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March 22, 2001

Mr. Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge
Missouri Public Service Commission
200 Madison Street, Suite 100
P.O. Box 360
Jefferson City, MO 65102

FILED³
MAR 22 2001
Missouri Public
Service Commission

Re: In the Matter of UtiliCorp United Inc. Electric Tariff
Case No. ET-2001-482
Tariff No. 200100849

Dear Mr. Roberts:

On behalf of UtiliCorp United Inc., I deliver herewith an original and eight (8) copies of Reply of UtiliCorp United Inc. to Staff Response and Motion to Consolidate to be filed with the Commission in the referenced case. A copy is also being hand-delivered to The Office of the Public Counsel this date.

I have also enclosed an extra copy of the Reply of UtiliCorp United Inc. to Staff Response and Motion to Consolidate which I request that you stamp "Filed" and return to the person delivering same to you.

Thank you for your attention in this matter.

Sincerely,

BRYDON, SWEARENGEN & ENGLAND P.C.

By:


James C. Swearengen

JCS:aw

Enclosures

cc: Office of the Public Counsel

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

In the Matter of UtiliCorp United Inc.'s)
Tariffs Filed to Update the Rules and)
Regulations for Electric and to Increase)
the Interest Rate Paid on Deposits, the)
Late Payment Charge, the Reconnection)
Fee, and the Charge for Returned Checks.)

Case No. ET-2001-482
Tariff No. 200100849

FILED³
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Missouri Public
Service Commission

REPLY OF UTILICORP UNITED INC.
TO STAFF RESPONSE AND MOTION TO CONSOLIDATE

COMES NOW UtiliCorp United Inc. ("UtiliCorp"), by counsel, and pursuant to the Commission's March 20, 2001, Order Shortening Time in Which to Respond, respectfully states as follows:

1. The Staff's Response to the Office of the Public Counsel's ("OPC") Motion to Dismiss or Suspend the tariff in this case does not raise any issues which have not been adequately addressed in UtiliCorp's March 19, 2001, Suggestions. Staff, like OPC has failed to recognize that the *Utility Consumers Council of Missouri ("UCCM")* case held that the fuel adjustment clause was unlawful because it was a formula which did not provide for the filing of a fixed rate. However, all of the tariff sheets at issue in this case, which have been approved by the Commission, contain fixed charges or fees. There are no "formulas" simply inserted into the rate schedules. Moreover, Missouri courts have expressly held that the Commission is authorized by law to treat some items of operating expenses differently than others and to allow tariff changes to go into effect without suspension and without hearing. See, *UCCM; Hotel Continental v. Burton*, S.W.2d 75 (Mo. 1960); *State ex rel. Midwest Gas Users Assn., et al. v. Public Service Commission*, 976 S.W.2d 470 (1998). In fact, *Midwest Gas Users Assn.* stands for the proposition that the Commission has the authority to adjust rates outside a general rate proceeding.

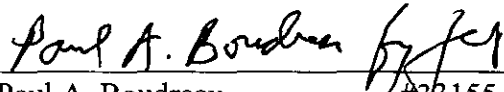
2. More importantly, the entire discussion concerning single-issue ratemaking and the other matters raised by OPC and echoed by Staff are purely an academic exercise at this point. As indicated, the Commission has already authorized and approved the tariffs in question under § 393.140(11) RSMo. 1994. Consequently, as tariffs which have been filed with and approved by the Commission, any issue as to whether the tariffs should now be suspended or dismissed are moot. There is no legal basis for the Commission to summarily suspend or dismiss a lawfully approved tariff. The only legal basis for challenging the terms and conditions set forth in the approved tariffs is through the Commission's complaint process, one that has not been invoked by either party.

3. The uncertainty that has been created by the filings of OPC and, more recently, Staff, by virtue of its "re-review" of the tariff, has created a great deal of uncertainty for UtiliCorp. The impending cut-over of the Computer Information Services from the St. Joseph Light & Power Company system to the Missouri Public Service system is now only 30 days hence. Consequently, UtiliCorp respectfully, but urgently, requests that the Commission issue an order dismissing OPC's Motion to Dismiss or Suspend by no later than Tuesday, March 27, 2001. Otherwise, UtiliCorp will be compelled by uncertainty alone to undertake the wasteful programming and coding costs necessary to meet its system cut-over deadline, costs which will be borne, ultimately, by customers. UtiliCorp appreciates the fact that the Commission has been moving this matter along in a highly expeditious fashion, but circumstances are such that they now require finality.

4. UtiliCorp has no objection to Staff's Motion to Consolidate Case Nos. GT-2001-484, HT-2001-485 and ET-2001-482. UtiliCorp agrees that each case presents nearly identical facts and common questions of law. Consolidation would conserve Commission resources and permit the Commission to dispose of these cases with a single order.

WHEREFORE, UtiliCorp requests that OPC's Motion to Dismiss or Suspend the tariffs be denied as moot.

Respectfully submitted,


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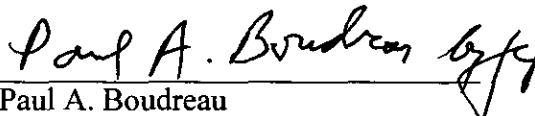
Attorneys for UtiliCorp United Inc.

Certificate of Service

I hereby certify that a true and correct copy of the above and foregoing document was sent by U.S. Mail, postage prepaid, or hand-delivered on this 21st day of March, 2001, to the following:

Office of the General Counsel
Missouri Public Service Commission
Governor Office Building
200 Madison Street
P.O. Box 360
Jefferson City, MO 65102

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Office of the Public Counsel
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Paul A. Boudreau