

**STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION  
JEFFERSON CITY  
October 5, 2000**

**CASE NO: EM-2000-292**

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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 5th  
day of October, 2000.

In the Matter of the Joint Application of	)	
UtiliCorp United Inc. and St. Joseph	)	
Light & Power Company for Authority to	)	
Merge St. Joseph Light & Power Company	)	<u>Case No. EM-2000-292</u>
with and into UtiliCorp United Inc., and,	)	
in Connection Therewith, Certain Other	)	
Related Transactions.	)	

**ORDER REGARDING STAFF'S MOTION FOR COMMISSION ORDER DIRECTING  
AN ON THE RECORD CONFERENCE**

On September 29, 2000, the Staff of the Commission (Staff) filed a motion asking that the Commission schedule an on the record conference for October 12, 2000 at 1:30 p.m. for the purpose of requiring UtiliCorp United Inc., (UtiliCorp) and St. Joseph Light & Power Company (SJLP) to explain the present status of the proposed merger. Staff requested expedited treatment for its motion. Because of the short amount of time available for consideration of Staff's motion, the Commission, on October 2, issued an order directing that any party wishing to respond to Staff's motion do so no later than October 4. UtiliCorp and SJLP filed separate responses to Staff's motion on October 4.

Staff's motion alleges that UtiliCorp and SJLP have exchanged correspondence regarding the June 7, 2000 fire at SJLP's Lake Road power plant. That correspondence leads Staff to believe that the proposed merger between UtiliCorp and SJLP may not take place. Staff suggests that UtiliCorp and SJLP be called before the Commission to explain the present status of the proposed merger.

The Commission is certainly interested in learning whether or not the proposed merger between UtiliCorp and SJLP will proceed and the Commission expects that UtiliCorp and SJLP will promptly inform the Commission if the merger intentions change. However, there is no good reason why UtiliCorp and SJLP should be required to immediately appear before the Commission to explain any newly formed positions.

UtiliCorp and SJLP have applied to the Commission for authority to complete a merger of the two companies. The Commission has held extensive hearings regarding that request for authority and the parties have submitted final briefs. While the Commission appreciates Staff's efforts to save it from unnecessary work, requiring UtiliCorp and SJLP to appear and answer further questions about the merger could be premature and serve no useful purpose.

Whether or not UtiliCorp and SJLP decide to proceed with the merger is a business decision that management of the two companies must make. Forcing the companies to appear before the Commission to publicly explain newly formed positions may have an unintended impact on the negotiations.

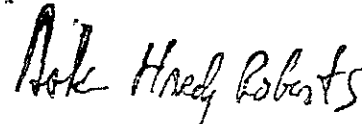
After careful consideration, the Commission concludes that Staff's motion should be denied.

**IT IS THEREFORE ORDERED:**

1. That Staff's Motion for Commission Order Directing an on the Record Conference is denied.

2. That this order shall become effective on October 15, 2000.

**BY THE COMMISSION**

A handwritten signature in dark ink, appearing to read "Dale Hardy Roberts". The signature is written in a cursive, somewhat stylized script.

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

(S E A L)

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

Woodruff, Regulatory Law Judge

ALJ/Sec'y:

Woodruff/Royce

10-2  
Date Circulated

EM-2000-292  
CASE NO.

SL 1/2  
Lumpe, Chair

absent  
Drainer, Vice Chair

CM P2  
Murray, Commissioner

SL P1 P2  
Schemenauer, Commissioner

absent  
Simmons, Commissioner

10-5  
Agenda Date

Action taken:

3-0 AA

Must Vote Not Later Than \_\_\_\_\_

## STATE OF MISSOURI

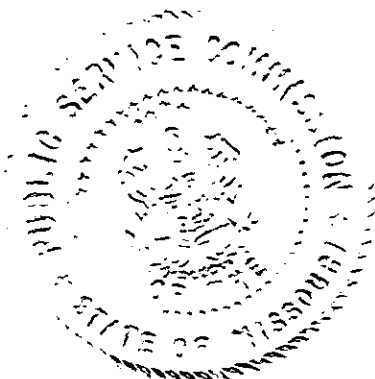
### OFFICE OF THE PUBLIC SERVICE COMMISSION

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 5<sup>th</sup> day of Oct. 2000.



Dale Hardy Roberts

Dale Hardy Roberts

Secretary/Chief Regulatory Law Judge