

BEFORE THE PUBLIC SERVICE COMMISSION
STATE OF MISSOURI

FILED³

MAR 21 2002

Missouri Public
Service Commission

Missouri Coalition for Fair Competition)
)
Complainant,)
v.)
)
Missouri Public Service, a Division of)
UtiliCorp United Inc.)
)
Respondent.)

Case No. EC-2002-277

and)
)
Missouri Coalition for Fair Competition,)
)
Complainant,)
v.)
)
St. Joseph Light & Power, a Division of)
UtiliCorp United Inc.)
)
Respondent.)

Case No. EC-2002-278

ADDITIONAL RESPONSE FROM THE COMPLAINANT TO UTILITIES REPLY

COMES NOW the Complainant and offers the additional response to Utilities Reply:

1. