

IN THE CIRCUIT COURT OF COLE COUNTY
STATE OF MISSOURI

FILED

FEB 0 3 2004

STATE ex rel. AG PROCESSING INC A
COOPERATIVE,

Relator,

v.

PUBLIC SERVICE COMMISSION OF THE
STATE OF MISSOURI,

Respondent.

Missouri Public
Service Commission

Case No. 01CV323152

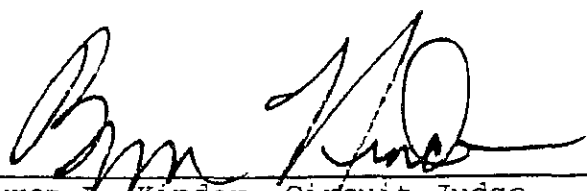
ORDER AND MANDATE REMANDING CASE

Upon the remand of this matter to this Court by the Missouri Supreme Court in Case No. SC85352 and pursuant to the direction therein ordered by the Supreme Court, it is by this Court

ORDERED (1): This case is remanded to the Public Service Commission to consider and decide the issue of recoupment of the acquisition premium in conjunction with the other issues raised by PSC staff and the intervenors in making its determination of whether the merger is detrimental to the public. Upon remand the Commission will have the opportunity to reconsider the totality of all of the necessary evidence to evaluate the reasonableness of a decision to approve a merger between UtiliCorp and St. Joseph Light & Power Co.; and

ORDERED (2): That within 60 days of the date of this Order, the Public Service Commission shall submit a report to this Court, with copies to the other parties, regarding the status of this matter and the steps that the commission intends to take in compliance with this Order and its schedule for so doing. This Court retains jurisdiction of this matter for the purpose of monitoring commission compliance with this remand Order and Mandate.

IT IS SO ORDERED.


Byron L. Kinder, Circuit Judge

Dated 1-7-04.