

STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION

At a Session of the Public Service  
Commission held at its office  
in Jefferson City on the 28th  
day of February, 1991.

In the matter of the application of Missouri Public     )  
Service, a division of UtiliCorp United Inc., to         )  
refund certain monies related to settlement proceeds     )  
from Wyoming Tight Sands Antitrust litigation.           )

CASE NO. GO-91-259

ORDER APPROVING REFUND

On January 16, 1991, Missouri Public Service (MPS), a division of UtiliCorp United Inc. (UtiliCorp), filed an application seeking permission to refund certain monies to be received by UtiliCorp on behalf of MPS. The monies in question have been received as a settlement of litigation in which UtiliCorp and other parties had alleged that overcharges had occurred for the purchase of natural gas. The litigation is commonly known as the "Wyoming Tight Sands Antitrust Litigation."

Accompanying the application were several exhibits, including proposed tariffs, which closely parallel the "Refund Provision For Firm Customers" contained in the MPS Purchase Gas Adjustment Clause.

As a result of discussions with the Commission's Staff, MPS filed an amended application on February 20, 1991, which embodied certain tariff revisions recommended by the Staff. The application, as amended, states that UtiliCorp is to receive \$14,994,364 which includes its litigation expenses. UtiliCorp is to receive the money in two annual payments. Of these monies it is represented that MPS retail customers are due \$4,690,668. MPS proposes to refund these monies in two equal amounts.

The proposed tariffs contain a refunding rate of \$.4083 per Mcf to be in effect for most firm customers until October or November of 1991. Interruptible

customers will receive their refunds by the issuance of individual checks. Customers receiving checks will not participate in the volumetric refunding.

The Commission Staff has recommended that the application, as amended, be approved but that ratemaking treatment be reserved because of the unusual nature of the filing. The Staff intends to monitor the nature and extent of the refunds until they are concluded. In the Commission's opinion Staff's recommendation should be accepted and the authority sought should be granted to permit the Company's customers to take advantage immediately of the uncontested amounts of the refunds.

IT IS THEREFORE ORDERED:

1. That the application of Missouri Public Service, a division of UtiliCorp United Inc., filed herein January 16, 1991, as amended February 20, 1991, proposing a method of refund of certain monies related to settlement proceeds from Wyoming Tight Sands Antitrust Litigation be approved.
2. That the tariff sheets entitled "Wyoming Tight Sands Settlement Refund Procedure" attached to the amended application as the revised Attachment 2, copies of which are attached to this Order, be approved effective March 5, 1991.
3. That the Commission retains jurisdiction over this matter for the purpose of determining any ratemaking treatment which may be proper in any subsequent proceedings.
4. That this Order shall become effective on the date hereof.

BY THE COMMISSION

*Brent Stewart*

Brent Stewart  
Executive Secretary

(S E A L)

Rauch, McClure and  
Letsch-Roderique, CC., Concur.  
Steinmeier, Chm., and Mueller,  
CC., Absent.

UTILICORP UNITED INC. d/b/a  
MISSOURI PUBLIC SERVICE

For Southern System

(Name of Issuing Corporation)

(Community, Town, or City)

## WYOMING TIGHT SANDS SETTLEMENT REFUND PROCEDURE

GENERAL CONDITIONS

This refund is premised upon the receipt by Missouri Public Service of \$4,690,668 in settlement of the Wyoming Tight Sands Litigation. The settlement proceeds are attributable to alleged overcharges for the purchase of natural gas during the period November 1980 through December 1988 (overcharge period). This refund procedure shall be in force from its effective date until the full amount plus applicable interest has been refunded to the affected customers. Missouri Public Service shall not be required to refund more than the principal amount plus applicable interest and this refund provision shall automatically terminate when the full amount is refunded.

REFUND PROVISION FOR FIRM CUSTOMERS

This provision is applicable to all Missouri Public Service Southern System firm gas customers who were not Missouri Public Service Southern System interruptible customers during the overcharge period. The following refund rate (reduction in volumetric charge) applies to all MCF sales to eligible Southern System firm customers:

\$0.4083 per MCF

Because of the two-step procedure in which funds are to be received by Missouri Public Service, this rate shall be in force from its effective date until \$1,402,543 (the amount of the first payment received, allocated to the firm customer class) plus applicable interest have been credited to the affected customers, assuming that occurs prior to the anticipated receipt of the second payment in October 1991. If the total amount has not been credited by the time of receipt of the second payment, the unrefunded balance will be added to the allocated portion of the second receipt plus interest and the refund rate adjusted accordingly. The adjusted refund rate shall remain in force until \$2,805,086 plus applicable interest has been credited to the affected customers.

DATE OF ISSUE \_\_\_\_\_  
(month          day          year)DATE EFFECTIVE \_\_\_\_\_  
(month          day          year)ISSUED BY Maurice L. Arnall  
(name of officer)Manager - Rates  
(title)Kansas City, MO 64138  
(address)

Revised Attachment 2

Cancelling P.S.C. MO. No. \_\_\_\_\_

(Orig.  
(Rev.

SHEET No. \_\_\_\_\_

UTILICORP UNITED INC. d/b/a  
MISSOURI PUBLIC SERVICE

(Name of Issuing Corporation)

For Southern System

(Community, Town, or City)

WYOMING TIGHT SANDS SETTLEMENT REFUND PROCEDURE (CONTINUED)

REFUND PROVISION FOR INTERRUPTIBLE CUSTOMERS

This provision is applicable to all Missouri Public Service Southern System gas customers who were interruptible customers during the overcharge period. All eligible customers will receive a refund, based on their consumption during the overcharge period, in the form of two approximately equal checks. The issuance of the checks will correspond with the effective date of this refund procedure and the receipt by Missouri Public Service of the second and final installment of the settlement proceeds. No interest will be added to the settlement amount allocated to each customer and any delinquent bills or bad debts will be taken into consideration in determining the final amount to be refunded.

For those customers which have been involved in bankruptcy proceedings, acquisitions, changes in ownership or are now defunct, Missouri Public Service will contact the customer representative, bankruptcy trustee, predecessor in interest and other parties (as appropriate) notifying each of the existence of the refund available. If there are no duplicate claims or other complicating matters which potentially expose Missouri Public Service to duplicate claims for the same amount, Missouri Public Service will issue checks payable to the designated party. If there are conflicting claims on the amounts, Missouri Public Service will promptly pay the funds to a neutral party since Missouri Public Service does not have the ability to determine who is the lawful recipient. Missouri Public Service will report to the Commission's Staff on a monthly basis the status of these unresolved refunds until they are completed.

Customers who were on an interruptible rate during the overcharge period that are currently on a firm rate will receive a refund, by checks, based upon their total consumption, firm and interruptible, during the overcharge period. These customers will not be allowed to participate in the firm refund procedure.

DATE OF ISSUE \_\_\_\_\_  
(month day year)

DATE EFFECTIVE \_\_\_\_\_  
(month day year)

ISSUED BY Maurice L. Arnall  
(name of officer)

Manager - Rates  
(title)

Kansas City, MO 64138  
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