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BY UPS OVERNIGHT

August 22, 2000

Mr. Dale H. Roberts
Secretary/Chief Regulatory Law Judge
Missouri Public Service Commission
P.O. Box 360
301 West High Street R530
Jefferson City, Missouri 65102

FILED²
AUG 24 2000
Missouri Public
Service Commission

Re: Empire District Electric/UtiliCorp United Merger
PSC Case No. EM-2000-369

Dear Mr. Roberts:

Enclosed please find for filing in the above referenced case the original and eight (8) conformed copies of the Statement of Positions submitted on behalf of Intervenor International Brotherhood of Electrical Workers (IBEW) Local 1474. Copies have also been mailed this date to all counsel of record.

Thank you for your attention to this matter. If you have any questions, please do not hesitate to call.

Very truly yours,


William A. Jolley

WAJ/dt
Enclosure
cc: Counsel of Record

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

FILED

AUG 24 2000

In the Matter of the Joint Application of)
UtiliCorp United Inc. and The Empire District)
Electric Company for Authority to Merge The)
Empire District Electric Company with and into)
UtiliCorp United Inc. and, in connection)
Therewith, Certain Other Related Transactions.)

Missouri Public
Service Commission

Case No. EM-2000-369

INTERVENOR INTERNATIONAL BROTHERHOOD OF ELECTRICAL
WORKERS (IBEW) LOCAL 1474'S STATEMENT OF POSITIONS

On July 31, 2000, a List of Issues ("List") delineating those issues of potential disagreement among the parties as of that date was filed with the Commission. In that document, it was noted that there may be a need to revise the submitted List at a later time in the course of proceedings. The filing of that document predated the filing of Surrebuttal and Cross-Surrebuttal Testimony and the parties' Statement of Positions are to be filed by August 23, 2000. IBEW Local 1474's ("Union") Statement of Positions will be filed prior to the Union having had an opportunity to review the Statement of Positions to be filed by other parties and, therefore, without knowledge of whether any of the parties will propose to modify or challenge the description or list of issues identified in the July 31 List. For this reason, the Union would respectfully reserve the right to amend its stated positions in the event that issues designated in the July 31 List are revised or modified. The Union would also reserve the right to establish positions concerning any issue pertinent to these proceedings which may arise during the course of proceedings as a new issue.

Except for those issues set out and addressed herein below, the Union at this time takes no position with respect to the remaining issues identified in the July 31 List. The Union's stated positions with respect to the specific issues set out hereinbelow track the issues identified in the

July 31 List at pages 7 and 8 (Roman Numeral I) and pages 13 and 14 (Roman Numeral II). The Union has attempted to provide a one-word response and a one or two sentence explanation that will help frame the issue.

ISSUES

I. Does the proposed merger and related transactions and proposals satisfy the not detrimental to the public interest standard required for the approval of mergers by the Commission?

* * * * *

EDE Retiree Benefits

- (1) If the Commission approves the Companies', OPC's or any regulatory plan, should the plan be modified to include provision for continuation and funding of EDE Retiree health, life and accidental death/dismemberment insurance, and surviving spouse benefits, in order for it to comply with law and otherwise satisfy the not detrimental to the public interest standard for approval of the merger?

IBEW LOCAL 1474 POSITION: Yes. Retirees retired with the very reasonable and legitimate expectation that retirement and related benefits promised to them and upon which they planned and based their retirements, would continue in effect. Retirees and current employees have invested in and contributed to the success of EDE and, like stockholders and other investors, their contributions and investments should be protected. See also, IBEW Local 1474 position relating to Labor Protective Provisions for retirement and related benefits of current employees.

- (2) Should the calculation of merger costs/benefits include the treatment accorded EDE Retiree health, life and accidental death/dismemberment insurance, and surviving spouse benefits?

IBEW LOCAL 1474 POSITION: IBEW Local 1474 takes no position at this time.

COMPANIES

RET

Alumbaugh
Athey
Corkle
Crayne

Dorsey
Fuchs
De Graffenreid
Rhoads
Vanwinkle
Wilson

EDE Health Insurance Trust Account Assets

- (1) Does the proposed merger's treatment or disposition of the EDE health insurance trust account assets comply with law and otherwise satisfy the not detrimental to the public interest standard?

IBEW LOCAL 1474 POSITION: IBEW Local 1474 is without sufficient information to formulate a position and, therefore, it takes no position at this time.

<u>COMPANIES</u>	<u>RET</u>
	Alumbaugh
	Athey
	Corkle
	Crayne
	Dorsey
	Fuchs
	De Graffenreid
	Rhoads
	Vanwinkle
	Wilson

Labor Protective Provisions

- (1) If the Commission approves the Companies', OPC's or any regulatory plan, should the plan be modified to include "Labor Protective Provisions" protecting current employees of EDE from adverse employment consequences including termination and loss of employment, in order for it to comply with law and otherwise satisfy the not detrimental to the public interest standard for approval of the merger?

