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BEFORE THE PUBLIC SERVICE COMMISSION

OF THE STATE OF MISSOURI

In the Matter of Missouri Public Service's)
Tariff Revisions to be reviewed in its)
1995-1996 Actual Cost Adjustment.) Case No. GR-96-192

ORDER GRANTING LEAVE TO FILE SUPPLEMENTAL
PREFILED REBUTTAL TESTIMONY

On February 10, 1998, UtiliCorp United Inc., d/b/a Missouri Public Service (MPS), filed a Motion to Supplement Prefiled Rebuttal Testimony. MPS requests that the Commission permit it to file supplemental rebuttal testimony of Daniel W. Warnock, a copy of which is attached to the motion. MPS states that Mr. Warnock's testimony addresses allegations made by Staff of the Commission (Staff) witness Wallis concerning what he termed a discrepancy between Local Distribution Company charges collected by UtiliCorp Energy Solutions (UES) and those remitted to MPS. According to MPS, it was unclear what caused this discrepancy when Mr. Warnock's rebuttal testimony was filed. MPS determined after further review of data requests that the discrepancy is related to taxes billed by MPS to UES and the method by which these tax amounts are reflected in MPS's internal reporting. MPS states that upon discovering that its Large Volume Transportation report did not contain these tax amounts, MPS supplemented its responses to Staff data requests.

MPS now requests authority to file the supplemental rebuttal testimony pursuant to Commission rule 4 CSR 240-2.130(8) which provides in part, "No party shall be permitted to supplement prefiled prepared direct, rebuttal or surrebuttal testimony or schedules unless ordered by the presiding officer or commission." MPS asserts that good cause exists

to file the testimony because it would enable the Commission to have before it accurate and complete information pertaining to the issue addressed by Mr. Warnock. If Staff needs additional time to review the information, MPS does not object to an extension of the deadline for the filing of surrebuttal testimony.

On February 18 Staff filed a Response to Motion to Supplement Prefiled Rebuttal Testimony. Staff indicated that the testimony in question may help to resolve one of the issues before the Commission. Staff states that it is not opposed to the request of MPS provided that Staff is afforded enough time to: (1) review and inquire into the content of that testimony; and (2) file supplemental surrebuttal testimony exclusively responding to Mr. Warnock's supplemental rebuttal testimony. Staff believes it can complete the discovery and file its supplemental surrebuttal testimony no later than March 3. Staff indicates that it has discussed its proposal with the parties to this case, and they have no objection to Staff being allowed to file supplemental surrebuttal testimony on or before March 3.

The Commission has reviewed the Motion to file Supplemental Prefiled Rebuttal Testimony filed by MPS and the Staff's response. The Commission finds that the supplemental prefiled surrebuttal testimony will provide the Commission with more accurate and complete information pertaining to taxes billed by MPS to UES. The Commission finds that the motion is reasonable and should be granted subject to the conditions recommended by Staff. Therefore, the Commission will permit: (1) MPS to file the supplemental rebuttal testimony of Mr. Warnock as attached to the motion; and (2) Staff to file supplemental rebuttal testimony exclusively responding to Mr. Warnock's supplemental rebuttal testimony no later than March 3.

IT IS THEREFORE ORDERED:

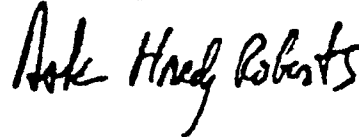
1. That the Motion to Supplement Prefiled Rebuttal Testimony filed by UtiliCorp United Inc., d/b/a Missouri Public Service on February 10, 1998, is granted.

2. That UtiliCorp United Inc., d/b/a Missouri Public Service is granted leave to file the supplemental rebuttal testimony of Daniel W. Warnock no later than February 27, 1998.

3. That the Staff of the Commission is granted leave to file supplemental rebuttal testimony exclusively responding to Mr. Warnock's supplemental rebuttal testimony no later than March 3, 1998.

4. That this order shall become effective on February 23, 1998.

BY THE COMMISSION

A handwritten signature in black ink, appearing to read "Dale Hardy Roberts", written in a cursive style.

**Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge**

(S E A L)

Gregory T. George, Regulatory Law
Judge, by delegation of authority
pursuant to 4 CSR 240-2.120(1),
(November 30, 1995) and Section 386.240,
RSMo 1994.

Dated at Jefferson City, Missouri,
on this 23rd day of February, 1998.