



Missouri Public Service Commission

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April 15, 2002

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ROBERT SCHALLENBERG
Director, Utility Services
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Director, Administration
DALE HARDY ROBERTS
Secretary/Chief Regulatory Law Judge
DANA K. JOYCE
General Counsel

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

RE: Case No. EO-2002-450

Dear Mr. Roberts:

Enclosed for filing in the above-captioned case are an original and eight (8) conformed copies of a **STAFF RECOMMENDATION TO RECOGNIZE NAME CHANGE**.

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,

Nathan Williams/ccl

Nathan Williams
Associate General Counsel
(573) 751-8702
(573) 751-9285 (Fax)
nwilliam@mail.state.mo.us

NW:ccl
Enclosure
cc: Counsel of Record

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

In the Matter of the Application of Aquila,)
Inc. for Recognition of a Change in Name)
from UtiliCorp United, Inc. d/b/a Missouri)
Public Service to Aquila, Inc. d/b/a Aquila)
Networks—MPS.)

Case No. EO-2002-450

STAFF RECOMMENDATION TO RECOGNIZE NAME CHANGE

COMES NOW the Staff of the Missouri Public Service Commission (Staff) and for its recommendation to approve the application of Aquila, Inc. for recognition of its change in name from UtiliCorp United, Inc. d/b/a Missouri Public Service to Aquila, Inc. d/b/a Aquila Networks—MPS states:

1. In the attached Memorandum, which is labeled Appendix A, the Staff recommends that the Missouri Public Service Commission (“Commission”) approve the application of Aquila, Inc. for recognition of its change in name from UtiliCorp United, Inc. d/b/a Missouri Public Service to Aquila, Inc. d/b/a Aquila Networks—MPS and approve the tariff sheets submitted by Aquila, Inc. to adopt the approved tariff sheets of Missouri Public Service to become effective on the effective date shown on those tariff sheets—April 22, 2002. In particular, the Staff recommends approval of the following tariff sheets, as filed on March 21, 2002, to become effective on April 22, 2002:

P.S.C. MO. No. 2 (Electric)
Original Sheet No. 0.1

P.S.C. MO. No. 5 (Gas)
Original Sheet No. 0.1

2. As reflected in the copies of documents submitted to the Commission on March 21, 2002, and for which the Commission established this case, on March 15, 2002 UtiliCorp United Inc. effected in Delaware a corporate name change to Aquila, Inc. As reflected in its supplemental filing made in this case on April 12, 2002, Aquila, Inc. (d/b/a Aquila Foreign Qualifications Corporation) registered with the Secretary of State of Missouri on March 19, 2002 to do business under the fictitious name Aquila Networks—MPS.

3. In its February 21, 2002 Order Approving Merger the Commission entered in Case No. EM-2002-297 the Commission ordered the following condition relevant to this case:

As a fifth condition, the Staff further recommended that if the merger is approved, rather than filing entirely new tariffs for its Missouri Public Service and St. Joseph Light & Power divisions, UtiliCorp, under its new name, should file adoption notices adopting the electric, gas, and steam tariffs on file for MPS and SJLP, similar in form to the ones that UtiliCorp filed in case number EM-2000-292.

4. Commission Rule 4 CSR 240-2.060(16) provides:

A name change may be accomplished by filing the items below with a cover letter requesting a change of name. Notwithstanding any other provision of these rules, the items required herein may be filed by a nonattorney. Applications for approval of a change of name shall include:

- (A) A statement, clearly setting out both the old name and the new name;
- (B) Evidence of registration of the name change with the Missouri secretary of state; and
- (C) Either an adoption notice and revised tariff title sheet with an effective date which is not fewer than thirty (30) days after the filing date of the application, or revised tariff sheets with an effective date which is not fewer than thirty (30) days after the filing date of the application.

5. The Missouri Public Service Commission Energy—Tariff / Rate Design Staff has reviewed the filed tariff sheets filed in this case, and is of the opinion that they were timely filed and are in compliance with the February 21, 2002 Order issued by the Commission in Case No.

EM-2002-297. Further, the Staff is of the opinion that, with its supplemental filing, Aquila, Inc.'s application complies with Commission Rule 4 CSR 240-2.060(16).

6. As stated in its Memorandum, the Staff has verified that the responsible predecessor of Aquila, Inc. d/b/a Aquila Networks—MPS has filed its annual report and is not delinquent on any assessment. The Staff notes that by letter dated April 10, 2002, Aquila, Inc. d/b/a Aquila Networks—MPS has requested, pursuant to 4 CSR 240-10.080(8), an extension from April 15, 2002 to April 30, 2002 to file with the Commission its next electric annual report.

WHEREFORE, the Staff recommends that the Commission issue an order that recognizes the name change from UtiliCorp United, Inc. d/b/a Missouri Public Service to Aquila, Inc. d/b/a Aquila Networks—MPS, approves the tariff sheets filed by Aquila, Inc. on March 21, 2002 (Tariff File Nos. 200200792 (E) and 200200793 (G)) and makes those tariff sheets effective on the effective date shown on those tariff sheets—April 22, 2002.

