

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION
JEFFERSON CITY
August 3, 2000**

CASE NO: EM-2000-369

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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 3rd
day of August, 2000.

In the Matter of the Joint Application of)
UtiliCorp United Inc. and The Empire)
District Electric Company for Authority to)
Merge The Empire District Electric Company)
with and into UtiliCorp United Inc., and,)
in Connection Therewith, Certain Other)
Related Transactions)

Case No. EM-2000-369

ORDER DENYING REQUEST FOR PUBLIC HEARING

On July 24, 2000, Albert Fuchs, George Dorsey, Jack De Graffenreid, Richard V. Vanwinkle, Jack Wilson, Vernon Corkle, Verl Alumbaugh, Donald Crayne, Bill Athey and Glenn D. Rhoads (collectively referred to as the Empire Retirees) filed a pleading requesting that the Commission schedule a public hearing at which the Commission would have the opportunity to hear the views and testimony of retired employees, surviving spouses of retired employees and disabled former employees and other members of the public. The Empire Retirees suggest that the public hearing be held on August 28-31 in either Joplin or Jefferson City.

On July 25, the Commission issued an order directing that any party wishing to respond to the request for public hearing do so on or before July 31. UtiliCorp United Inc. (UtiliCorp) and The Empire District Electric Company (Empire) filed a response on July 31. No other party responded. UtiliCorp and Empire oppose the Empire Retirees' request

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for public hearing. They suggest that the public hearing would be an opportunity for the Empire Retirees to present additional testimony in support of their position, thus avoiding the June 21, 2000 deadline for the presentation of prefiled, written rebuttal testimony. Moreover, the requested hearing dates of August 28 through August 31 would occur after the August 23 surrebuttal testimony filing date denying UtiliCorp and Empire the opportunity to respond to any testimony presented at the public hearing.

The Commission has carefully considered the request for a public hearing and concludes that the request must be denied. The remaining schedule simply does not allow enough time to schedule and provide adequate notice of a public hearing. UtiliCorp and Empire are correct when they argue that the public hearing would need to be held before the August 23 deadline for filing of surrebuttal testimony. UtiliCorp, Empire and all the other parties would be entitled to an opportunity to respond to the testimony presented at a public hearing. That means that such a public hearing would need to be scheduled for the week of August 14. Such short notice could result in only members connected with the Empire Retirees appearing to testify and, thus, the public hearing could turn into a separate hearing for the presentation of additional evidence by the Empire Retirees.


When the Empire Retirees applied for permission to intervene out of time, they represented that they would "comply with such deadlines as currently ordered for filing of testimony in this case..." On June 22, the Empire Retirees did, in fact, file the rebuttal testimony of Verl

Alumbaugh, Donald Crayne, Vernon Corkle, Richard Vanwinkle, Jack De Graffenreid, Jack Wilson, Bill Athey, George Dorsey, Albert Fuchs and Glenn Rhoads. Furthermore, the Empire Retirees are represented by counsel and will be able to cross-examine witnesses and fully participate in the evidentiary hearing. Thus, the Empire Retirees' views will be presented to the Commission. To establish another hearing at which the Empire Retirees can supplement their prefiled testimony is unnecessary.

IT IS THEREFORE ORDERED:

1. That the request to schedule a public hearing is denied.
2. That this order shall become effective on August 15, 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

ALJ/Sec'y: Woodruff/Boye
 Date Circulated 8-2 CASE NO. CM-2000-369
8-2
 Lumspe, Chair
add
 Drainer, Vice Chair
CM-2
 Murray, Commissioner
8-3
 Schemenauer, Commissioner
KS
 Simmons, Commissioner
8-3
 Agenda Date
 Action taken: 5-0 AA
 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 3rd day of Aug. 2000.

Dale Hardy Roberts

Dale Hardy Roberts
 Secretary/Chief Regulatory Law Judge

