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## Missouri Public Service Commission

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January 21, 2000

GORDON L. PERSINGER  
Acting Executive Director  
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WESS A. HENDERSON  
Director, Utility Operations

ROBERT SCHALLENBERG  
Director, Utility Services

DONNA M. KOLILIS  
Director, Administration

DALE HARDY ROBERTS  
Secretary/Chief Regulatory Law Judge

DANA K. JOYCE  
General Counsel

**FILED**<sup>3</sup>

JAN 21 2000

Missouri Public  
Service Commission

Mr. Dale Hardy Roberts  
Secretary/Chief Regulatory Law Judge  
Missouri Public Service Commission  
P. O. Box 360  
Jefferson City, MO 65102

**RE: Case No. EM-2000-358 – In the Matter of the Application of UtiliCorp United, Inc. for authority to acquire, indirectly, an ownership interest in Companhia Energetica De Pernambuco, an electric utility distribution business located in Brazil, and to take all other actions reasonably necessary to effectuate said transaction.**

Dear Mr. Roberts:

Enclosed for filing in the above-captioned case are an original and fourteen (14) conformed copies of a **STAFF RECOMMENDATION** and **STAFF MOTION TO LATE FILE RECOMMENDATION AND STAFF SUGGESTIONS FOR FURTHER PROCESSING UTILICORP'S APPLICATION**.

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  
(573) 751-9285 (Fax)

Enclosure

cc: Counsel of Record

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

**FILED<sup>3</sup>**  
JAN 21 2000

In the Matter of the Application of UtiliCorp United, )  
Inc. for authority to acquire, indirectly, an ownership )  
interest in Companhia Energetia De Pernambuco, an )  
electric utility distribution business located in Brazil, )  
and to take all other actions reasonably necessary to )  
effectuate said transaction. )

**Case No. EM-2000-358**

Missouri Public  
Service Commission

**STAFF MOTION TO LATE FILE RECOMMENDATION AND  
STAFF SUGGESTIONS FOR FURTHER PROCESSING UTILICORP'S APPLICATION**

Comes now the Staff of the Missouri Public Service Commission (Staff) and requests that the Missouri Public Service Commission (Commission) grant leave to Staff to late file its recommendation in this proceeding. Also, Staff has been in contact with counsel for the Applicant, UtiliCorp United, Inc. (UtiliCorp), and will offer herein suggestions reviewed by counsel for UtiliCorp respecting the further processing of UtiliCorp's Application. In support of the Staff's motion and suggestions, the Staff states as follows:

1. On December 3, 1999, UtiliCorp filed an Application for authority to acquire, indirectly, an ownership interest in Companhia Energetia De Pernambuco (CELPE), an electric utility distribution business located in Brazil, and to take all other actions reasonably necessary to effectuate said transaction. UtiliCorp requested that the Commission issue an Order approving its Application by January 21, 2000, bearing an effective date of February 1, 2000, eleven (11) days after the issuance of the Order so that UtiliCorp would be in a position to submit its bid for CELPE no later than February 15, 2000.

2. On December 17, 1999, the Commission issued an Order Directing Filing in which it directed the Staff to file its recommendation concerning the Application of UtiliCorp no later than January 14, 2000.

3. Staff's Recommendation was ready to be filed on Friday, January 14, 2000, but due to undersigned Staff counsel, the Staff Recommendation was not timely filed. Staff counsel takes full responsibility for the filing deadline not having been met and apologizes to the Commission, UtiliCorp and the Staff for the inconvenience and delay that has been caused. On Monday, January 17, 2000, the Commission's offices were closed in observance of the birthday of Martin Luther King, Jr. The Agenda Session on Tuesday, January 18, 2000 was the only Agenda Session that was scheduled for the week due to other Commission business occurring elsewhere than in Jefferson City. Rather than merely late file the Staff Recommendation, Staff counsel thought it appropriate to attempt to determine how the timing requested by UtiliCorp might best be accommodated.

4. Staff counsel has provided to counsel for UtiliCorp a copy of the Staff Recommendation for which leave to late file is being sought. Counsel for UtiliCorp has advised Staff counsel that UtiliCorp will not file a response to the Staff Recommendation and UtiliCorp is willing to submit a letter to the Commission Secretary stating such. Counsel for UtiliCorp has also informed Staff counsel that if the Commission is disposed to approve the UtiliCorp Application, an Order approving the Application on or before Thursday, January 27, 2000, bearing an effective date of February 7, 2000, eleven (11) days after the issuance of an Order on January 27, 2000, would still position UtiliCorp to submit its bid for CELPE no later than February 15, 2000. (UtiliCorp would still prefer an Order of the Commission with a minimum


ten (10) day effective date rather than an Order closer to February 1, 2000, but bearing an effective date less than ten (10) days.)

5. Counsel for UtiliCorp has reviewed the instant document and has indicated that UtiliCorp has no objection to it, and that UtiliCorp is willing to submit a letter to the Commission Secretary stating such.

Wherefore counsel for the Staff asks leave of the Commission to late file the Staff Recommendation and offers the suggestions set out above for the further processing of UtiliCorp's Application.

Respectfully submitted,

DANA K. JOYCE  
General Counsel

  
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Steven Dottheim  
Chief Deputy General Counsel  
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 21st day of January 2000.

  
\_\_\_\_\_

Service List for  
Case No. EM-2000-358  
January 21, 2000

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