Respectfully submitted,

DANA K. JOYCE
General Counsel



Nathan Williams
Associate General Counsel
Missouri Bar No. 35512

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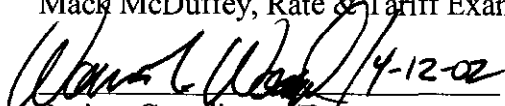
I hereby certify that copies of the foregoing have been mailed or hand-delivered to all counsel of record as shown on the attached service list this 15th day of April, 2002.

Nathan Williams

MEMORANDUM

TO: Missouri Public Service Commission Official Case File,
Case No. EO-2002-450, File Nos. 200200792 (E) and 200200793 (G)
Aquila, Inc. d/b/a Aquila Networks – MPS
(f/k/a UtiliCorp United, Inc d/b/a Missouri Public Service)

FROM: ^{was for TI} Tom Imhoff, Tariff/Rate Design Supervisor, Project Coordinator
Mack McDuffey, Rate & Tariff Examiner II ^{mm}


Project Coordinator/Date 4-12-02


General Counsel's Office/Date 4/12/02

NW 4/12/02

SUBJECT: Staff Recommendation On Tariff Sheets Filed By Aquila, Inc. d/b/a Aquila Networks - MPS To Comply With 4 CSR 240-2.060(16) And The Commission's Order Approving Merger

DATE: April 4, 2002

On February 21, 2002, the Commission issued its Order Approving Merger in Case No. EM-2002-297. This Order authorized the merger between UtiliCorp United, Inc. (UtiliCorp) and UtiliCorp Renaming Corporation (URC) to effect a name change after the purchase by UtiliCorp of stock in Aquila, Inc., subject to the five conditions of the Missouri Public Service Commission's Order as summarized below:

1. Nothing in the Commission's order will be considered a finding by the Commission of the value of this transaction for ratemaking purposes,
2. That the Commission's order must not be deemed precedent for any future transaction, even if the facts may be similar,
3. Any adverse financial effects of this merger must be borne by UtiliCorp's stockholders and not by Missouri ratepayers,
4. All records pertaining to this transaction must be maintained at UtiliCorp's headquarters and made available to the Staff as the Staff deems necessary, and
5. Rather than filing entirely new tariffs for its Missouri Public Service and St. Joseph Light & Power divisions, UtiliCorp, under its new name, should file adoption notices adopting the electric, gas, and steam tariffs on file for MPS and SJLP, similar in form to the ones that UtiliCorp filed in case number EM-2000-292.

Commission Rule 4 CSR 240-2.060 (16) provides:

A name change may be accomplished by filing the items below with a cover letter requesting a change of name. Notwithstanding any other provision of these rules, the items required herein may be filed by a nonattorney. Applications for approval of a change of name shall include:

- (A) A statement, clearly setting out both the old name and the new name;

(C) Either an adoption notice and revised tariff title sheet with an effective date which is not fewer than thirty (30) days after the filing date of the application, or revised tariff sheets with an effective date which is not fewer than thirty (30) days after the filing date of the application.

On March 15, 2002, the merger of UtiliCorp and URC was effected. At the time of the merger, UtiliCorp changed its name to "Aquila, Inc."

On March 19, 2002, Aquila, Inc. registered with the Missouri Secretary of State to do business as Aquila Networks – MPS.

On March 21, 2002, Aquila, Inc. d/b/a Aquila Networks – MPS filed adoption notices adopting the electric and gas tariffs for Missouri Public Service currently on file with and approved by the Commission.

On March 22, 2002, Aquila, Inc. filed in Case No. EM-2002-297 its Notice of Compliance with the Commission's Order Approving Merger.

The Missouri Public Service Commission Energy - Tariff / Rate Design Staff (Staff) has reviewed the filed tariff sheets, and is of the opinion that they were timely filed and are in compliance with the Commission's Order Approving Merger entered in Case No. EM-2002-297. Staff therefore recommends that the Commission issue an order approving the following proposed tariff sheets to become effective on April 22, 2002, the requested effective date:

P.S.C. MO. No. 2 (Electric)

Original Sheet No. 0.1

P.S.C. MO. No. 5 (Gas)

Original Sheet No. 0.1

The Staff has verified that this company has filed its annual report and is not delinquent on any assessment. Staff is not aware of any other matter before the Commission that affects or is affected by this filing; however, the following Cases Nos. are pending before the Commission.

Missouri Public Service

GO-2002-452
GR-2002-392
EO-2002-384
GR-2001-461
GR-2000-520
GR-99-435

Aquila Networks – MPS

EO-2002-450

Service List for
Case No. EO-2002-450
Verified: April 15, 2002 (ccl)

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