IBEW 1474 POSITION: Yes. Labor Protective Provisions should be included to prevent the elimination of jobs of current employees represented by the Union in order to best ensure that a dedicated and skilled workforce that has been provided with enhanced training remains available to ensure the ability to provide safe and reliable service. No studies have been conducted or evidence presented indicating

that applicants can continue to provide safe and reliable service with a reduced complement of employees. The contributions of employees represented by the Union are as substantial and significant as those of stockholders and are entitled to protection. Labor Protective Provisions are a prudent and effective means by which to ensure the utility's ability to provide safe and reliable service. In addition to protection against job loss, Labor Protective Provisions should be imposed requiring that there be no adverse change in medical insurance or retirement benefits of such employees.

- (2) Should the calculation of merger costs/benefits include the treatment accorded "Labor Protective Provisions" protecting current employees of EDE from adverse employment consequences, including termination and loss of employment?

IBEW LOCAL 1474 POSITION: Yes. To the extent that the Applicants' estimates of labor cost savings, resulting from the elimination of bargaining unit jobs represented by the Union, would otherwise appear to satisfy the not detrimental to the public interest standard, such estimates are, at best, speculative and flawed. Applicants have failed to conduct meaningful studies as to the utility's ability to provide required service in a safe and reliable manner with a reduced number of bargaining unit employees. Indeed, as recited in the Cross-Surrebuttal Testimony of Bill Courtney at pp. 8-17, the utility will be unable to provide such service in a reliable manner, and without substantially increased risk of injury and death to employees, with a reduced number of employees. The utility, after eliminating bargaining unit jobs of employees who thereafter move on to other employment, will be required to either hire less-trained and inexperienced employees or to contract out bargaining unit work to other employers, at greatly increased costs, for purposes of providing regular and emergency delivery of power and service to customers. While increased risk of serious injury and even death to employees working short-handed is immeasurable, the economic impact of increased labor costs associated with hiring of new, inexperienced employees and retaining services of outside contractors, to a substantially greater extent than in the past and at present, with their related increased costs for straight time and overtime wages, equipment, travel, lodging and the like can and should be calculated.

COMPANIES

IBEW

II. If the adoption of conditions by the Commission cannot in view of particular parties eliminate in total the situation that the proposed merger is detrimental to the public interest, but regardless of this view of particular parties, the Commission decides to

approve the proposed merger, should the Commission adopt any or all of the following conditions, as part of its approval

* * * * *

EDE Retiree Benefits Condition

- (1) Should the retirement health, life and other insurance benefits, and surviving spouse benefits, currently applicable to EDE Retirees be "grandfathered" in as a condition of approval of the merger?

IBEW LOCAL 1474 POSITION: Yes. See Position set out at I(1) EDE Retiree Benefits hereinabove.

<u>COMPANIES</u>	<u>RET</u>	<u>OPC</u>
	Alumbaugh	Kind
	Athey	
	Corkle	
	Crayne	
	Dorsey	
	Fuchs	
	De Graffenreid	
	Rhoads	
	Vanwinkle	
	Wilson	

Labor Protective Provisions Condition

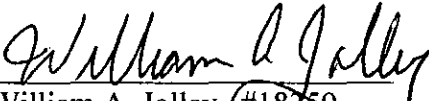
- (1) Should the Commission require, as a condition of approval of the merger, the imposition of "Labor Protective Provisions" protecting current employees of EDE from adverse employment consequences, including termination and loss of employment, as a result of the merger?

LOCAL IBEW 1474 POSITION: Yes. See Position set out at I(1) Labor Protective Provisions hereinabove.

<u>COMPANIES</u>	<u>IBEW</u>
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Respectfully submitted,

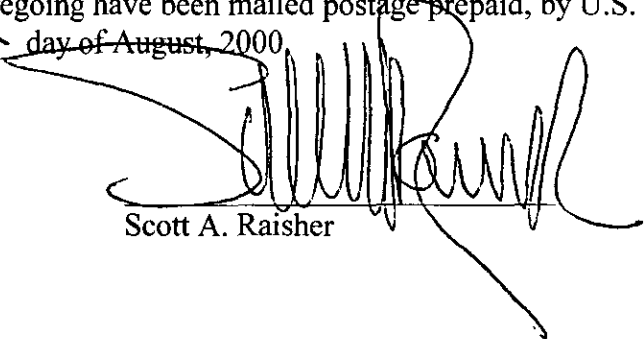
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By 
William A. Jolley #18359

By 
Scott A. Raisher #25895

CERTIFICATE OF SERVICE

I hereby certify that coies of the foregoing have been mailed postage prepaid, by U.S. mail to all counsel of record noted this 22 day of August, 2000.


Scott A. Raisher

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Case No. EM-2000-369

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