STATE OF MISSOURI
PUBLIC SERVICE COMMISSION
JEFFERSON CITY
July 17, 2000

CASE NO: GT-2001-2

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Enclosed find certified copy of a NOTICE in the above-numbered case(s).

Sincerely,

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

BEFORE THE PUBLIC SERVICE COMMISSION

OF THE STATE OF MISSOURI

In the Matter of Missouri Public Service, a Division of UtiliCorp United Inc., to Establish an Experimental Small Volume Aggregation program in Missouri	))))	**Case No. GT-2001-2** Tariff No. 200001185

NOTICE OF DISMISSAL AND CLOSING CASE

On June 14, 2000, Missouri Public Service, a division of UtiliCorp United Inc. (UtiliCorp) filed with the Missouri Public Service Commission (Commission) proposed tariff sheets. However, these tariff sheets were erroneous in several respects. Thus, on June 22, 2000, UtiliCorp filed tariff sheets 32.1-32.20, 36, 43, 44, and 44.1 of the UtiliCorp gas tariff, with an effective date of August 1, 2000, and which were assigned tariff number 200001185.

On July 3, 2000, the Office of the Public Counsel (Public Counsel) filed with the Commission its motion to suspend the proposed tariff sheets of UtiliCorp filed under tariff number 200001185.

On July 5, 2000, UtiliCorp filed tariff sheets 43, 44, and 44.1 of the UtiliCorp gas tariff, with an effective date of July 18, 2000, and which were assigned tariff number 200100007.

On July 11, 2000, UtiliCorp filed no pleading, but did file a letter. UtiliCorp's letter contained no references to any tariff file number or to any case number. The letter stated that UtiliCorp had filed

two requests for approval of tariff sheets 36, 43, 44 and 44.1 from its gas tariff. UtiliCorp stated that "[o]ne filing relates to a summer PGA gas cost adjustment, and the second is an experimental aggregation service."

UtiliCorp stated that it has "...learned that Commission rules prohibit such contemporaneous filings." UtiliCorp did not cite any authority for this assertion.

UtiliCorp also stated that "...[t]o eliminate this conflict, [it was withdrawing]...the filing that would have created an experimental aggregation service." UtiliCorp further stated that it intended "...to re-file this tariff after the July 18 effective date for the PGA filing."

UtiliCorp does not state exactly what conflict it is attempting to resolve, neither does it plainly state which filing it is withdrawing, nor does it clearly explain the reasoning behind its intentions to refile the tariff.

Commission rule 4 CSR 240-2.080(3) states that "[e]ach pleading shall include a clear and concise statement of the relief requested and specific reference to the statutory provision or other authority under which relief is requested."

UtiliCorp's letter did not include a clear and concise statement of the relief requested nor did it include a specific reference to the statutory provision or other authority under which relief is requested. The Commission's rules of practice and procedure do not normally apply to letters written by regulated entities. However, although UtiliCorp filed a letter instead of a pleading, the Commission ordered UtiliCorp

to file, no later than July 17, 2000, a supplemental pleading which includes a clear and concise statement of the relief requested and a specific reference to the statutory provision or other authority under which relief is requested in compliance with this order.

On July 13, 2000, UtiliCorp filed a withdrawal, dismissal and response to the order requiring filing. This pleading cured the defects pointed out by the Commission in its July 17, 2000 order. UtiliCorp stated that it was withdrawing the tariffs filed under tariff number 200001185 and dismissing this case.

Commission Rule 4 CSR 240-2.116(1) states, in part:

> "...[A]n applicant...may voluntarily dismiss an application ...without an order of the commission at any time before prepared testimony has been filed or oral evidence has been offered, by filing a notice of dismissal with the commission and serving a copy on all parties."

There has been no prepared testimony filed or oral evidence offered in this case, no party has asked for a hearing, and UtiliCorp's pleading contained information showing that a copy thereof had been served on all parties.

Thus, the Commission takes notice of the dismissal of this case and it may be closed.

BY THE COMMISSION

Dale Hardy Roberts

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

Dated at Jefferson City, Missouri,
on this 17th day of July, 2000.

Hopkins, Senior Regulatory Law Judge

STATE OF MISSOURI
OFFICE OF THE PUBLIC SERVICE COMMISSION

I have compared the preceding copy with the original on file in this office and

I do hereby certify the same to be a true copy therefrom and the whole thereof.

WITNESS my hand and seal of the Public Service Commission, at Jefferson City, Missouri, this 17th day of July 2000.

Dale Hardy Roberts

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge