

PUBLIC COUNSEL DATA REQUEST

No. 3512

**UTILICORP UNITED, INC.
CASE NO. EM-2000-292**

REQUESTED BY: **RYAN KIND**
REQUESTED FROM: **GARY CLEMENS**
DATE OF REQUEST: **APRIL 7, 2000**

FILL OUT

INFORMATION REQUESTED: Regarding page 21, lines 8-16 of Mr. Green's testimony, please provide a copy of all documents possessed by UtiliCorp or its affiliates and created in the last three years that contain references to legislative proposals or potential legislative proposals to change the property tax treatment for utility or EWG property in Missouri. If no such documents exist, please provide a statement to that effect.

THIS RESPONSE INCLUDES:

☐ Printed Materials _____ Total Pages ☐ Magnetic Media _____ Number of disks or tapes
Please number each section of multiple pages as: File formats for data: _____
of Total

LIST PRINTED MATERIALS AND/OR FILES INCLUDED:

SEE ATTACHED

Exhibit No. 204
Date 7/12/00 Case No. EM-2000-292
Reporter Kem

The information provided to the Office of the Public Counsel in response to the above information request is accurate and complete, and contains no material misrepresentations or omissions based upon present known facts to the undersigned. The undersigned agrees to immediately inform the Office of the Public Counsel if any matters are discovered which would materially affect the accuracy or completeness of the information provided in response to the above information.

DATE RECEIVED: _____

SIGNED BY: _____

TITLE: _____

Gary Clemens
Manager Reg Service

APR 2 2000

UTILICORP UNITED
DOCKET NO. EM-2000-292
DATA REQUEST NO. SJOPC-3512

DATE OF REQUEST: April 7, 2000

DATE RECEIVED: April 7, 2000

DATE DUE: April 27, 2000

REQUESTOR: Ryan Kind

QUESTION:

Regarding page 21, lines 8-16 of Mr. Green's testimony, please provide a copy of all documents possessed by UtiliCorp or its affiliates and created in the last three years that contain references to legislative proposals or potential legislative proposals to change the property tax treatment for utility or EWG property in Missouri. If no such documents exist, please provide a statement to that effect.

RESPONSE: See attached

ATTACHMENTS: House Bill 53, Senate Bill 46, House Bill 1325, Senate Bill 803, Max Shermans testimony before tax Panel, Customer care Amen/ KCP&L, Missouri Tax Initiative and Electricity Tax Fairness Amendment.

ANSWERED BY: Steve Murray

Comments Of UtiliCorp United Inc. on Proposed AUE Legislation

Section 393.904 – Rates and Rate Regulation

Rate Freeze: The exceptions to the rate freeze language need to be expanded. This section needs to include an exception for the purchase of additional capacity between now and 2008 to serve customer needs. The language as drafted does not address the purchase of additional capacity. The proposed language appears to only address power plants under construction (see comment directly below), not additional capacity purchases.

Rate Freeze: The proposed language appears to allow an exception to the rate freeze for power plants under construction if: 1.) the utility serves less than 500,000 customers, 2.) the plant was under construction prior to effective date of the Act, 3.) the plant was placed into service within 18 months of the effective date of the Act and 4.) the plant increases the utility's total generating capacity by more than ten (10) percent. UtiliCorp recommends that condition Nos. 1, 3 and 4 above be eliminated from the proposed language. The only condition remaining would be that the plant needed to be under construction prior to the effective date of the Act.

Nuclear Decommissioning Costs: UtiliCorp opposes the recovery of nuclear decommissioning costs essentially through a non-bypassable charge on regulated distribution service. As a part of the restructuring process, decommissioning costs should not be separated from the generating assets that give rise to these costs. Nuclear decommissioning costs should remain a part of the overall cost of the generation assets and should be transferred along with the plants themselves to the ultimate owner/operator of the nuclear generating assets.

Section 393.907 – Market Structure and Code of Conduct Issues

Transfer of assets: Regarding the transfer of assets to affiliated entities, UtiliCorp supports the proposed language but questions whether it is possible to draft language which would make it possible to circumvent the PUHCA requirement that both the state commission and the FERC approve transfers of rate-based assets prior to the transfers actually being effectuated.

Re-Number subsections: No subsection 6. Subsection 5 begins on page 17 . Subsection 7 begins at the bottom of page 18.

Section 393.911 – Provisions Related to Utility Employees

UtiliCorp cannot support the inclusion of this language in any form and recommends this section be eliminated from any proposed restructuring legislation.

Other issues

There are other lesser issues that can be fine tuned later (such as providing free 12 month billing histories). In addition, UtiliCorp continues to register an objection to the inclusion of the Legislative Intent section (393.901) because it is factually incorrect.