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STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION

PREHEARING CONFERENCE  
September 18, 2000  
Jefferson City, Missouri  
Volume 1

In the Matter of the Application )  
of UtiliCorp United Inc. d/b/a )  
Missouri Public Service for a ) Case  
Waiver of Commission Rules ) No. GE-2000-639  
4 CSR 240-40.015 and )  
4 CSR 240-40.016 Concerning )  
Capacity Release Credits )

BEFORE:

BILL HOPKINS, Presiding,  
SENIOR REGULATORY LAW JUDGE.

REPORTED BY:

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6 FOR: UtiliCorp United Inc. d/b/a Missouri  
7 Public Service.

8 DOUGLAS E. MICHEEL, Senior Public Counsel  
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10 FOR: Office of Public Counsel and the Public.

11 ROBERT FRANSON, Assistant General Counsel  
12 P.O. Box 360  
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13 FOR: Staff of the Missouri Public Service  
14 Commission.

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P R O C E E D I N G S

(Written Entries of Appearance filed.)

JUDGE HOPKINS: Let's go on the record,  
please.

This is September 18th, 19-- excuse me --  
the year 2000. It is about 10 a.m. We're in  
Room 305 of the Governor Office Building, and it's  
Case No. GE-2000-639. There is no operation of law  
date in this case, and it's in the matter of the  
application of UtiliCorp United Inc., d/b/a Missouri  
Public Service for a Waiver of Commission  
Rules 4 CSR 240-40.015 and 4 CSR 240-40.016 concerning  
capacity release credits.

My name is Bill Hopkins, Senior Regulatory  
Law Judge for the Missouri Public Service Commission,  
and let's go left to right here starting with you, my  
left to right. Mr. Micheel?

MR. MICHEEL: Douglas E. Micheel, appearing  
on behalf of the Office of the Public Counsel and the  
Public, P.O. Box 7800, Jefferson City, Missouri,  
65102-7800.

MR. COOPER: Dean L. Cooper, from the law  
firm of Brydon, Swearngen & England, P.C., P.O.  
Box 456, Jefferson City, Missouri, 65102, appearing on  
behalf of UtiliCorp United, Inc., doing business as

1 Missouri Public Service.

2 MR. FRANSON: Robert Franson, Assistant  
3 General Counsel, appearing for the Staff of the  
4 Missouri Public Service Commission, P.O. Box 360,  
5 Jefferson City, Missouri, 65102.

6 JUDGE HOPKINS: Okay. There are no unrulled  
7 motions here, and the main reason for the prehearing  
8 conference is to determine whether there are any --  
9 are any actual issues in controversy and whether the  
10 controversy can be resolved or settled.

11 The Prehearing Order which was issued on 16  
12 August of 2000 states that an early prehearing  
13 conference should be scheduled to afford the parties  
14 the opportunity to discuss, define, and possibly  
15 resolve the issues presented in this case, or at least  
16 to agree on a procedural schedule.

17 Are you-all prepared to comply with the  
18 Commission's order concerning that?

19 MR. MICHEEL: To the best of my ability.

20 MR. COOPER: Yes, your Honor.

21 MR. FRANSON: Certainly, your Honor.

22 JUDGE HOPKINS: Thank you.

23 If each of you could give me your position  
24 whether you are applicant, intervenor, so forth, and  
25 tell me any issues or concerns you have and what, if

1 anything, you're applying for or what you object to or  
2 what you're concerned with.

3 We'll start with you, Mr. Micheel.

4 MR. MICHEEL: We're in the process of  
5 finishing up a Unanimous Stipulation and Agreement,  
6 your Honor, in this case, so I anticipate in the very  
7 near future the parties are going to come to some  
8 agreement that's going to resolve all of the issues in  
9 this case.

10 JUDGE HOPKINS: Okay. Mr. Cooper.

11 MR. COOPER: I would agree with that  
12 assessment.

13 Just to provide some background, after some  
14 discussion, I had prepared a Unanimous Stipulation and  
15 Agreement draft that was forwarded to both Mr. Micheel  
16 and Mr. Franson. After some comments had been  
17 received, we have a revised draft that I suspect will  
18 be finalized and filed maybe as early as -- well,  
19 certainly this week we would hope to do that.

20 JUDGE HOPKINS: Mr. Franson?

21 MR. FRANSON: I would agree with the  
22 comments made, your Honor, and I had already shared my  
23 suggestions on the earlier draft with Mr. Micheel and  
24 Mr. Cooper. And I believe that those are -- those and  
25 anything Mr. Micheel might have had is probably taken

1 into account in Mr. Cooper's revised edition of the  
2 Stipulation and Agreement. And I would certainly hope  
3 to have something filed this week.

4 JUDGE HOPKINS: If we had to have a hearing  
5 on this, how many witnesses would you have,  
6 Mr. Micheel, if you know?

7 MR. MICHEEL: If we had to have a hearing on  
8 this matter, I would probably have one witness, your  
9 Honor.

10 JUDGE HOPKINS: And Mr. Cooper?

11 MR. COOPER: I would suspect two witnesses.

12 JUDGE HOPKINS: And Mr. Franson?

13 MR. FRANSON: One witness.

14 JUDGE HOPKINS: Okay. Thank you.

15 The procedural schedule should be filed no  
16 later than October 2nd of this year, and I believe  
17 that's the only date that I need to remind you of at  
18 this time.

19 And we'll let you go off the record now and  
20 discuss your case. And I will be here all day if  
21 you-all need to speak to me.

22 MR. FRANSON: Judge, I did want to ask, had  
23 you already set -- maybe I hadn't seen a proposed  
24 hearing date, not that that's going to be necessary,  
25 but I just --

1           JUDGE HOPKINS: No. I included a date for a  
2 procedural schedule for October the 2nd in the order  
3 establishing prehearing conference.

4           MR. FRANSON: Okay. That was my concern. I  
5 just wondered if you had actually set a date or -- if  
6 that becomes necessary, we will work with you on that  
7 as part of the procedural schedule.

8           JUDGE HOPKINS: No, I have not set a date.

9           MR. FRANSON: Okay.

10          JUDGE HOPKINS: And that will give you  
11 something to shoot for, October the 2nd. If you don't  
12 have something different by that time, you should  
13 either file a procedural schedule or I will establish  
14 one, whatever happens.

15          MR. FRANSON: Thank you, your Honor.

16          JUDGE HOPKINS: Thank you-all.

17          We're off the record.

18          WHEREUPON, the on-the-record portion of the  
19 prehearing conference was concluded.

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