

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION
JEFFERSON CITY
September 14, 2000**

CASE NO: EO-2000-845

Office of the Public Counsel

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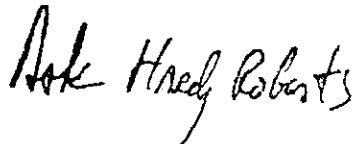
Missouri Public Service Commission
P.O. Box 360
Jefferson City, MO 65102

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**

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a Session of the Public Service
Commission held at its office
in Jefferson City on the 14th
day of September, 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 ADOPTING PROCEDURAL SCHEDULE

On June 23, 2000, St. Joseph Light & Power Company (SJLP) filed an Application for Accounting Authority Order. The application indicated that on June 7, 2000, a turbine failure and fire at SJLP's Lake Road Power Plant resulted in an unplanned shutdown of the Turbine 4 and Boiler 6 unit. SJLP requested that the Commission issue an accounting authority order (AAO) that would authorize SJLP to defer and record in Uniform System of Accounts, account 182.3, the incremental costs incurred by SJLP as a result of the incident at the Lake Road Power Plant. SJLP requested that the AAO be in place no later than December 31, 2000.

On July 3, the Staff of the Commission (Staff) filed a response to SJLP's application, indicating that it opposed the granting of an AAO to SJLP. The Office of the Public Counsel also filed a pleading on July 3 in which it indicated its opposition to the granting of an AAO to SJLP and requested that this matter be set for hearing. On June 30, AG Processing, Inc. (AGP) filed an Application to Intervene, in which it also requested that this matter be set for hearing.

On July 17, the Commission issued an order permitting AGP to intervene and providing that any other party interested in intervening

should file an application to intervene no later than August 16. That order also scheduled a prehearing conference for August 31 and directed the parties to file a proposed procedural schedule by September 11. No additional applications to intervene were filed and a prehearing conference was held on August 31. At that prehearing conference, the presiding officer directed the parties to file proposed procedural schedules by September 7.

SJLP, Staff and Public Counsel filed proposed procedural schedules on September 7. SJLP's proposed procedural schedule requests a hearing on October 26, 2000 and would have final briefs filed on December 4, 2000. Staff's proposed procedural schedule would schedule a hearing for November 27 and 28 and would have final briefs submitted on January 3, 2001. Public Counsel's proposed procedural schedule would set a hearing for December 19 and 20, with final briefs submitted on January 31, 2001. On September 8, AGP filed a response to the procedural schedules in which it opposed SJLP's proposed schedule and endorsed the proposal of either Staff or Public Counsel. On September 12, SJLP filed a response to the procedural schedules proposed by Staff and Public Counsel.

SJLP's application and its response to the procedural schedules proposed by Staff and Public Counsel make it clear that SJLP needs to have an answer to its request for an AAO no later than the week of January 15, 2001, when it closes its books for the year. Staff's proposed schedule would not have this case submitted to the Commission until January 3, 2001. Public Counsel would delay submission until January 31, 2001. Neither proposal would allow the Commission time to deliberate, prepare an order and give that order a ten-day effective date before SJLP's mid-January deadline. If SJLP's request for an AAO is granted, SJLP would like to disclose this in its current year's financial statements in order to better inform its investors of the company's financial well-being. The Commission

agrees with SJLP that it would be reasonable for SJLP to have an answer to the AAO request prior to the closing of its books on January 15, 2001. Therefore, the schedules proposed by Staff and Public Counsel would effectively deny SJLP's request for relief through inaction.

The Commission has reviewed the procedural schedule proposed by SJLP and finds that it is generally acceptable. The Commission will schedule two days of hearings as requested by Staff and Public Counsel. The Commission finds that the following conditions should be applied:

(A) The Commission will require the prefiling of testimony as defined in Commission Rule 4 CSR 240-2.130. All parties shall comply with this rule, including the requirement that testimony be filed on line-numbered pages. The practice of prefiling testimony is designed to give parties notice of the claims, contentions and evidence in issue and to avoid unnecessary objections and delays caused by allegations of unfair surprise at the hearing.

(B) Pursuant to Commission Rule 4 CSR 240-2.130(15), testimony and schedules shall not be filed under seal and treated as proprietary or highly confidential unless the Commission has first established a protective order. Any testimony or schedule filed without a protective order first being established shall be considered public information.

(C) The parties shall agree upon and the Staff shall file a list of the issues to be heard, the witnesses to appear on each day of the hearing and the order in which they shall be called, and the order of cross-examination for each witness. Any issue not contained in this list of issues will be viewed as uncontested and not requiring resolution by the Commission.

(D) Each party shall file a statement of its position on each disputed issue. Such statement shall be simple and concise, and shall not

contain argument about why the party believes its position to be the correct one.

(E) The Commission's general policy provides for the filing of the transcript within two weeks after the hearing. In view of the necessity for prompt action in this case, the filing of the transcript will be expedited.

(F) All pleadings, briefs and amendments shall be filed in accordance with Commission Rule 4 CSR 240-2.080. Briefs shall follow the same list of issues as filed in the case and shall set forth and cite the proper portions of the record concerning the remaining unresolved issues that are to be decided by the Commission.

(G) All parties are required to bring an adequate number of copies of exhibits that they intend to offer into evidence at the hearing. If an exhibit has been prefiled, only three copies of the exhibit are necessary for the court reporter. If an exhibit has not been prefiled, the party offering it should bring, in addition to the three copies for the court reporter, copies for the five Commissioners, the regulatory law judge, and all counsel.

· IT IS THEREFORE ORDERED:

1. That the following procedural schedule is established for this case:

| | | |
|---|---|-------------------------------|
| Direct testimony of SJLP | - | September 18, 2000 3:00 PM |
| Rebuttal testimony of all other parties | - | October 10, 2000 3:00 PM |
| Surrebuttal and cross-rebuttal of all parties | - | October 17, 2000 3:00 PM |
| List of issues; order of witnesses and cross-examination | - | October 20, 2000 3:00 PM |

Statement of the position
of each party on each issue

- October 20, 2000
3:00 PM

Evidentiary Hearing

- October 26 & 27, 2000
8:30 AM

Initial Briefs

- November 21, 2000
3:00 PM

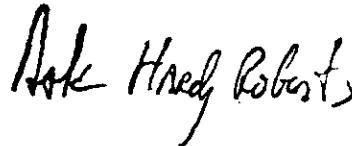
Reply Briefs

- December 4, 2000

2. That the evidentiary hearing will be held in the offices of the Missouri Public Service Commission in Jefferson City, Missouri. This hearing will be held in a building that meets accessibility standards required by the Americans with Disabilities Act. Any person needing additional accommodations to participate in this hearing may call the Public Service Commission's Hotline at 1-800-392-4211 (voice) or 1-800-829-7541 (TDD) prior to the hearing.

3. That this order shall become effective on September 26, 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, Senior Regulatory Law Judge

ALJ/Sec'y: Wanda F. Boyce
Date Circulated: 9-13 CASE NO. 20-2000-845
VS
Lumpke, Chair
Draier, Vice Chair mda p4
Murray, Commissioner me p2
Schemmner, Commissioner RLS 8:21 p3
Simmons, Commissioner KS
Agenda Date 9-14
Action taken: 3-0 A A
Must Vote Not Later Than 3-0 A A

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 14th day of September 2000.

Dale Hardy Roberts

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

