

LAW OFFICES
BRYDON, SWEARENGEN & ENGLAND
PROFESSIONAL CORPORATION

DAVID V.G. BRYDON
JAMES C. SWEARENGEN
WILLIAM R. ENGLAND, III
JOHNNY K. RICHARDSON
GARY W. DUFFY
PAUL A. BOUDREAU
SONDRA B. MORGAN
CHARLES E. SMARR

312 EAST CAPITOL AVENUE
P.O. BOX 456
JEFFERSON CITY, MISSOURI 65102-0456
TELEPHONE (573) 635-7166
FACSIMILE (573) 635-0427

DEAN L. COOPER
MARK G. ANDERSON
TIMOTHY T. STEWART
GREGORY C. MITCHELL
BRIAN T. MCCARTNEY
DALE T. SMITH
BRIAN K. BOGARD

OF COUNSEL
RICHARD T. CIOTTONE

November 14, 2001

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

FILED³
NOV 14 2001

Re: Case No. ER-2001-672

Missouri Public
Service Commission

Dear Mr. Roberts:

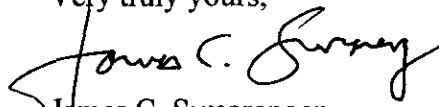
Enclosed for filing in the referenced case on behalf of UtiliCorp United Inc. d/b/a Missouri Public Service, please find an original and eight (8) copies of UtiliCorp's Reply to Public Counsel Response and Motion to Dismiss.

Would you please see that this filing is brought to the attention of the appropriate Commission personnel.

A copy of this filing is being provided to all parties of record.

I thank you in advance for your cooperation in this matter.

Very truly yours,


James C. Swearngen

JCS/lar

Enclosure

cc: Parties of Record

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

FILED³
NOV 14 2001

Missouri Public
Service Commission

In the Matter of the tariff filing of Missouri)
Public Service, 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

**UTILICORP'S REPLY TO
PUBLIC COUNSEL RESPONSE AND MOTION TO DISMISS**

Comes now UtiliCorp United Inc. ("UtiliCorp") d/b/a Missouri Public Service ("MPS"), by counsel, and for its reply to the Response and Motion to Dismiss filed in this matter on November 5, 2001, by the Office of the Public Counsel ("Public Counsel"), respectfully states as follows to the Missouri Public Service Commission ("Commission"):

BACKGROUND

1. On November 5, 2001, the Public Counsel filed its Response to Staff's Motion to Modify Procedural Schedule and Motion to Dismiss. In its pleading, the Public Counsel asks the Commission to dismiss MPS's request for a rate increase or, alternatively, to grant the Staff's request for a revision to the procedural schedule in this case. The Public Counsel alleges, as the basis for its Motion to Dismiss, that with respect to MPS it cannot "obtain the necessary financial data that would constitute a general ledger and thus MPS "has no general ledger" and that "its records are currently in violation of 4 CSR 240-20.030(1). The Public Counsel is wrong on both counts and its Motion to Dismiss should be denied for the reasons hereinafter stated.

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DISCUSSION

2. On November 7, 2001, the Commission issued its Order Regarding Motion to Compel Discovery and Revising Procedural Schedule. This order, among other things, adopted the Staff's proposed revised procedural schedule in this case, which revised schedule the Public Counsel supported as an alternative to its Motion to Dismiss. As a consequence, having been granted its alternative relief, the Public Counsel's Motion to Dismiss is now moot and the Commission should so order. Moreover, the allegations contained in the Public Counsel's pleading that pertain to the Motion to Dismiss do not support the request.

3. The Public Counsel's first basis for dismissal of the rate case concerns the alleged absence of financial data which would constitute a general ledger. MPS has never suggested that such data is not available. Rather, MPS has indicated to the Public Counsel that a voluminous detailed ledger transaction report is available and after receiving a request from Public Counsel, a detailed journal line transaction ledger report was printed. The report, consisting of 28 boxes of materials, has been available for Public Counsel's review at MPS's Raytown, Missouri offices. MPS has advised the Public Counsel that it will provide assistance in running queries on this information. To date, the Public Counsel has not reviewed this information or asked for assistance.

