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Writer's 24-Hour Number:
(888)266-7934

November 19, 2001

FILED

NOV 19 2001

FEDERAL EXPRESS

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: UtiliCorp United d/b/a Missouri Public Service Co.
Case No. ER-2001-672

Dear Mr. Roberts:

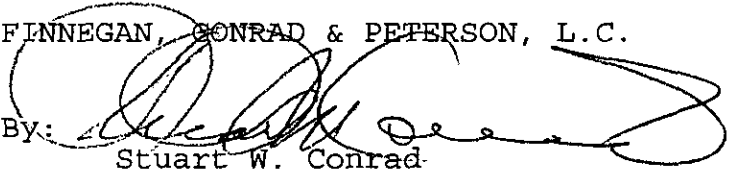
Enclosed are the original and eight (8) conformed copies of several pleadings, which please file in the above matter and call to the attention of appropriate Commission personnel.

An additional copy of each item 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

FILED

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

NOV 19 2001

Missouri Public
Service Commission

In the matter of the Tariff Filing)
of Missouri Public Service Company,)
a division of UtiliCorp United,)
Inc., to implement a general rate)
increase for retail electric)
service provided to customers in)
its Missouri service area)

ER-2001-672

MOTION OF SEDALIA INDUSTRIAL ENERGY USERS' ASSOCIATION
TO SHORTEN TIME TO RESPOND TO DATA REQUESTS

MOTION OF SEDALIA INDUSTRIAL ENERGY USERS' ASSOCIATION
TO SHORTEN TIME TO RESPOND TO MOTION TO
SHORTEN TIME TO RESPOND TO DATA REQUESTS

COMES NOW Intervenor Sedalia Industrial Energy Users' Association (SIEUA) and moves that (a) the time within which UtiliCorp United (UtiliCorp) may respond to SIEUA Data Requests 100 and 101 be shortened to five business days and (b) the time within which to respond to this motion be shortened to three business days and in support thereof states:

MOTION TO SHORTEN TIME TO RESPOND TO DATA REQUESTS

1. SIEUA Data Requests 100 and 101 (copies attached) concern the RealTime fuel model software that is related to the pending Motion to Compel Responses a further response to which by SIEUA is being filed contemporaneously herewith.

2. SIEUA had originally requested that UtiliCorp perform several "runs" using the RealTime software that UtiliCorp had used in the preparation of its case and which is referred to

in Mr. Ferry's direct testimony. In its Response to SIEUA's Motion to Compel, UtiliCorp asserted that it such "runs" did not exist and that it was burdensome and oppressive for UtiliCorp to perform the "runs" using the values requested by SIEUA and it was, therefore, refusing to do so.

3. In its Data Requests No. 100 and 101, SIEUA requests that the exact software or an operable copy thereof be made available to SIEUA's designates pursuant to the earlier Protective Order. In its Response to SIEUA's Motion to Compel, UtiliCorp admitted the existence of this software and further admitted that it was within the possession and control of UtiliCorp.

4. No compilation of data, study or investigation is required by UtiliCorp to make the software available to SIEUA's designates in response to either Data Request No. 100 or Data Request No. 101. Already, by failing to comply with the Commission's Rules regarding timely objections to earlier data requests and refusing to provide the information requested by SIEUA, UtiliCorp has delayed the preparation of SIEUA's analysis of UtiliCorp's filings in this matter and the preparation of SIEUA's testimony. Accordingly, there is no reason that further time, even the shortened ten-day time indicated by the Commission's Order of November 17, 2001, should be needed by UtiliCorp to comply with either of the two Data Requests. Five days is more than ample time.

WHEREFORE, the time within which UtiliCorp may respond to SIEUA Data Requests Nos. 100 and 101 should be shortened to five business days from the date hereof.

**MOTION TO SHORTEN TIME TO RESPOND TO MOTION TO SHORTEN TIME TO
RESPOND TO DATA REQUESTS**

5. SIEUA incorporates by reference without repeating paragraphs 1-4 of this pleading. SIEUA also incorporates by reference without repeating Paragraphs 1-14 of SIEUA's November 13, 2001 Motion to Compel Responses and Paragraphs 1-15 of SIEUA's November 19, 2001 Response in Support of Motion to Compel.

