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

In the Matter of the Application of UtiliCorp           )  
United Inc. for an Order Authorizing the Transfer    )  
of Certain Electric Generation Assets Used to       )  
Provide Service to Customers in Its Missouri       )  
Public Service Division and Related Transactions.   )  
Case No. EM-97-395

**ORDER ADOPTING PROCEDURAL SCHEDULE**

UtiliCorp United Inc., d/b/a Missouri Public Service (MPS) filed an application on March 21, 1997, asking the Commission to authorize the transfer of certain electric generating assets and other transactions. MPS wishes to create a subsidiary corporation to operate a FERC-approved exempt wholesale generator. The parties met in an early prehearing conference and were directed to submit a proposed procedural schedule no later than June 16. The Staff of the Commission (Staff) and the Office of the Public Counsel (OPC) filed a Joint Motion to Establish Procedural Schedule (Joint Motion) on June 16; MPS filed a Proposed Procedural Schedule on June 16, and suggestions in opposition to the Joint Motion on June 18. The schedule proposed in the Joint Motion called for delaying the hearing date from January 26-30, 1998, until February 9-13. Intervenor Sedalia Industrial Gas Users Association filed a letter on June 20 indicating concurrence with "the proposed procedural schedule" but failing to indicate with which proposal the intervenor concurs.

The Commission has considered the pleadings of the parties and will adopt the procedural schedule submitted by MPS which preserves the hearing date previously established. The Commission specifically approves the preparation of a Statement of Issues by October 31 as proposed by MPS for the parties to use in negotiations and in preparing testimony. However, the Commission will not require that the Statement of Issues be

filed in the official case file. In addition, the Commission finds that the following conditions shall be applied to the schedule.

A. The Commission will require the prefiling of testimony in compliance with the requirements of 4 CSR 240-2.130, including the filing of testimony on line-numbered pages. The practice of prefiling testimony is designed to give parties notice of the claims, contentions and evidence in issue and to avoid unnecessary objections and delays in the proceedings caused by allegations of unfair surprise at the hearing.

B. Testimony and schedules shall not be filed under seal and treated as proprietary or highly confidential unless a protective order has first been established by the Commission. A protective order was issued for this case on April 11. The party that considers information to be proprietary or highly confidential should indicate the material's proper classification at the time of filing. Any testimony or schedule filed without a protective order first being established, or its classification clearly indicated, shall be considered public information.

C. The Commission will schedule a prehearing conference to allow the parties the opportunity to resolve substantive issues as well as to consider those matters described in 4 CSR 240-2.090(6). The parties shall also use the prehearing conference to eliminate issues which can be resolved through updating of a party's case, clarification of misunderstandings, explanation of an issue's interrelationship with other issues, and correction of clerical or arithmetic errors.

D. The parties shall file a hearing memorandum setting out the issues to be heard and the witnesses to appear on each day of the hearing, definitions of terms used in describing those issues, and each party's position on those issues. The hearing memorandum will set forth the issues that are to be heard and decided by the Commission. Any issue not

contained in the hearing memorandum will be viewed as uncontested and not requiring resolution by the Commission. The briefs to be submitted by the parties shall follow the same format established in the hearing memorandum. Initial briefs must set forth and cite the proper portions of the record concerning the remaining unresolved issues that are to be decided by the Commission.

The Commission Staff will be responsible for preparing and filing the hearing memorandum. The Commission wishes to emphasize the importance of the deadline for filing the hearing memorandum. Unless the Commission orders otherwise, the hearing memorandum shall be filed on the date set. Each party is expected to provide Staff with its position on each unresolved issue at least two business days before the due date. If a party fails to provide its position by that date, the Staff is not obligated to include that party's position in the Hearing Memorandum.

E. The Commission's general policy provides for the filing of the transcript within two weeks after the conclusion of the hearing. Any party seeking to expedite the filing of the transcript shall tender a written request to the administrative law judge at least five days before the hearing.

F. Initial briefs shall be limited to 30 pages and reply briefs to 15 pages. All pleadings, briefs and amendments shall be filed in accordance with 4 CSR 240-2.080(7).

**IT IS THEREFORE ORDERED:**

1. That the following procedural schedule is adopted for this proceeding, subject to the conditions discussed above:

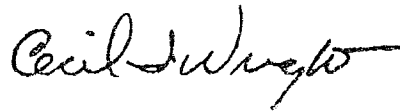
Company's direct testimony	-	previously filed
Rebuttal testimony	-	October 10, 1997 3:00 p.m.

Prehearing conference	-	October 23-24, 1997 10:00 a.m.
Surrebuttal testimony	-	December 5, 1997 3:00 p.m.
Hearing Memorandum	-	January 16, 1998
Evidentiary hearing	-	January 26 - 30, 1998

2. The prehearing conference and evidentiary hearing will be held in the Commission's hearing room on the fifth floor of the Harry S Truman State Office Building, 301 West High Street, Jefferson City, Missouri. Anyone wishing to attend who has special needs as addressed by the Americans With Disabilities Act should contact the Missouri public Service Commission at least ten (10) days before the prehearing conference or hearing at: Consumer Services Hotline - 1-800-392-4211 or TDD Hotline - 1-800-829-7541.

3. That this order shall become effective on the date hereof.

BY THE COMMISSION



Cecil I. Wright  
Executive Secretary

(S E A L)

L. Anne Wickliffe, Deputy Chief  
Administrative 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 25th day of June, 1997.