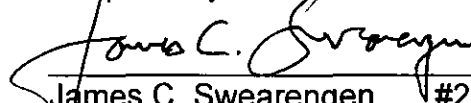
4. The Public Counsel's second basis for dismissal of the rate case is an allegation that MPS does not keep its accounting records in accordance with Commission Rule 4 CSR 240-20.030(1). This rule requires that accounts be kept in conformity with the Uniform System of Accounts as prescribed by the Federal Energy Regulatory Commission ("FERC"). The allegation is false. MPS does maintain its

books and records in accordance with the FERC Uniform System of Accounts as required by Title 18 CFR Part 101: Uniform System of Accounts Prescribed for Public Utilities and Licensees Subject to the Provisions of the Federal Power Act. In response to numerous data information requests, MPS has produced for the Public Counsel and Staff in this case, trial balance reports, detailed ledger transaction reports and financial and operating statements by the prescribed FERC Uniform System of Accounts. UtiliCorp prepares and files an Annual Report, FERC Form 1 with the Federal Energy Regulatory Commission.

5. Public Counsel also seeks to dismiss the rate case based upon the fact that UtiliCorp filed with the Commission electric tariffs involving only its MPS operating division, and not also tariffs concerning its St. Joseph Light & Power operating division. This claim was the basis of a prior Public Counsel motion to dismiss. The subject was addressed by the Commission in its October 2, 2001 Order Regarding Motion to Reject Tariff and Motion to Dismiss. In its Order, the Commission described the factors it believed were relevant to this issue and how it would go about addressing the matter in the context of this case. Because this issue has been ruled on by the Commission, there is no reason to address this subject further.

WHEREFORE, UtiliCorp respectfully requests that the Commission deny the Public Counsel's Motion to Dismiss and to grant such further relief as the Commission deems appropriate.

Respectfully submitted,



James C. Swearingen #21510
Dean L. Cooper #36592
BRYDON, SWEARENGEN & ENGLAND P.C.
P.O. Box 456
312 E. Capitol Avenue
Jefferson City, MO 65102-0456
(573) 635-7166
(573) 635-3847 fax
Lrackers@brydonlaw.com
dcooper@brydonlaw.com

Attorneys for UtiliCorp United Inc. d/b/a Missouri Public Service

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 14TH day of November, 2001, to:

Mr. Nathan Williams
Missouri Public Service Commission
Governor State Office Building
P.O. Box 360
Jefferson City, MO 65102-0360

Mr. John Coffman
The Office of the Public Counsel
6th Floor, Governor State Office Building
P.O. Box 7800
Jefferson City, MO 65102-7800

Mr. Stuart Conrad
Finnegan, Conrad & Peterson
1209 Penntower Center
3100 Broadway
Kansas City, MO 64111

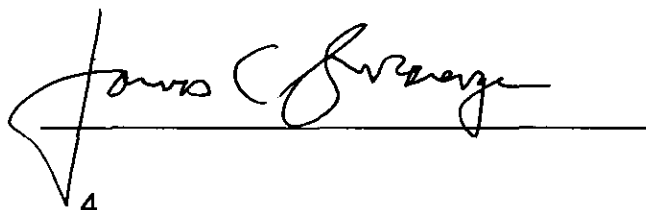
Mr. Duncan E. Kinchloe
Missouri Public Utility Alliance
2407 W. Ash
Columbia, MO 65203-0045

Mark Comley
Newman Comley & Ruth
601 Monroe
Suite 301
Jefferson City, MO 65101

Mr. Jeremiah Finnegan
Finnegan, Conrad & Peterson
1209 Penntower Center
3100 Broadway
Kansas City, MO 64111

CPT Robert C. Cottrell, Jr.
Utility Litigation Team
General Litigation Division
139 Barnes Drive, Suite 1
Tyndall AFB, FL 32403-5319

Capt. Sloan M. Pye
509 BW/JA
509 Spirit Blvd., Suite 230
Whiteman AFB, MO 65305-5058



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