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May 2, 2000

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P. O. Box 360  
Jefferson City, MO 65102

FILED<sup>3</sup>

MAY 02 2000

Missouri Public  
Service Commission

RE: Case No. EM-2000-145 AND EA-2000-153

Dear Mr. Roberts:

Enclosed for filing in the above-captioned case are an original and eight (8) conformed copies of the **REPORT OF STATUS OF STAFF MEMORANDUM**.

This filing has been mailed or hand-delivered this date to all counsel of record.

Thank you for your attention to this matter.

Sincerely yours,

Dennis L. Frey  
Assistant General Counsel  
(573) 751-8700  
(573) 751-9285 (Fax)

DLF/lb  
Enclosure  
cc: Counsel of Record

**BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI**

In the Matter of the Application of The )  
Empire District Electric Company for )  
Permission and Authority to Transfer a )  
Partial, Undivided Interest in Certain )  
Generation Facilities, Land and Related )  
Property Owned by it to Westar )  
Generating, Inc. in Accordance with a )  
Contract dated July 26, 1999. )

Case No. EM-2000-145

In the Matter of the Application of Westar )  
Generating, Inc. for a Certificate of Public )  
Convenience and Necessity Authorizing it )  
to Construct, Install, Own, Operate, )  
Control, Manage and Maintain Electric )  
Production Facilities in Jasper County, )  
Missouri, Pursuant to the Terms of a July )  
26, 1999 Agreement for the Construction, )  
Ownership and Operation of State Line )  
Combined Cycle Generating Facility. )

Case No. EA-2000-153

**REPORT OF STATUS OF STAFF MEMORANDUM**

COMES NOW the Staff ("Staff") of the Missouri Public Service Commission ("Commission") and respectfully states as follows:

1. On August 13, 1999, The Empire District Electric Company ("Empire") filed an application with the Commission requesting permission and authority to sell and transfer an interest in certain assets to Westar Generating, Inc. ("WGI") in connection with a joint plan with WGI to construct additional generating facilities at Empire's "State Line" generating facility,

located in the southwest corner of Jasper County, Missouri. Case number EM-2000-145 was opened as a result.

2. On August 17, 1999, WGI, a corporation duly organized and existing under the laws of the State of Kansas and a subsidiary of Western Resources, Inc., filed an application with the Commission for a certificate of convenience and necessity to allow it to construct, own and operate the electric generating facilities jointly with Empire. Under its agreement with Empire, WGI is to own a forty percent share of the actual facility and thirty-three percent of the associated common areas. WGI's application was docketed as Case No. EA-2000-153.

3. On August 19, 1999, Empire and WGI filed a Joint Motion to Consolidate the two cases, and the Commission issued its Order Granting Joint Motion to Consolidate on August 31, 1999.

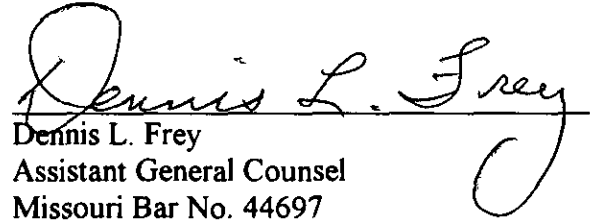
4. In an Order dated April 10, 2000, the Commission directed the Staff to file, by May 2, 2000, a report indicating the current status of the two applications filed in the aforementioned consolidated dockets.

5. The Staff has been working diligently to develop its recommendations. In the course of its investigation, for example, Staff has made two visits to the State Line plant as well as to Empire's main office in Joplin, Missouri, and has engaged in discovery with both Empire and WGI. Moreover, the subject applications have raised some rather novel legal questions, which have necessitated a considerable amount of research.

6. The Staff has nearly completed its work and hereby states that it expects to file, on or before May 11, 2000, a memorandum offering its recommendations regarding both applications.

Respectfully submitted,

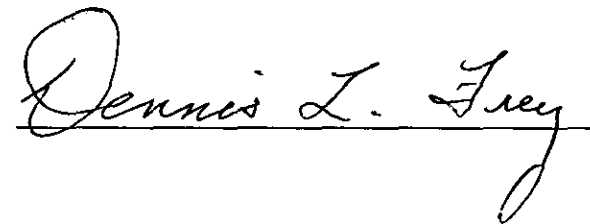
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### **Certificate of Service**

I hereby certify that copies of the foregoing have been mailed or hand-delivered to all counsel of record as shown on the attached service list this 2nd day of May 2000.

  
Dennis L. Frey

**Service List for**  
**Case No. EM-2000-145 and EA-2000-153**  
**May 2, 2000**

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