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February 16, 2001

Mr. Dale Hardy Roberts
Executive Secretary
Public Service Commission
P. O. Box 360
Jefferson City, MO 65102

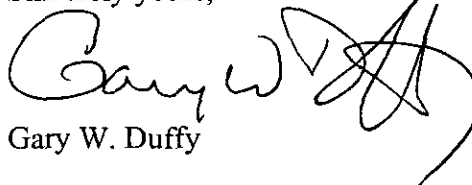
RE: Case No. ES-2001-28

Dear Mr. Roberts:

Enclosed for filing in the above-referenced proceeding please find an original and eight copies of the response of St. Joseph Light & Power.

If you have any questions, please give me a call.

Sincerely yours,


Gary W. Duffy

Enclosures
cc w/encl:

Office of Public Counsel
Office of General Counsel (Nathan Williams)
Gary Clemens

FILED²
FEB 16 2001
Missouri Public
Service Commission

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

FILED²
FEB 16 2001
Missouri Public
Service Commission

In the matter of an Incident at St. Joseph)
Light & Power Company's Lake Road)
Power Plant on June 7, 2000.)

Case No. ES-2001-28

RESPONSE OF ST. JOSEPH LIGHT & POWER

Comes now UtiliCorp United Inc., d/b/a St. Joseph Light & Power ("SJLP"), by and through its counsel, and for its response to the "Order Canceling Prehearing Conference, Canceling Requirement to File Procedural Schedule and Establishing Time for Response" respectfully states as follows:

1. According to the "Order Directing Response" issued on December 12, 2000, and another order issued on January 22, 2001, this case "was established for the purpose of receiving a report pertaining to Staff's investigation of an incident" at St. Joseph Light & Power Company's Lake Road Power Plant. The Staff filed the report on December 6, 2000, along with a motion asking that the Commission require SJLP to file a response to Staff's recommendations within thirty days. The Commission ordered SJLP on December 12, 2000, to respond to Staff's recommendations no later than January 11, 2001.

2. SJLP filed its response to the Staff recommendations in the time allowed, as ordered by the Commission. SJLP's response observed that some of the Staff recommendations were not necessary, accepted some of the Staff's recommendations, offered alternatives to some, and disagreed with some. The Commission then assumed that "the parties have not been able to reach an agreement regarding Staff's recommendations" and directed the parties to submit a procedural schedule for the resolution of "contested issues." See, "Order Scheduling a

Prehearing Conference and Directing the Parties to File a Procedural Schedule,” issued January 22, 2001.

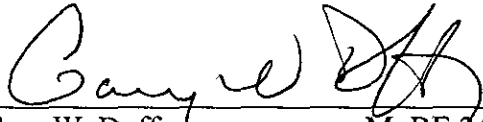
3. On February 8, 2001, the Staff filed a “Motion to Cancel Prehearing Conference, Suspend Filing of Procedural Schedule and for Order Directing St. Joseph Light & Power to Perform in Response to the Staff Recommendations as It Has Stated That It Will in Its Response to Staff Recommendations.” The essence of that pleading is that Staff deemed SJLP’s response to each of the recommendations as “acceptable and adequate.” Staff recited that there had been a conference call between Staff and SJLP engineering and regulatory personnel prior to the filing of SJLP’s response in which “Staff reached an agreement in principle” with SJLP “regarding appropriate responses to the Staff’s recommendations” (Staff pleading, p. 10)

4. In essence then, there exists an agreement between SJLP and the Staff on the topics, as reflected in the combination of a) the Staff Recommendation, b) the SJLP Response, and c) the Staff Motion of February 8, 2001. In another context, the parties might have entered into a formal stipulation and agreement with the familiar standard language. But this agreement arose through the series of Commission-ordered filings and responses. Because the agreement arose in that fashion, it was not created in, and does not exist in, a form which can easily be “ordered” by the Commission as the Staff has requested in its latest motion. SJLP further believes that it is not necessary for SJLP to be “ordered” to perform as it has represented it will.

5. In Actual Cost Adjustment proceedings, the Staff also files “recommendations” to which a response is typically ordered by the Commission and filed by the affected gas corporation. If the gas corporation files a response indicating agreement with a Staff position, the Commission’s usual response is to issue an order closing the case. Given that this case “was established for the purpose of receiving a report pertaining to Staff’s investigation of an

incident,” and the report has been received, it is apparent that the purpose of the case has already been accomplished. The Staff has stated its acceptance of SJLP’s comments about the report, so SJLP sees no purpose to be served in the Commission “ordering” SJLP to perform as it has represented. Rather, SJLP recommends that the Commission indicate in an order that the Commission now recognizes that the parties have resolved the issues by Staff’s acceptance of the proposals of SJLP and close the case. Nevertheless, if the Commission believes it is necessary to order SJLP to perform as it has proposed, SJLP will not oppose the issuance of such an order.


Respectfully submitted,



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Certificate of Service

The undersigned certifies that a true and correct copy of the foregoing was served upon the following counsel of record in this proceeding this 16th day of February, 2001, by hand delivery:



Gary W. Duffy

Nathan Williams
Assistant General Counsel
Missouri Public Service Commission
Governor State Office Building
Jefferson City, MO

Office of the Public Counsel
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