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April 13, 2000

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P. O. Box 360
Jefferson City, MO 65102

FILED²

APR 13 2000

Missouri Public
Service Commission

RE: Case No. EM-2000-369 – 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

Dear Mr. Roberts:

Enclosed for filing in the above-captioned case are an original and fourteen (14) conformed copies of a **STAFF MOTION TO EXTEND FILING DATES OF REBUTTAL, SURREBUTTAL AND CROSS-SURREBUTTAL TESTIMONY AND SCHEDULES AND REQUEST FOR EXPEDITED CONSIDERATION.**

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,

Steven Dottheim
Chief Deputy General Counsel
(573) 751-7489
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Enclosure
cc: Counsel of Record

BEFORE THE MISSOURI PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

FILED²

APR 13 2000

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

**STAFF MOTION TO EXTEND FILING DATES OF REBUTTAL,
SURREBUTTAL AND CROSS-SURREBUTTAL TESTIMONY AND
SCHEDULES AND REQUEST FOR EXPEDITED CONSIDERATION**

Comes now the Missouri Public Service Commission Staff (Staff) and files the instant motion requesting that the Missouri Public Service Commission (Commission) grant an extension of time for the parties to the instant proceeding to file rebuttal, surrebuttal and cross-surrebuttal testimony and schedules in the merger case of The Empire District Electric Company and UtiliCorp United, Inc. (EDE – UtiliCorp) from June 7, 2000 to June 21, 2000 for rebuttal testimony and schedules and from August 9 to August 23, 2000 for surrebuttal and cross-surrebuttal testimony and schedules. The Staff also requests that the Commission give this motion expedited consideration and apologizes for not providing the Commission with more time respecting this request which is related to a similar request in Case No. EM-2000-292. The Staff needs the additional time in order to complete its audit of the merging companies.

Also, as is customarily the case, the Staff is requesting the additional time for the other parties to this proceeding, the Office of the Public Counsel and the intervenors. UtiliCorp and EDE have no objection so long as they are provided a similar extension in the schedule for the filing of their surrebuttal testimony and schedules. The Staff has contacted all other parties and

none objects to the Staff's proposal. In addition, the Staff is requesting in Case No. EM-2000-292, the merger case of St. Joseph Light & Power Company and UtiliCorp United, Inc. (SJLP – UtiliCorp), that the Commission grant an extension of time for the parties to file their rebuttal, surrebuttal and cross-surrebuttal testimony and schedules from April 20, 2000 to May 2, 2000 for rebuttal testimony and schedules and from June 15 to June 26, 2000 for surrebuttal and cross-surrebuttal testimony and schedules.

In support of the Staff's motion, the Staff states as follows:

1. The present and proposed schedules for the two merger cases are as follows:

EVENT	SJLP-UTILICORP		EDE-UTILICORP	
	Present	Proposed	Present	Proposed
Rebuttal Testimony	4/20	5/2	6/7	6/21
Prehearing Conference	5/18		7/24	
List of Issues	5/25		7/31	
Surrebuttal & Cross-Surrebuttal Testimony	6/15	6/26 ¹	8/9	8/23
Statements Of Positions	6/22		8/23	
Hearings	7/10-14		9/11-15	

The Staff has worked diligently toward making the rebuttal filing date of April 20, 2000 in the SJLP – UtiliCorp merger case and June 7, 2000 in the EDE – UtiliCorp merger case,

¹ Due to the limited time between the filing of surrebuttal testimony and schedules and the commencement of the evidentiary hearings, in particular in the SJLP – UtiliCorp merger case, UtiliCorp, SJLP and EDE have agreed to provide the Staff with supporting workpapers, documents and other materials at the time that they file their surrebuttal testimony and schedules, and the Staff has agreed to reciprocal treatment respecting its rebuttal testimony and schedules. Although parties generally strive to provide supporting workpapers, documents and other materials at the time that they file their testimony and schedules, this conduct does not always occur. Also, in particular in the SJLP – UtiliCorp merger case, UtiliCorp, SJLP and EDE have agreed to provide the Staff, to the extent possible, five (5) working day turnaround with respect to Staff data requests relating to UtiliCorp, SJLP and EDE surrebuttal testimony and schedules. The Staff has indicated to UtiliCorp, SJLP and EDE that the Staff reserves its options to seek Commission recourse regarding any surrebuttal testimony and schedules that the Staff deems to be objectionable.

but the Staff has encountered events, which have caused the need for the Staff to request the extension of the rebuttal testimony and schedules filing dates. The Staff working on the SJLP – UtiliCorp merger case and the EDE – UtiliCorp merger case are for the most part the same. Therefore, the fact that the Staff needs additional time to file its rebuttal case in SJLP – UtiliCorp merger case, in part, also requires that the Staff seek additional time to file its rebuttal case in EDE – UtiliCorp merger case.

2. Among the events which have caused the Staff's instant request are (a) the demands of other Commission cases, such as the Union Electric Company experimental alternative regulation (EARP) cases, Federal Energy Regulatory Commission (FERC) cases and other FERC activities; (b) one of the principal Staff auditors for both merger cases was required to serve as a juror in a trial in Jackson County in March 2000; (c) one of the more experienced Staff auditors, who was scheduled to file rebuttal testimony in both the SJLP – UtiliCorp and EDE – UtiliCorp merger cases, has taken employment elsewhere, thus requiring his work to be taken on by other members of the Staff; (d) the demands of addressing proposed State electric restructuring legislation, such as processing fiscal notes, and proposed regional electric restructuring matters; and (e) although the demands of this merger case on the Staff is lessened in that the Staff will not be filing rebuttal testimony and schedules of any outside consultants, the Staff is required to meet the demands of addressing two related merger cases, not just one merger case.


3. The Staff does not make this request to, nor does the Staff believe that the granting of its request will, delay either of the two merger cases.

Wherefore the Staff requests that the Commission grant an extension of time for the parties to file their rebuttal, surrebuttal and cross-surrebuttal testimony and schedules in the The

Empire District Electric Company and UtiliCorp United, Inc. merger case from June 7 to June 21, 2000 for rebuttal testimony and schedules and from August 9, 2000 to August 23, 2000 for surrebuttal and cross-surrebuttal testimony and schedules, and further asks that the Commission give this motion expedited consideration.

Respectfully submitted,

DANA K. JOYCE
General Counsel



Steven Dottheim
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Missouri Bar No. 29149

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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 13th day of April 2000.



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Case No. EM-2000-369
April 13, 2000**

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