6. SIEUA's access to needed information has already been needlessly delayed by UtiliCorp's flat out failure to comply with Commission rules regarding timely objections to data requests. Instead, UtiliCorp waited the full time of twenty days to "respond" by refusing to provide the information that was requested by SIEUA in its data requests that are already the subject of a pending Motion to Compel.

7. The existence of the requested software, its use in the preparation of UtiliCorp's case in chief, reference to it by UtiliCorp witnesses, and UtiliCorp's possession and control of the software are all admitted outright in UtiliCorp's Response to SIEUA's Motion to Compel. Accordingly, such facts are confessed by UtiliCorp and no large amount of time is either needed or

should be provided to respond to a motion to shorten the time within which to produce such software for either inspection or copying or to provide SIEUA's designates with a copy of such software, all subject to the earlier Protective Order. The essential elements of discoverability are all confessed by UtiliCorp in its Response to SIEUA's Motion to Compel.

WHEREFORE the time within which UtiliCorp may respond to SIEUA'S Motion to Shorten Time to Respond to Data Requests should be shortened to three business days from this date.

Respectfully submitted,

FINNEGAN, CONRAD & PETERSON, L.C.



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ATTORNEYS FOR SEDALIA INDUSTRIAL
ENERGY USERS' ASSOCIATION

November 19, 2001

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this day served the foregoing Application for Leave to Intervene by facsimile upon counsel for UtiliCorp and, in addition, by Federal Express mail for delivery to him on this date, and by electronic or conventional means to the remaining attorneys of record for all parties as provided on the records of the Commission.



Stuart W. Conrad

Dated: November 19, 2001

FINNEGAN, CONRAD & PETERSON, L.C.

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Re: **UtiliCorp United d/b/a Missouri Public Service Co.
Case No. ER-2001-672**

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By: **Stuart W. Conrad**

SWC:s
Enclosures
cc: All Parties

UTILICORP UNITED INC.

ER-2001-672

Data Request

of

Sedalia Industrial Energy Users Association

to

UtiliCorp United

November 17, 2001

<u>Item No.</u>	<u>Description</u>
100.	Please provide a complete, updated and operable copy of the software referred to in Mr. Ferry's direct testimony as "RealTime" complete with a listing of all input parameters and values used by Mr. Ferry in the development of the fuel run referenced by him in his testimony. The copy of the software may be supplied in the form and format in which it was obtained by you from the developer or creator thereof or in another compatible format. If updates were separately supplied, this request should be deemed to include such updates. This request encompasses any necessary operating instructions, manuals or the like necessary to load and operate such software upon an appropriately equipped machine.

The attached or above information provided to the requesting party or parties in response to this data or information request is accurate and complete and contains no material misrepresentations or omissions, based upon present facts to the best of the knowledge, information or belief of the undersigned. The undersigned agrees to immediately inform the requesting party or parties if during the pendency of this case any matters are discovered which would materially affect the accuracy or completeness of the attached information and agrees to regard this as a continuing data request.

As used in this request the term "document" includes publications in any format, work papers, letters, memoranda, notes, reports, analyses, computer analyses, test results, studies or data recordings, transcriptions and printer, typed or written materials of every kind in your possession, custody or control or within your knowledge. The pronoun "you" or "your" refers to the party to whom this request is tendered and named above and includes its employees, contractors, agents or others employed by or acting in its behalf.

Signed: _____

Date: _____

UTILICORP UNITED INC.
ER-2001-672
Data Request
of
Sedalia Industrial Energy Users Association
to
UtiliCorp United

November 17, 2001

<u>Item No.</u>	<u>Description</u>
101.	Please provide for inspection, copying and operation the updated version of the software that is referred to in Mr. Ferry's direct testimony as "RealTime" complete with a listing of all input parameters and values used by Mr. Ferry in the development of the fuel run referenced by him in his testimony. The software may be supplied in the form and format in which it was obtained by you from the developer or creator thereof. If updates were separately supplied, this request should be deemed to include such updates, and also includes any necessary operating instructions, manuals or the like necessary to load and operate such software upon an appropriately equipped machine.

The attached or above information provided to the requesting party or parties in response to this data or information request is accurate and complete and contains no material misrepresentations or omissions, based upon present facts to the best of the knowledge, information or belief of the undersigned. The undersigned agrees to immediately inform the requesting party or parties if during the pendency of this case any matters are discovered which would materially affect the accuracy or completeness of the attached information and agrees to regard this as a continuing data request.

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Signed: _____

Date: _____