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January 26, 2001

Missouri Public Service Commission
Attn: Secretary of the Commission
200 Madison Street, Suite 100
P.O. Box 360
Jefferson City, Mo. 65102-0360

FILED²
JAN 26 2001
Missouri Public
Service Commission

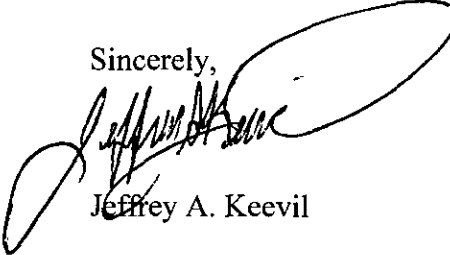
RE: Case No. EM-2000-369
UtiliCorp United Inc./The Empire District Electric Company

Dear Mr. Roberts:

Enclosed for filing in the above-referenced case are an original and the appropriate number of copies of a **Request for Commission Order Directing Filing and Motion for Expedited Treatment** on behalf of the City of Springfield, Missouri, through the Board of Public Utilities.

Copies of this filing have on this date been mailed or hand-delivered to counsel of record. Thank you for your attention to this matter.

Sincerely,



Jeffrey A. Keevil

JAK/er
Enclosures
cc: counsel of record

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

FILED²

JAN 26 2001

**Missouri Public
Service Commission**

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

**REQUEST FOR COMMISSION ORDER DIRECTING FILING AND
MOTION FOR EXPEDITED TREATMENT**

COMES NOW the City of Springfield, Missouri, through the Board of Public Utilities ("City Utilities")¹, pursuant to 4 CSR 240-2.080, by and through the undersigned counsel, and for its Request for Commission Order Directing Filing and Motion for Expedited Treatment in the above-captioned case respectfully states as follows:

1. On December 28, 2000, the Commission issued a Report and Order in this case. The Report and Order contained an effective date of January 7, 2001. After the Report and Order was issued, UtiliCorp United Inc. ("UCU") issued a press release in which it announced that it has terminated the merger agreement between UCU and The Empire District Electric Company ("EDE") (see attached copy of press release). However, no official filing was then or has since been made in this case by either UCU or EDE stating that the merger which was the subject of this case has in fact been terminated, *i.e.*, no official record exists that this merger has been terminated.

¹ As stated in City Utilities' Application to Intervene in this case, the City of Springfield, Missouri, is a constitutional charter city existing and operating pursuant to Article VI, Sections 19 and 19(a) of the Constitution of the State of Missouri. Utility services, including electric and natural gas service, are provided to the public through its Board of Public Utilities pursuant to Article XVI of the City Charter of the City of Springfield, Missouri. To the extent required, copies of relevant provisions of the City Charter have been previously filed with the Commission in Case No. TA-97-313 and are incorporated herein by this reference.

131

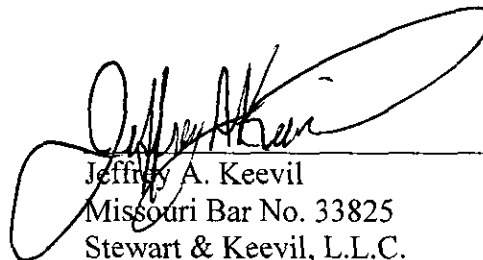
2. On January 4, 2001, City Utilities filed an Application for Rehearing, Motion for Reconsideration and Request for Stay in this case. On January 16, 2001, the Commission issued an Order Denying [City Utilities'] Application for Rehearing, Motion for Reconsideration and Request for Stay, which order purported to be effective on the date of issuance. Therefore, the time in which City Utilities may apply to the circuit court for a writ of review pursuant to Section 386.510 RSMo has arguably² started to run. Since no official record has been made that this merger has been officially and finally terminated, it may be necessary to seek judicial review in the event that UCU changes its mind, or in the event the merger has not been finally terminated.

3. However, if the merger which was the subject of this case has in fact been officially and finally terminated, no need would exist to seek judicial review of this case, and to pursue a review proceeding in circuit court would result in an unnecessary expenditure of time and money on the part of City Utilities, the Commission and its Staff, possibly the Office of the Public Counsel, UCU and EDE, and the court. Therefore, the Commission should order UCU and/or EDE to file in this case a notice that states with certainty whether the merger which was the subject of this case has been officially and finally terminated or not. Since, as stated above, the time in which to file a petition for judicial review is arguably now running, the Commission should issue such order by January 31, 2001, directing UCU and/or EDE to make such a filing no later than February 7, 2001, so as to allow time for filing a petition for review, if necessary. City Utilities only recently learned that UCU did not intend to make such a filing, and this pleading is being filed as soon thereafter as possible given intervening circumstances.

² The word "arguably" is used because the order denying rehearing was made effective on the date of issuance.

WHEREFORE, City Utilities respectfully requests that the Commission issue an order by January 31, 2001, directing UCU and/or EDE to file in this case no later than February 7, 2001, a notice which states with certainty whether the merger which was the subject of this case has been officially and finally terminated or not, and to serve same on all parties of record in this case.

Respectfully submitted,



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ATTORNEY FOR THE CITY OF
SPRINGFIELD, MISSOURI, THROUGH
THE BOARD OF PUBLIC UTILITIES

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing pleading was served by placing same in first-class mail, postage paid, or by hand-delivery, to counsel for parties of record; the Office of the Public Counsel; and the General Counsel's Office of the Missouri Public Service Commission on this 26th day of January, 2001.



News Release**UTILICORP UNITED****Media Contacts:**

Jerry Cosley - 816-467-3677

Media Relations - 816-467-3000

Investor Contacts:

Jerry Myers - 816-467-3552

**UTILICORP TERMINATES MERGER AGREEMENT
WITH EMPIRE DISTRICT ELECTRIC COMPANY**

KANSAS CITY, MO, January 2, 2001 - UtiliCorp United (NYSE:UCU) today said it had notified the Empire District Electric Company (NYSE:EDE) that UtiliCorp has terminated the merger agreement between the two companies.

In a letter sent today to Myron W. McKinney, Empire District president and chief executive officer, UtiliCorp President and Chief Operating Officer Robert K. Green noted that under the terms of the agreement, either company could terminate the deal if regulatory approvals of the merger were not obtained by December 31, 2000.

Valued at \$800 million when it was announced on May 11, 1999, the merger required approval by The Federal Energy Regulatory Commission (FERC) and state utility commissions in Arkansas, Colorado, Iowa, Kansas, Minnesota, Missouri and Oklahoma.

To date, full approvals have been granted only by FERC, Colorado, Iowa, Minnesota and Oklahoma. Arkansas has rejected the merger and both companies have appealed that decision. Further, Missouri has approved the merger but rejected the companies' regulatory plan in support of it, and Kansas has yet to take action.

"The significant remaining uncertainty of this lengthy regulatory process prevents any reasonable expectation that the merger could ever be completed with balanced benefits accruing to Empire's customers and the shareholders of both companies," Green said.

- more -

UtiliCorp & Empire Page 2

Based in Kansas City, UtiliCorp United is a multinational energy company with about 4 million customers. It operates in the United States, Canada, the United Kingdom, Spain, Germany, Norway, New Zealand and Australia. At September 30, 2000, UtiliCorp had \$10.0 billion in assets and 12-month sales of \$23.0 billion.

Empire District is headquartered in Joplin, Missouri, approximately 150 miles south of Kansas City, and serves about 145,000 electric customers in southwest Missouri and in five Kansas, Oklahoma, and Arkansas counties that adjoin the state.

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