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October 25, 2000

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Secretary/Chief Regulatory Law Judge

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FILED³

OCT 25 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-2000-369 – 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.

Dear Mr. Roberts:

Enclosed for filing in the above-captioned case are an original and eight (8) conformed copies of **STAFF REQUEST FOR A HEARING OR OTHER PROCEEDINGS UNDER CERTAIN CIRCUMSTANCES**.

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
Deputy General Counsel
(573) 751-7489
(573) 751-9285 (Fax)

Enclosure

cc: Counsel of Record

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

FILED³

OCT 25 2000

Missouri Public
Service Commission

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.)

Case No. EM-2000-369

**STAFF REQUEST FOR A HEARING OR OTHER PROCEEDINGS
UNDER CERTAIN CIRCUMSTANCES**

Comes now the Staff of the Missouri Public Service Commission (Staff) pursuant to 4 CSR 240-2.115 and requests a hearing or other proceedings under certain circumstances specified below. In support of the Staff Request For A Hearing Or Other Proceedings Under Certain Circumstances, the Staff states as follows:

1. The Staff is in receipt of the Stipulation And Agreement between UtiliCorp United Inc. ("UCU") and Empire District Electric Company ("EDE")(referred to together herein as the "Joint Applicants") and the Intervenor Empire District Electric Company Retired Employees ("Retirees") that was filed with the Commission on October 18, 2000. The Staff has reviewed said Stipulation And Agreement.

2. Counsel for UtiliCorp and a representative of UtiliCorp contacted the Staff and offered to provide the Staff with an explanation of the Stipulation And Agreement. The Commission's Jefferson City offices were closed on Friday, October 20, and due to the hearings in the St. Joseph Light & Power Company accounting authority order Application case, Case No. EO-2000-845, this week, and the requirements of other Commission cases and business, the Staff has not been available to meet with UtiliCorp. The Staff will seek to meet with UtiliCorp the week of October 30, 2000.

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3. Based on the Staff's preliminary review of the Stipulation And Agreement filed on October 18, 2000, and a telephone conversation last week between Staff witness Steve M. Traxler and a representative of UtiliCorp, Mr. Traxler on Friday, October 20, 2000 submitted a Data Request to UtiliCorp. In the telephone conversation with the UtiliCorp representative on October 19, 2000, Mr. Traxler was advised that an error had been discovered that caused the net savings from EDE retiree benefit reductions to be understated in the direct testimony of Robert B. Browning and Vern J. Siemek. Mr. Traxler was further advised that the decrease in EDE retiree benefit reductions resulting from the settlement with the Retirees is basically offset by the correction for the error which understated the net savings from EDE retiree benefit reductions in the Joint Applicants' direct case. The Staff has been unable to verify the accuracy of these representations. The Data Request submitted by the Staff to UtiliCorp last Friday, October 20, 2000 requests information concerning the error and an update of certain schedules to the direct testimony of Robert B. Browning. The Staff will submit an additional data request to UtiliCorp requesting that any other material errors that have been discovered or material changes that have occurred in the Joint Applicants' case be identified for the Staff.

4. It is not the Staff's intention to oppose the Stipulation And Agreement. It is not the Staff's intention to burden the Commission, the parties or the record herein. The Staff's intent is to identify and quantify any material changes in the Joint Applicants' case as a result of the Stipulation And Agreement filed on October 18, 2000. As far as the timing of these matters, the Commission and the parties were advised at the evidentiary hearings that it was thought that a Stipulation And Agreement would be filed

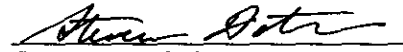
within approximately two weeks of the conclusion of the evidentiary hearings. That time frame of course was not met.

5. The Staff views the need for a hearing or other proceedings as dependent upon the decisions the Commission makes based on the present record. If the Commission determines in this proceeding (a) that it will not authorize the Joint Applicants' proposed regulatory plan, (b) that it will not authorize the recovery of the acquisition premium and (c) that UtiliCorp is at risk in future rate proceedings for merger costs in excess of merger savings, the Staff does not believe that anything further is required and as a consequence sees no need to ask for a hearing respecting the Stipulation And Agreement. Alternatively, if the Commission determines in this proceeding that (a) that it will authorize the Joint Applicants' proposed regulatory plan, (b) that it will authorize the recovery of the acquisition premium or (c) that UtiliCorp is not at risk for merger costs in excess of merger savings, the Staff believes that a hearing or some other proceeding is required to afford the parties an opportunity to address the impact of the terms of the Stipulation And Agreement between the Joint Applicants and the Retirees on the overall economics of the merger and on the proposed regulatory plan.

Wherefore the Staff files its request for a hearing or other proceedings under circumstances indicated above regarding the Stipulation And Agreement between UtiliCorp United Inc. and Empire District Electric Company and the Empire District Electric Company Retired Employees.

Respectfully submitted,

DANA K. JOYCE
General Counsel



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 25th day of October 2000.



**Service List for
Case No. EM-2000-369
October 25, 2000**

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