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September 14, 1998

**FILED**  
SEP 14 1998  
Missouri Public  
Service Commission

Mr. Dale Hardy Roberts  
Secretary/Chief Regulatory Law Judge  
Missouri Public Service Commission  
P.O. Box 360  
Jefferson City, MO 65102

**Re: Case No. OO-99-44 (Utility Assessments)**

Dear Mr. Roberts:

On behalf of The Empire District Electric Company, St. Joseph Light & Power Company, Arkansas Western Gas Company d/b/a Associated Natural Gas Company, Missouri-American Water Company and UtiliCorp United Inc. d/b/a Missouri Public Service, enclosed is an original and fourteen (14) copies of a **Motion to Establish Procedural Schedule** for filing with the Commission in the referenced matter. I would appreciate it if you would see that the copies are distributed to the appropriate Commission personnel.

I have enclosed two (2) extra copies of the document which I request that you stamp "Filed" and return to the person delivering them to you.

Thank you in advance for your attention in this matter.

Sincerely,

BRYDON, SWEARENGEN & ENGLAND P.C.

By:

Paul A. Boudreau

PAB:db  
enc.

cc: Office of the Public Counsel

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI

FILED

SEP 14 1998

Missouri Public  
Service Commission

In the Matter of the Assessment Against )  
the Public Utilities in the State of ) Case No. 00-99-44  
Missouri for the Expenses of the Commission )  
for the Fiscal Year Commencing July 1, 1998. )

**MOTION TO ESTABLISH PROCEDURAL SCHEDULE**

COME NOW The Empire District Electric Company, St. Joseph Light & Power Company, Arkansas Western Gas Company d/b/a/ Associated Natural Gas Company, Missouri-American Water Company and UtiliCorp United Inc. d/b/a Missouri Public Service (hereinafter "Joint Applicants") and for their Motion to Establish a Procedural Schedule, state the following:

1. On July 28, 1998, West Elm Place Corporation, The Empire District Electric Company, St. Joseph Light & Power Company, Arkansas Western Gas Company d/b/a Associated Natural Gas Company, Laclede Gas Company, Missouri-American Water Company and UtiliCorp United, Inc. d/b/a Missouri Public Service filed an *Application for Rehearing and Stay* of the Commission's *Supplemental Order No. 52* in its Case No. 11,110.

2. Thereafter on August 5, 1998, the Commission issued its *Order Regarding Application for Rehearing and Stay* pursuant to which it established Case No. OO-99-44 to address the *Application for Rehearing and Stay*. The Commission's order established an intervention deadline of August 31, 1998, and, also, a prehearing conference to take place on September 2, 1998.

3. *Applications to Intervene* have been filed by Southern Missouri Gas Company, L.P., Atmos Energy Corporation, Fidelity Natural Gas Company, Inc., Fidelity Telephone Company, Missouri Gas Energy, Southwestern Bell Telephone Company and Kansas City Power & Light Company which *Applications to Intervene* were granted by order of the Commission dated

September 1, 1998.

4. The Commission convened a prehearing conference at its offices in Jefferson City, Missouri, on the morning of September 2, 1998, at which time there was some on-the-record discussion about the issues presented in the case. Also, after going off-the-record, the parties present continued to discuss a number of issues including an appropriate procedural schedule for bringing the issues to the Commission for consideration and decision.

5. As a result of those discussions, Applicants propose the following procedural schedule in this case:

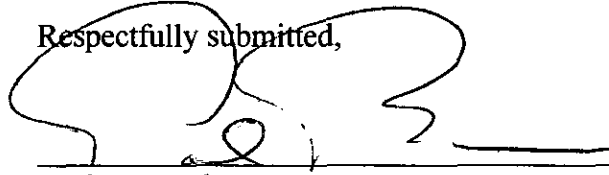
<u>DATE</u>	<u>EVENT</u>
Tuesday, October 6, 1998	All Parties file a joint Stipulation of Facts and Statement of Issues Presented
Tuesday, October 6, 1998	All Parties file Separate Memorandum of Law and Argument
Thursday, October 14, 1998	Hearing and/or Oral Argument

The parties anticipate that they will be able to stipulate to all of the basic relevant facts in the case and the proposed procedural schedule is based upon that assumption. Also, the Commission may, at the conclusion of the October 14, 1998, hearing, provide for post-hearing legal briefs depending on what new or additional facts or legal issues may be developed at the time of that hearing but have not been previously addressed in the various parties' Memoranda of Law filed on October 6, 1998.

6. The undersigned counsel has discussed this proposed procedural schedule with counsel for all other parties in the case (other than counsel for Laclede Gas Company who was unavailable) and they all concur in this motion.

WHEREFORE, Applicants request that the Commission issue an order adopting the foregoing procedural schedule and for such other orders as are appropriate in the circumstances.

Respectfully submitted,



Paul A. Boudreau

#33155

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St. Joseph Light & Power Company, Arkansas  
Western Gas Company d/b/a Associated Natural  
Gas Company, Missouri-American Water  
Company and UtiliCorp United Inc. d/b/a  
Missouri Public Service

Certificate of Service

I hereby certify that a true and correct copy of the above and foregoing document was sent by U.S. Mail, postage prepaid, or hand-delivered, on this 14<sup>th</sup> day of September, 1998, to:

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A handwritten signature in black ink, appearing to read 'M.C. Pendergast', is written over a horizontal line.