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October 26, 2001

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ROBERT SCHALLENBERG
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Director, Administration
DALE HARDY ROBERTS
Secretary/Chief Regulatory Law Judge
DANA K. JOYCE
General Counsel

FILED²

OCT 26 2001

Missouri Public
Service Commission

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

RE: Case No. ER-2001-672 – In the matter of the Tariff Filing of Missouri Public Service (MPS), a Division of UtiliCorp United, Inc., to Implement a General Rate Increase for Retail Electric Service Provided to Customers in the Missouri Service Area of MPS.

Dear Mr. Roberts:

Enclosed for filing in the above-captioned case are an original and eight (8) conformed copies of the **STAFF'S MOTION TO MODIFY PROCEDURAL SCHEDULE, FOR A COMMISSION ORDER COMPELLING MISSOURI PUBLIC SERVICE, A DIVISION OF UTILICORP UNITED, INC. TO ANSWER DATA REQUESTS ISSUED BY THE STAFF, TO SHORTEN THE TIME TO RESPOND TO DATA REQUESTS, AND FOR EXPEDITED TREATMENT.**

This filing has been mailed or hand-delivered this date to all counsel of record.

Thank you for your attention to this matter.

Sincerely yours,

Nathan Williams
Associate General Counsel
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(573) 751-9285 (Fax)
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Enclosure
cc: Counsel of Record

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

FILED²

OCT 26 2001

Missouri Public
Service Commission

In the matter of the Tariff Filing of)
Missouri Public Service (MPS), a Division)
of UtiliCorp United, Inc., to Implement a)
General Rate Increase for Retail Electric)
Service Provided to Customers in the)
Missouri Service Area of MPS.)

Case No. ER-2001-672

**STAFF'S MOTION TO MODIFY PROCEDURAL SCHEDULE, FOR A
COMMISSION ORDER COMPELLING MISSOURI PUBLIC SERVICE,
A DIVISION OF UTILICORP UNITED, INC. TO ANSWER DATA
REQUESTS ISSUED BY THE STAFF, TO SHORTEN THE TIME TO
RESPOND TO DATA REQUESTS, AND FOR EXPEDITED TREATMENT**

COMES NOW the Staff of the Missouri Public Service Commission and for its motion to modify procedural schedule, for a Commission Order compelling UtiliCorp United, Inc. d/b/a Missouri Public Service to answer data requests issued by the Staff, to shorten the time to respond to data requests, and for expedited treatment states:

1. UtiliCorp United, Inc. d/b/a Missouri Public Service filed with the Commission tariff sheets and testimony in support thereof on June 8, 2001. The tariff sheets are designed to produce an annual increase of \$49,352,769 in revenues and the supporting testimony was based on the historical test-year ending June 30, 2000 with certain changes through September 30, 2001. (Prefiled Direct Testimony of Gary L. Clemens, p. 5, ll. 15-21).

2. In response to Commission order, on July 10, 2001 Missouri Public Service filed its test year recommendation of the twelve months ended December 31, 2000, updated through and including June 30, 2001, except for costs associated with true-up items, and the Staff, on July 25, 2001 filed its pleading concurring in the test year recommendation of Missouri Public Service.

3. By filing made August 8, 2001 the parties jointly proposed the following procedural schedule:

Wednesday, November 7, 2001	Local Public Hearings
Thursday, November 15, 2001 (excluding class cost-of-service and rate design issues)	Direct Testimony
Thursday, November 29, 2001 (class cost-of-service and rate design issues)	Direct Testimony
Week of December 3-7, 2001	Prehearing Conference
Thursday, December 20, 2001	Rebuttal Testimony
Thursday, January 10, 2002	Surrebuttal Testimony
Friday, January 11, 2002	Statement of Issues
Tuesday, January 15, 2002	Position Statements
Tuesday, January 15, 2002	Reconciliation
Tuesday, January 22 to Friday, January 25 and Week of January 28 to February 1 and Monday, February 4 to Wednesday, February 6, 2002	Evidentiary Hearing
Tuesday, March 12, 2002	True-up Direct
Monday, March 18, 2002	True-up Rebuttal
Friday, 12:00 Noon, March 22, 2002	True-up Surrebuttal
Tuesday & Wednesday, March 26-27, 2002	True-up Hearing

(with expedited transcript)

Wednesday, April 3, 2002

Initial True-up Brief

Monday, April 8, 2002

Reply True-up Brief

Other than extending the evidentiary hearing date through Friday, February 8, 2002, rather than Wednesday, February 6, 2002, and setting specific times in the schedule, the Commission adopted the schedule submitted by the parties.

