intervention period, scheduled a prehearing conference for August 31, and directed the parties to file a proposed procedural schedule no later than September 11.

IT IS THEREFORE ORDERED:

1. That Public Counsel's Motion to Dismiss St. Joseph Light and Power Company's Application for Accounting Authority Order is denied.
2. That this order shall become effective on August 11, 2000.

BY THE COMMISSION



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

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

Woodruff, Regulatory Law Judge

Alt/Sec'y: Woodruff/Boyle
Date Circulated 7-26 CASE NO. 20-200-845
Lumpke, Chair HL
Draher, Vice Chair AD
Murray, Commissioner OW
Schemenauer, Commissioner AS
Simmons, Commissioner KS
Agenda Date 8-1
Action taken: 5
5-0 AS
Must Vote Not Later Than _____

STATE OF MISSOURI
OFFICE OF THE PUBLIC SERVICE COMMISSION

I have compared the preceding copy with the original on file in this office and
I do hereby certify the same to be a true copy therefrom and the whole thereof.

WITNESS my hand and seal of the Public Service Commission, at Jefferson City,
Missouri, this 1st day of Aug. 2000.

Dale Hardy Roberts

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

