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**STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION**

At a Session of the Public Service  
Commission held at its office  
in Jefferson City on the 11th  
day of September, 1997.

In the Matter of the Filing of Tariff )  
Sheets by Missouri Public Service, a )  
Division of UtiliCorp United Inc., )  
Relating to Real-Time Pricing, Flexible )  
Rates/Special Contracts, Line Extension )  
Policy and Energy Audit Program. )

Case No. ET-98-103 ✓

In the Matter of Missouri Public Service, )  
a Division of UtiliCorp United Inc. Tariff )  
Designed to Increase Rates for Electric )  
Service to Customers in the Missouri )  
Service Area of the Company. )

Case No. ER-97-394

**ORDER SUSPENDING TARIFFS, PROVIDING FOR ADDITIONAL  
NOTICE, INTERVENTION AND CONSOLIDATION**

On August 18, 1997, UtiliCorp United Inc. d/b/a Missouri Public Service (MPS) filed tariffs relating to real-time pricing, flexible rates, special contracts, line extension policies, and an energy audit program, all bearing an effective date of September 18, 1997. This docket was opened for the purpose of receiving those tariffs and providing responses to them. On September 4, 1997, the Staff of the Commission (Staff) filed a motion to suspend the tariffs, consolidate this case into the current Missouri Public Service general rate proceeding, Case No. ER-97-394, grant intervenor status, and adopt a procedural schedule. 11

In its motion, the Staff points out that the August 8, 1997 Commission Order Regarding Motion for Reconsideration in Case No. ER-97-394 directed that, once filed, the tariff filing shall be consolidated with the general rate proceeding Case No. ER-97-394 and shall proceed using the schedule established for ER-97-394.

The Commission finds that the proposed tariffs should be suspended for a period to coincide with the operation of law date in the general rate proceeding, which is March 18, 1998. The Commission will, therefore, suspend the proposed tariffs for a period of six months, to March 18, 1998.

Further, the Commission will consolidate this case with Case No. ER-97-394 for all purposes. Intervention in either of the consolidated cases will be considered intervention in both of the consolidated cases.

MPS should file its direct testimony in support of its proposed tariffs within thirty days of the issuance of this order.

The Commission will adopt the procedural schedule in Case No. ER-97-394 for use concurrently with this case. That schedule is as follows:

Staff, OPC and Intervenors' Direct Testimony	September 16, 1997 3:00 p.m.
Prehearing Conference	September 23-26, 1997 10:00 a.m.
Statement of Issues (Optional)	September 26, 1997
All Parties' Rebuttal	October 17, 1997 3:00 p.m.
All Parties' Surrebuttal	November 21, 1997 3:00 p.m.
Hearing Memorandum and Reconciliation	November 26, 1997
Evidentiary Hearing	December 8-12, 1997

In addition, the protective order adopted by the Commission in Case No. ER-97-394 is adopted for use in the consolidated cases.

Since the instant consolidated case is subject to a statutory time limit, the Commission's general policy provides for the filing of the transcript within two (2) weeks after the conclusion of the hearing. If any party seeks to expedite the filing of the transcript, such a request shall be tendered in writing to the administrative law judge at least five (5) days prior to the date of hearing. The administrative law judge will determine whether the transcript can and should be expedited.

The Commission will direct the Records Department of the Commission to serve a copy of this order upon the mayor of each city and the county commission of each county in the MPS service area. In addition, the Information Officer shall send notice of this order to the publisher of each newspaper located in the counties in which MPS provides service, as listed in the newspaper directory of the current *Official Manual of the State of Missouri*, and to the members of the General Assembly representing the Missouri area served by MPS.

Any city, county or other proper entity desiring to intervene in this proceeding shall file its application to intervene on or before the date set in this order as provided by 4 CSR 240-2.075 and shall serve a copy of the application on the Company's attorney, James C. Swearngen, Attorney at Law, Brydon, Swearngen & England, P.C., P.O. Box 456, Jefferson City, Missouri 65102.

**IT IS THEREFORE ORDERED:**

1. That all proposed tariff sheets filed on August 18, 1997 by UtiliCorp United Inc. d/b/a Missouri Public Service are hereby suspended for a period of six months from September 18, 1997 to March 18, 1998.

2. That any proper person or entity desiring to intervene and participate in this proceeding shall file its application to intervene and serve a copy of same upon the Company's attorney on or before 3:00 p.m., October 10, 1997.

3. That Missouri Public Service shall file fifteen (15) copies of its prepared direct testimony and schedules and minimum filing requirements with the Executive Secretary of the Commission on or before 3:00 p.m., October 10, 1997. Missouri Public Service shall provide eleven (11) additional copies of its testimony to Staff.

4. That Case No. ET-98-103 and Case No. ER-97-394 are hereby consolidated for all purposes.

5. That the procedural schedule and protective order adopted by the Commission for use in Case No. ER-97-394 are hereby adopted for use in the consolidated cases.

6. That intervention in the consolidated cases is hereby granted to those parties currently granted intervention in Case No. ER-97-394.

7. That the Records Department and the Information Officer of the Commission are directed to provide proper notice as set out herein.

8. That an evidentiary hearing is hereby scheduled for this case beginning December 8, 1997, to continue through December 12, 1997. The hearing will commence at 10:00 a.m. on December 8, 1997, in the Commission's hearing room, Room 530, Harry S Truman State Office Building, 301 West High Street, Jefferson City, Missouri. Any person with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one of the following numbers: Consumer Services Hotline -- 1-800-392-4211, or TDD Hotline -- 1-800-829-7541.

9. That testimony and any attachments to a witness's testimony shall be marked and filed only in the manner prescribed by 4 CSR 240-2.130(11).

10. That all counsel and parties to this proceeding shall review 4 CSR 240-4.020, comply with its terms and communicate the meaning and importance of that rule to all personnel whom counsel believes or reasonably should believe ought to be made aware of that rule.

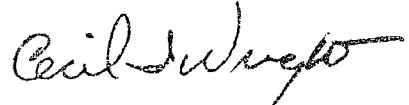
11. That all counsel shall immediately report to the Commission all future possible violations of any Commission rule by any party, including the party they represent.

12. That requests for expedited transcript shall be filed as described in this order.

13. That prefiled testimony shall only be filed under seal pursuant to a protective order approved by the Commission.

14. That this order shall become effective on September 11, 1997.

**BY THE COMMISSION**



**Cecil I. Wright  
Executive Secretary**

(S E A L)

Lumpe, Ch., Crumpton, Murray,  
and Drainer, CC., concur.

ALJ: Derque