4. In part, the Staff supported the test year of calendar year 2000 updated for changes through June 30, 2001, except for true-up changes due to representations made by UtiliCorp United, Inc. as to when its books, records and workpapers for this period would be made available to the Staff for review. As detailed in the verified statement of Cary Featherstone that is attached hereto as Appendix A, because of the change in test year and the failure of UtiliCorp to provide its books, records and workpapers for the ordered updated test year, thus far the Staff is unable to perform an audit of UtiliCorp United, Inc. for the test year ordered by the Commission under the standards it normally employs. Typically the Staff, and other parties, rely on the testimony and workpapers a company provides them with its filing to identify atypical events that require accounting adjustments and which might not otherwise be apparent. As stated by Cary Featherstone at page 7 of his verified statement (Appendix A) the Staff did not receive most of UtiliCorp's workpapers for the ordered test year until October 12, 2001 and it did not receive UtiliCorp's revenue requirement calculation for the ordered test year until October 22, 2001.

5. In addition to not receiving any plant-in-service and reserve balances from UtiliCorp until after the close of normal business on October 5, 2001. The Staff received from UtiliCorp on October 12, 2001 and October 22, 2001 plant-in-service balances from other books and records created by

UtiliCorp. Each of the three plant-in-service balances is different and they have not been reconciled. (Appendix A, p. 10).

6. At least as early as June 11, 2001 the Staff began issuing data requests to UtiliCorp. On June 15, 2001 the Staff issued two data requests requesting plant and income statement ledgers. As detailed in the verified statement of Steve M. Traxler attached hereto as Appendix B, the Staff did not receive the requested ledgers from UtiliCorp until October 23, 2001. (Appendix B, p. 12). The Staff relies on general ledger entries as the starting point for the audits it conducts in rate cases. (Appendix B, p. 11).

7. Attached to the verified statement of Steve M. Traxler (Appendix B) as Schedule SMT-3 is a list of overdue data requests for which the Staff still has not received responses within the twenty-day timeframe of 4 CSR 240-2.090(2). Included in Schedule SMT-3 are the data request number, a brief description of the request and the date the Staff issued the request.

8. Although requested as part of a data request issued July 3, 2001, and despite a follow-up by the Staff on September 20, 2001 specific to this matter, the Staff still has not received copies of UtiliCorp's advertisements. (Appendix B, pp. 20-21). Similarly, the Staff requested as part of data requests issued June 15, 2001 fuel invoice payment dates that are required for it to determine cash working capital, and followed-up by means of an additional data request, but still has not received the fuel invoice payment dates. (Appendix B, p. 21-23). On September 7, 2001 the Staff issued a data request for monthly expense reports of UtiliCorp's upper management that the Staff would use to review corporate overhead allocations. The Staff believes that responding to this request would only entail copying existing records; however, the Staff still has not received these reports. (Appendix B, p. 24).

9. On August 30, 2001, the Staff issued a data request for historical fuel costs for the St. Joseph Light & Power division of UtiliCorp to obtain data to annualize fuel costs necessary for this case. Thus far, the Staff has not received the data requested. (Appendix B, p. 27).

10. In addition to issues encountered in obtaining fundamental information from UtiliCorp, based on the workpapers it recently received, it appears to the Staff that UtiliCorp is changing its methodology on the treatment of interchange sales and fuel costs from that which it originally filed as well as changing its method for allocating corporate overhead costs. (Appendix B, pp. 27-30).

11. Since the filing of the tariff sheets on June 8, 2001, the Staff members assigned to this case actively participated in The Empire District Electric Company's rate case, Case No. ER-2001-299 by providing assistance to General Counsel's Office in preparing briefs filed in Case No. ER-2001-299, preparing for and participating in a true-up hearing in Case No. ER-2001-299 (August 23-24, 2001) and preparing scenarios filed in Case No. ER-2001-299 as ordered by the Commission on September 13, 2001.

12. The information the Staff is seeking through these data requests is vital to the Staff filing a case for the updated test year ordered by the Commission that is based on Staff audited current information from UtiliCorp. The Staff's filing date for direct testimony (November 15, 2001) is fast approaching; therefore, the Staff is bringing this matter to the Commission now.

13. Counsel for the Staff and for Missouri Public Service, as well as Cary Featherstone of the Staff, discussed on October 11, 2001 the matter of outstanding data requests along with other issues. The same day that he received them counsel for the Staff provided to counsel for Missouri Public Service by e-mail on October 22, 2001 a list of outstanding data requests. Those remaining on that list are listed in Schedule SMT-3 of Appendix B.

14. As explained in the verified statement of Jolie L. Mathis attached hereto as Appendix C, the Staff has also encountered difficulties both in obtaining current plant data from UtiliCorp and getting it into a format that allows it to perform its analysis. At this time the Staff does not know if it will be able to use the data that UtiliCorp has provided to perform a depreciation analysis with data through the year 2000.

15. The Staff requests that the Commission act on this pleading by Thursday, November 1, 2001. The benefit that will accrue by expeditious treatment of the motions set forth in this pleading is that if it is granted, the Commission should have in the record before it when it makes its decision, evidence for the updated test year ordered by the Commission that is based on Staff audited current information obtained from UtiliCorp. Expeditious treatment of this motion will have no negative effect on the customers of UtiliCorp or the general public. This pleading is being filed as soon as possible. In addition to serving paper copies of this motion, concomitantly the Staff is e-mailing this motion to each party of record in this case.

