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October 4, 2000

FILED³

OCT 04 2000

Missouri Public
Service Commission

Mr. Dale Hardy Roberts
Executive Secretary
Public Service Commission
Governor State Office Building
Jefferson City, Missouri

Hand delivery

RE: Case No. EO-2000-845
St. Joseph Light & Power Company

Dear Mr. Roberts:

Enclosed for filing in the above-referenced proceeding please find an original and eight copies of the "Response of SJLP to Staff Motion."

If you have any questions, please give me a call.

Sincerely yours,

Gary W. Duffy

Gary W. Duffy



Enclosures

cc w/encl:

Office of Public Counsel
Office of the General Counsel
Stuart W. Conrad
Tim Rush

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

In the matter of the application of)
St. Joseph Light & Power Company for)
the issuance of an accounting authority)
order relating to its electrical operations.)

Case No. EO-2000-845

RESPONSE OF SJLP TO STAFF MOTION

COMES NOW St. Joseph Light & Power Company ("SJLP" or "the Company"), by and through its counsel, and for its response to "Staff Motion for Commission Order Directing The Filing of Supplemental Direct and Rebuttal Testimony and Directing Expedited Treatment" pursuant to the Commission's Order Shortening Time in Which to Respond ... " issued October 2, 2000, respectfully states as follows:

1. The Staff's motion should be denied for the reasons set out herein.
2. The Staff essentially wants the Commission to direct SJLP to file supplemental direct testimony in this case on what the Staff *thinks* is an issue, so the Staff can then file a response prior to the hearing but after SJLP files surrebuttal testimony. This is an inappropriate, unnecessary and backwards procedure in which the Staff seeks to change the burden of going forward with evidence. There *already* is a procedural schedule in this case which calls for the Staff and any other party to file rebuttal testimony on October 10. Therefore, the Staff *already* has a proper and timely vehicle for filing its testimony to express any concerns or arguments it might have on the topic discussed in its motion. In other words, it can say in its prepared rebuttal testimony whatever it wants to about the exchange of correspondence between UtiliCorp United Inc. and SJLP. SJLP and other parties can then file surrebuttal per the established schedule on

October 17. If the Staff wants to make this an issue, it should have the obligation to come forward with evidence or arguments in prepared testimony to explain why it is an issue and what the relevant facts are. Other parties may then respond as they deem appropriate.

3. So far, the exchange of correspondence between UtiliCorp United Inc. and SJLP is apparently just that. There has been no announcement by either party stating any change in the planned merger. If or when that happens, SJLP believes the Commission would be among the first to know. Until such an major event occurs, however, SJLP intends to pursue this case. As stated in previous pleadings, this application was filed to protect the company's financial integrity if the merger is not approved by the Commission.

4. The Staff's apparent motivation for the motion is its belief that there is an "inconsistency" between the positions SJLP has presented to the Commission and UtiliCorp. (Staff motion, ¶ 13) As stated previously, if the Staff thinks there is an inconsistency, it can file prepared testimony on the topic and SJLP will address the allegations or facts in prepared surrebuttal testimony. What the Staff is requesting can establish a dangerous precedent. Invoking the power of the Commission to order the filing of supplemental testimony every time one party thinks it sees something *inconsistent* in the position of another party in a Commission proceeding can only lead to chaos. Regulated utilities, for example, could ask the Commission to order the Staff to file supplemental testimony every time they saw something that appeared inconsistent in the position of the Staff.

5. On a more practical note, SJLP at the present time does not have anything to say in "supplemental direct testimony" on this topic. It stands ready, however, to respond to the prepared rebuttal testimony of Staff and any others with prepared surrebuttal on October 17 in accordance with the previously established procedural schedule.

WHEREFORE, SJLP requests that the Commission deny the Staff's motion filed on
September 29, 2000.

Respectfully submitted,

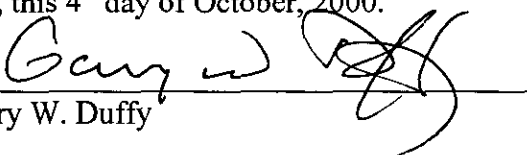


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Certificate of Service

The undersigned certifies that a true and correct copy of the foregoing document was served on the parties listed below by either hand delivery or placement of same with the United States Postal Service, first class postage prepaid, this 4th day of October, 2000.


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