

STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

At a Session of the Public Service
Commission held at its office
in Jefferson City on the 20th
day of May, 1999.

In the Matter of the Application of St. Joseph)
Light & Power Company, The Empire District)
Electric Company, AmerenUE, Kansas City Power &)
Light Company, and UtiliCorp United Inc. d/b/a)
Missouri Public Service Company for a Variance)
from the Provisions of 4 CSR 240-22.)

Case No. EO-99-544

ORDER GRANTING JOINT MOTION FOR VARIANCE

On May 6, 1999, St. Joseph Light & Power Company (SJLP), The Empire District Electric Company (Empire), AmerenUE (UE), Kansas City Power & Light Company (KCPL), and UtiliCorp United Inc. d/b/a/ Missouri Public Service Company (MSP) filed a Joint Application for Variance. The joint application asks the Commission to grant a variance from the requirements of 4 CSR 240-22, to the five named electric companies. The five named electric companies are the only companies required by 4 CSR 240-22 to comply with the requirements found in that regulation.

Previously, on February 25, SJLP, Empire and AmerenUE filed a Petition for Rescission of Administrative Rules asking that the Commission rescind 4 CSR 240-22 in its entirety. That Petition was assigned Case No. EO-99-365, and KCPL and MPS were made parties to that case by order of the Commission issued on March 2.

On April 27, SJLP, Empire, AmerenUE, KCPL, MPS, the Office of the Public Counsel (Public Counsel) and the Staff of the Public Service

Commission (Staff) filed a Unanimous Stipulation and Agreement in Case No. EO-99-365. The Stipulation and Agreement indicated that all of the parties to that case had reached a settlement of all the issues in that case. The Stipulation and Agreement provided that SJLP, Empire, MPS, KCPL and UE were to file with the Commission an application for variance from the provisions of 4 CSR 240-22, conditioned upon their agreement to the discussion topics contained in Appendix A to the Stipulation and Agreement, as a procedure to be followed in lieu of the filings otherwise required under 4 CSR 240-22. Staff and Public Counsel agreed that they would support the granting of the various applications for variance.

The Stipulation and Agreement also provided that if the Commission grants a variance to the affected electric companies in the manner contemplated in the Stipulation and Agreement, on or before June 1, 1999, the Petitioners will voluntarily withdraw their Petition for Rescission of Administrative Rules.

The Commission accepted the Unanimous Stipulation and Agreement in an order issued May 4. That order also directed SJLP, Empire, MPS, KCPL and UE to file their application for variance no later than May 11, 1999. Staff and Public Counsel were allowed until May 14 to file any response to the applications for variance. No such responses have been filed.

The Commission has reviewed the Joint Application for Variance and finds that it is consistent with the provisions of the Unanimous Stipulation and Agreement that the Commission accepted in Case No. EO-99-365.

IT IS THEREFORE ORDERED:

1. That St. Joseph Light & Power Company, The Empire District Electric Company, AmerenUE, Kansas City Power & Light Company, and UtiliCorp United Inc. d/b/a/ Missouri Public Service Company are granted a variance from the provisions of 4 CSR 240-22.

2. That the variance granted by this order exempts St. Joseph Light & Power Company, The Empire District Electric Company, AmerenUE, Kansas City Power & Light Company, and UtiliCorp United Inc. d/b/a/ Missouri Public Service Company from making such filings as would otherwise be due under 4 CSR 240-22 at the following times:

A. For St. Joseph Light & Power Company, the filing due in April 1999, the filing due in April 2002 and the filing due in April 2005;

B. For AmerenUE, the filing due in December 1999 and the filing due in December 2002;

C. For Kansas City Power & Light Company, the filing due in July 2000 and the filing due in July 2003;

D. For UtiliCorp United Inc. d/b/a Missouri Public Service Company, the filing due in February 2001 and the filing due in February 2004; and

E. For The Empire District Electric Company, the filing due in September 2001 and the filing due in September 2004.

3. That as a condition for their variance, St. Joseph Light & Power Company, The Empire District Electric Company, AmerenUE, Kansas City Power & Light Company, and UtiliCorp United Inc. d/b/a/ Missouri

Public Service Company shall meet individually with representatives of the Staff and the Office of the Public Counsel and discuss the topics set out in Appendix A, according to its terms, during the period of their variance.

4. That nothing in this order shall be considered a finding by the Commission of the effect for ratemaking purposes of the variances granted by this order.

5. That the Commission reserves the right to consider any ratemaking treatment to be afforded the variance granted by this order in a later proceeding.

6. That this order shall become effective on June 1, 1999.

7. That this case may be closed on June 2, 1999.

BY THE COMMISSION



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

Lumpe, Ch., Crumpton, Murray,
Schemenauer, and Drainer, CC., concur

Woodruff, Regulatory Law Judge

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COMMISSION COUNSEL
PUBLIC SERVICE COMMISSION