16. Due to the facts set forth above regarding obtaining data from UtiliCorp and the fast-approaching direct testimony filing date of November 15, 2001 the Staff proposes that the existing ordered procedural schedule be modified only as shown below:

Ordered		Proposed
Thursday, November 15, 2001	Direct Testimony	Thursday, December 6, 2001
	(excluding class cost-of-service and rate design issues)	
Thursday, November 29, 2001	Direct Testimony	Thursday, December 6, 2001
	(class cost-of-service and rate design issues)	
Week of December 3-7, 2001	Prehearing Conference	December 12-14, 17-18, 2001
Thursday, December 20, 2001	Rebuttal Testimony	Tuesday, January 8, 2002

Thursday, January 10, 2002	Surrebuttal Testimony	Tuesday, January 22, 2002
Friday, January 11, 2002	Statement of Issues	Wednesday, January 23, 2002
Tuesday, January 15, 2002	Position Statements	Wednesday, January 23, 2002
Tuesday, January 15, 2002	Reconciliation	Wednesday, January 23, 2002
January 22-25, 28-31, February 1, 4-8, 2002	Evidentiary Hearing	January 25, 28-31, February 1, 4-8, 2002

17. Additionally, in light of the above-related discovery issues, the Staff requests that the Commission order UtiliCorp to answer the data requests listed in Schedule SMT-3 attached to Appendix B by Monday, November 5, 2001, order UtiliCorp to provide its answers to data requests other than those listed in Schedule SMT-3 and issued before Monday, October 29, 2001 within twenty days of the date the data request was issued and make any objections within ten days of the date the data request was issued. Further, the Staff requests that the Commission order UtiliCorp to provide its answers or objections to data requests issued during the period beginning Monday, October 29, 2001 and ending January 8, 2002, inclusive, within ten days of the date issued and, after January 8, 2002, within seven days of the date issued. If the Commission orders UtiliCorp to abide by these timeframes the Staff will also abide by them and would encourage the other parties to do so as well.

18. In developing this proposed modification to the procedural schedule and its request for order shortening data request response times, the Staff has attempted to balance the need to preserve the Commission's time for deliberations with the need of all the parties in the case and the Commission to have current data for the ordered test year in evidence before the Commission. UtiliCorp has advised the Staff that it supports the proposed modification to the procedural schedule,

but not to an order shortening data request response times or directing it to respond to presently overdue data requests by Monday, November 5, 2001.

WHEREFORE, the Staff moves the Commission to issue an Order by Thursday, November 1, 2001 that:

1) modifies the dates for the procedural schedule in this case for the items listed below as follows:

Direct Testimony	Thursday, December 6, 2001 (all issues)
Prehearing Conference	December 12-14, 17-18, 2001
Rebuttal Testimony	Tuesday, January 8, 2002
Surrebuttal Testimony	Tuesday, January 22, 2002
Statement of Issues	Wednesday, January 23, 2002
Position Statements	Wednesday, January 23, 2002
Reconciliation	Wednesday, January 23, 2002
Evidentiary Hearing	January 25, 28-31, February 1, 4-8, 2002;

2) directs UtiliCorp United, Inc. d/b/a Missouri Public Service to provide to the Commission's Staff full and complete responses to the data requests listed on Schedule SMT-3 attached to Appendix B to this pleading no later than 3:00 p.m., Monday, November 5, 2001;

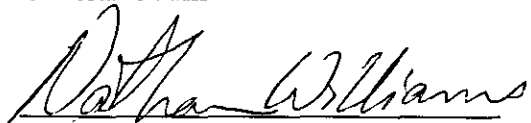
3) directs UtiliCorp to make objections within ten days of the date issued or provide to the Commission's Staff within twenty days of the date issued full and complete responses to all data requests that the Staff has issued that are not presently overdue;

4) directs UtiliCorp to provide its responses or objections to data requests issued during the period beginning Monday, October 29, 2001 and ending January 8, 2002, inclusive, within ten days; and

5) directs UtiliCorp to provide its answers or objections to data requests issued after January 8, 2002, within seven days of the date issued.

Respectfully submitted,

DANA K. JOYCE
General Counsel

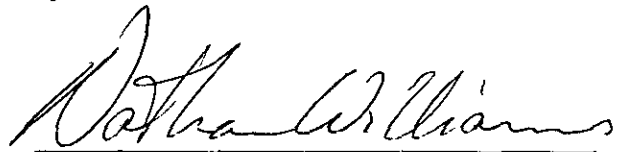


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Attorney for the Staff of the
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Certificate of Service

I hereby certify that copies of the foregoing have been mailed or hand-delivered to all counsel of record as shown on the attached service list this 26th day of October 2001.



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Case No. ER-2001-672
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