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24
April 19, 2001

FILED³

APR 24 2001

Missouri Public
Service Commission

Mr. Dale Hardy Roberts
Public Service Commission
P. O. Box 360
Jefferson City, MO 65102

RE: UtiliCorp United Inc. - Case No. GT-2001-329

Dear Mr. Roberts:

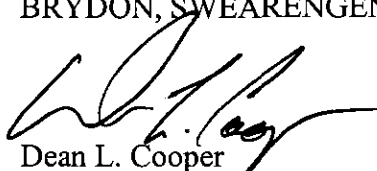
Enclosed for filing in the above-referenced proceeding please find an original and eight copies of UtiliCorp's Application to Intervene and Response to Staff Motion. Please stamp the enclosed extra copy "filed" and return same to me.

If you have any questions concerning this matter, then please do not hesitate to contact me.
Thank you very much for your attention to this matter.

Sincerely,

BRYDON, SWEARENGEN & ENGLAND P.C.

By:


Dean L. Cooper

DLC/rhg

Enclosures

cc: Office of the Public Counsel
Mr. Doug Micheel
Mr. Michael C. Pendergast
Ms. Diana M. Vuylsteke
Mr. James M. Fischer/Mr. Larry Dority
Mr. Rob Hack
Mr. David Meyer
Mr. Thomas M. Byrne

APR 24 2001

Missouri Public
Service Commission

Case No. GT-2001-329

AND RESPONSE TO STAFF MOTION

Comes now UtiliCorp United Inc. (“UtiliCorp”) d/b/a Missouri Public Service (“MPS”) and d/b/a St. Joseph Light & Power (“SJLP”), in accordance with Commission Rule 4 CSR 240-2.075 and the Missouri Public Service Commission’s (“Commission”) Order Shortening Time for Response, and, as its application to intervene and response to Commission Staff’s (“Staff”) Motion for Order Permitting Use of Information for Expedited Treatment, states as follows:

BACKGROUND

1. UtiliCorp is a Delaware corporation, in good standing in all respects, with its principal office and place of business at 20 West 9th Street, Kansas City, Missouri 64105. UtiliCorp is authorized to conduct business in Missouri through its MPS and SJLP operating divisions and as such is engaged in providing electrical and natural gas utility service in its service areas subject to the jurisdiction of the Commission. A certified copy of UtiliCorp's Certificate of Corporate Good Standing-Foreign Corporation and MPS's fictitious name registration as issued by the Secretary of State of the State of Missouri was previously filed with the Commission in Case No. EM-2000-292. A certified copy of SJLP's fictitious name registration was previously filed with the Commission in Case No. GR-2001-497. These documents are hereby incorporated by reference in accordance with 4 CSR 240-2.060(1)(G). UtiliCorp has no pending action or final unsatisfied judgments or decisions against it from any state or federal agency or court which involve customer service or rates.

UtiliCorp has no annual report or assessment fees which are overdue.

2. All correspondence, communications, notices, order and decisions of the Commission with respect to this matter should be sent to:

Steve Jurek
UtiliCorp United Inc.
1815 Capitol Avenue
Omaha, Nebraska 68102
(402) 221-2262

Dean L. Cooper
BRYDON, SWEARENGEN & ENGLAND P.C.
312 E. Capitol Avenue
P. O. Box 456
Jefferson City, MO 65102
(573) 635-7166
(573) 635-0427 facsimile

3. This proceeding was established to address Laclede Gas Company's ("Laclede") Gas Supply Incentive Plan, and proposed modifications thereto. On April 18, 2001, the Staff filed a Motion for Order Permitting Use of Information and for Expedited Treatment ("Staff Motion"). Staff requested that it be permitted to use certain information pertaining to the cost of gas and volumes of gas for the limited purpose of performing a cost comparison between Missouri natural gas utilities. Copies of this motion were served on counsel for all Missouri local distribution companies.

INTERVENTION

4. UtiliCorp's interest in the proceeding is created by the Staff Motion. That is, the Staff has proposed to use in this proceeding information and data on the cost of natural gas and the volume of natural gas that has been provided by UtiliCorp on a confidential basis.

5. UtiliCorp seeks to intervene in order to both respond to the Staff Motion and to monitor any future proposals to utilize this information. Additionally, should the Commission agree

to allow the information to be utilized as proposed by Staff, UtiliCorp's intervention is necessary for it to ensure that its gas supply information is adequately protected from improper disclosure and to ensure that such information and UtiliCorp's gas supply operations are placed in appropriate perspective during the course of any Commission review.

