

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI

FILED<sup>3</sup>  
JAN 18 2002

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 FOR LEAVE TO LATE FILE  
PROPOSED LIST OF ISSUES, LIST OF WITNESSES  
AND ORDER OF CROSS-EXAMINATION**

Comes now the Staff of the Missouri Public Service Commission, by counsel, and moves the Commission to accept late filing of the Proposed List of Issues, List of Witnesses and Order of Cross-Examination in the above case on the grounds following:

1. On August 14, 2001 the Commission issued its *Order Concerning Test Year and True-up, Resetting Evidentiary and True-Up Hearings, Adopting Procedural Schedule, and Concerning Local Public Hearings* wherein the Commission required the parties to develop and agree on a list of issues to be determined by the Commission in this case. The list of issues was to be filed by 4:00 p.m. on January 11, 2002. On November 7, 2001 the Commission issued its *Order Regarding Motion to Compel Discovery and Revising Procedural Schedule* in which it modified the previously ordered procedural schedule. One modification was to change the filing deadline for the list of issues from 4:00 p.m. January 11, 2002 to 4:00 p.m. January 17, 2002.

2. Although the attorneys for the Staff, UtiliCorp United, Inc. and the Office of the Public Counsel attempted diligently to arrive at an agreement on the list of issues in this case to propose to the other parties and allow the Staff to timely file with the Commission an agreed

upon list of issues, they were unable to agree to do so before 4:00 p.m. on Thursday, January 17, 2002.

3. Although the parties did not reach a consensus on the list of issues by 4:00 p.m. on Thursday, January 17, 2002, they did reach such consensus on Friday, January 18, 2002.

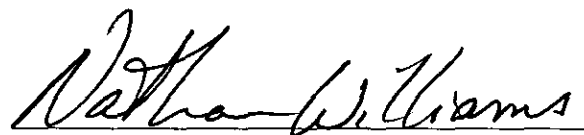
4. The Staff is not seeking additional time to file a list of issues for the purpose of delay or to hinder prosecution of this matter but, rather, to promote efficiency in its prosecution.

5. No party should suffer prejudice by a delay of one day in the filing of the proposed list of issues, list of witnesses and order of cross-examination; and, instead, should be well-served.

WHEREFORE, the Staff respectfully moves the Commission to accept late filing by the Staff of the Proposed List of Issues, List of Witnesses and Order of Cross-Examination in the above-captioned case.

Respectfully submitted,

DANA K. JOYCE  
General Counsel



Nathan Williams  
Associate General Counsel  
Missouri Bar No. 35512

Attorney for the Staff of the  
Missouri Public Service Commission  
P. O. Box 360  
Jefferson City, MO 65102  
(573) 751-8702 (Telephone)  
(573) 751-9285 (Fax)  
nwillam@mail.state.mo.us

### **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 18<sup>th</sup> day of January 2002.

A handwritten signature in cursive script, reading "Nathan Williams", written in black ink.

**Service List for**  
**Case No. ER-2001-672**  
**Verified: January 18, 2002, (cgo)**

**Office of the Public Counsel**  
**P. O. Box 7800**  
**Jefferson City, MO 65102**

**James C. Swearengen**  
**Brydon, Swearengen & England, P.C.**  
**P. O. Box 456**  
**Jefferson City, MO 65102-0456**

**Duncan E. Kincheloe, Attorney**  
**2407 West Ash Street**  
**Columbia, MO 65203**

**Capt. Robert C. Cottrell, Jr.**  
**AFLSA/ULT**  
**Utility Litigation Team**  
**139 Barnes Drive, Suite 1**  
**Tyndall AFB, FL 32403-5319**

**Dean L. Cooper**  
**Brydon, Swearengen & England, P.C.**  
**P. O. Box 456**  
**Jefferson City, MO 65102-0456**

**Stuart W. Conrad**  
**Finnegan, Conrad & Peterson, L.C.**  
**3100 Broadway, Suite 1209**  
**1209 Penntower Office Bldg.**  
**Kansas City, MO 64111**

**Capt. Sloan M. Pye**  
**509 BW/JA**  
**509 Sprit Blvd., Suite 203**  
**Whiteman AFB, MO 65305-5058**

**Mark W. Comley**  
**Newman, Comley & Ruth, P.C.**  
**601 Monroe Street, Suite 301**  
**Jefferson City, MO 65102-0537**

**Jeremiah D. Finnegan**  
**Finnegan, Conrad & Peterson, L.C.**  
**3100 Broadway, Suite 1209**  
**1209 Penntower Office Bldg.**  
**Kansas City, MO 64111**