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FILED³

SEP 08 2000

September 8, 2000

VIA HAND DELIVERY

Mr. Dale H. Roberts
Secretary/Chief Regulatory Law Judge
Missouri Public Service Commission
200 Madison Street, Suite 100
Jefferson City, Missouri 65101

Missouri Public
Service Commission

Re: **St. Joseph Light & Power Company**
Case No. EO-2000-845

Dear Mr. Roberts:

Enclosed are the original and eight (8) conformed copies of **Response to Proposed Procedural Schedules by Ag Processing Inc.**, which please file in the above matter and call to the attention of appropriate Commission personnel.


An additional copy of the material to be filed is enclosed, which kindly mark as received and return to me in the enclosed envelope as proof of filing.

Thank you for your attention to this important matter. If you have any questions, please call.

Sincerely yours,

FINNEGAN, CONRAD & PETERSON, L.C.

By:


Stuart W. Conrad

SWC:s
Enclosures
cc: All Parties

FILED³

SEP 08 2000

Missouri Public
Service Commission

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of the Application of)
St. Joseph Light & Power Company)
for the Issuance of an accounting) Case No. EO-2000-845
authority order relating to its)
electrical operations)

RESPONSE TO PROPOSED PROCEDURAL SCHEDULES
BY
AG PROCESSING INC.

COMES NOW Ag Processing Inc a Cooperative (AGP) and responds to the procedural schedules that have been proposed herein. AGP has not independently proposed a procedural schedule in this proceeding. As stated herein, AGP believes that it can work within the schedules that have been proposed either by Public Counsel or by Staff. An additional proposal would not clarify this controversy.

1. AGP counsel attended and participated in the early prehearing conference held at the Commission offices on August 31, 2000. No consensus on schedule could be reached at that time.

2. St. Joseph Light & Power Company's (SJLP) proposed schedule is not workable and is unreasonably compressed. This is, after all, a proposal with a value of between \$3.5 million and \$7+ million. SJLP asserts that these amounts are significant. They are similarly significant to SJLP's ratepayers of which AGP is one of the largest. SJLP's proposed schedule lacks merit and distorts the process substantially in favor of the one

party who already has the information and against those parties who must obtain that information. The Commission will recall that, under its present rules, twenty (20) days are permitted for informal data requests; often a second round (with an additional twenty (20) day period) is needed to clarify evasive or non-responsive answers to initial requests.

3. Moreover, utilities have recently been able to wring the maximum benefit from *ex parte*^{1/} protective orders they obtain in preliminary stages of a case before interventions are even permitted, through overbroad designations of virtually all information as "highly confidential" or "voluminous" and by requiring parties to trudge to their offices to review information for which there is no legitimate justification to treat in that manner.^{1/}

4. Since parties need time to discover material and information that SJLP already knows, SJLP's schedule would essentially deny access to that material and should be rejected.

5. AGP does not express a preference for Staff's or Public Counsel's proposed schedule. Both would allow sufficient time for discovery to occur, yet not unduly delay resolution of this matter nor deny deliberative time to the Commission.

^{1/}An example is pertinent in the case of this utility which, in its currently pending merger request, responded to virtually every data request by asserting that the information sought was "voluminous" and "highly confidential" and offering to make it available *only* at SJLP premises. Abuse of such privileges should ultimately lead to their forfeit.

Staff's alternative schedule (shown in the comparative chart below in ***bolded italics***) differs only about two weeks in submittal date (Reply Briefs) from that proposed by Public Counsel. Given testimony in the EM-2000-292 case that the only effect from this docket could be to increase the premium that would be paid by UtiliCorp for the shares of SJLP, a compressed procedural schedule is completely unnecessary. The following chart compares Public Counsel's and Staff's proposals.

Public Counsel Schedule	Event	Staff Schedule
9/15/00	SJLP Direct Testimony	9/12/00
not specified	SJLP provides Staff with all info re \$3.5 million cost claim	9/15/00
11/22/00	Rebuttal Testimony	11/2/00
11/28/00	List of Issues	11/7/00
12/7/00	Surrebuttal/Cross-Surrebuttal	11/14/00
12/11/00	Position Statements, Witness and Cross Order	11/17/00
12/19-20/00	Hearing	11/27-28/00
1/19/01	Initial Brief	12/21/00 <i>[1/3/01]</i>
1/31/00	Reply Brief	1/3/01 <i>[1/12/01]</i>

6. Accordingly, AGP respectfully states to the Commission that it would find either above schedule acceptable, and would suggest that sufficient time be provided for parties to have discovery of information that is held by SJLP and already available to it.

WHEREFORE AGP respectfully requests that SJLP's Proposed Procedural Schedule be rejected and that either Staff's or Public Counsel's Proposed Procedural Schedule be adopted in this matter.

Respectfully submitted,

FINNEGAN, CONRAD & PETERSON, L.C.



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ATTORNEYS FOR AG PROCESSING INC.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this day served the foregoing Application for Leave to Intervene by U.S. mail, postage prepaid addressed to all parties by their attorneys of record as provided by the Secretary of the Commission and shown on the sheet following.



Stuart W. Conrad

Dated: September 8, 2000

Service Listing for EO-2000-845

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