6. Although the Commission's Order Directing Notice set an intervention deadline for this matter of March 14, 2001, UtiliCorp believes that good cause exists for allowing it to intervene at this time. UtiliCorp did not have a direct interest in this case prior to the filing of the Staff Motion and, therefore, had no reason to intervene in this matter. Having received the Staff Motion, UtiliCorp has filed its application to intervene within six days. Thus, UtiliCorp has acted quickly and without delay.

7. The inclusion of UtiliCorp's gas supply information in this matter gives UtiliCorp an interest that is different from that of the general public and which cannot be adequately represented by any other party to this proceeding. Therefore, UtiliCorp should be permitted to intervene in this matter.

RESPONSE TO STAFF MOTION

8. The Staff Motion raises concerns for UtiliCorp for two reasons which are similar to those concerns raised by AmerenUE in its response to the Staff Motion. First, the significant differences in operational characteristics of each Missouri local distribution company make any "cost comparison between Missouri natural gas utilities" which might be prepared by the Staff to likely be misleading. For example, it has been stated in this proceeding that Laclede acquires most of its gas supplies utilizing Mississippi River Transmission Corporation's ("MRT") interstate pipeline, which extends from receipt points in and around the Gulf Coast to delivery points in the St. Louis area. UtiliCorp, on the other hand, obtains its gas supplies utilizing the Panhandle Eastern and

Williams Natural Gas pipelines. Even between the two pipelines utilized by UtiliCorp there are differences in supply availability and pipeline requirements that make comparisons extremely difficult, and sometimes irrelevant. These problems are only magnified when Williams and Panhandle are compared to MRT. Therefore, as an initial matter, UtiliCorp believes that the comparison proposed by Staff would not be meaningful to a Commission decision in this proceeding.

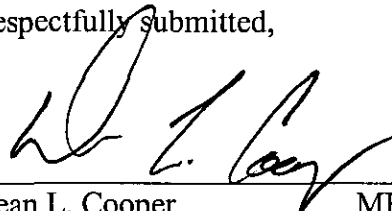
9. Second, UtiliCorp does not believe that parties can be provided with an adequate opportunity to assess and respond to any comparison created by the Staff. The Staff has suggested that it “will treat this information as highly confidential and subject to the protective order” adopted in this case. This means that essentially each party, to include Laclede, will be able to see one line of the “comparison” – their own information. This is because the Protective Order states that “materials or information designated as HIGHLY CONFIDENTIAL . . . may be reviewed only by attorneys or outside experts who have been retained for the purpose of this case. . . .” (Provision C).

10. These protections are worthwhile because the underlying information at issue – gas supply contracts and terms and discount arrangements – impact upon contract negotiations. However, if the Staff is allowed to use this information in a company-specific proceeding such as this, it creates an unmanageable web of protection where not only Laclede, but also other parties, are denied a meaningful opportunity to be heard as to the information viewed by the Commission.

WHEREFORE, UtiliCorp respectfully requests the Commission:

- a) grant its application to intervene;
- b) consider its response to Staff’s Motion for Order Permitting Use of Information and for Expedited Treatment; and,
- c) grant such further relief as the Commission shall deem to be reasonable and just.

Respectfully submitted,



Dean L. Cooper MBE #36592
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ATTORNEYS FOR UTILICORP UNITED INC.
D/B/A MISSOURI PUBLIC SERVICE
D/B/A ST. JOSEPH LIGHT & POWER

CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the foregoing document was either hand-delivered or mailed, U.S. Mail, postage prepaid, on this 24th day of April, 2001, to the following:

Mr. Doug Micheel
Office of The Public Counsel
P. O. Box 7800
Jefferson City, MO 65102

Mr. Michael C. Pendergast
Laclede Gas Company
720 Olive St., Room 1520
St. Louis, MO 63101

Ms. Diana M. Vuylsteke
Bryan Cave
211 N. Broadway, Suite 3600
St. Louis, MO 63102

Mr. James M. Fischer
Mr. Larry Dority
101 Madison, Suite 400
Jefferson City, MO 65101

Mr. Rob Hack
Missouri Gas Energy
3420 Broadway
Kansas City, MO 64111

Mr. David Meyer
Public Service Commission
200 Madison, Suite 100
Jefferson City, MO 65101

Mr. Thomas M. Byrne
Ameren Services Company
1901 Chouteau Avenue
P. O. Box 6619 (MC 1310)
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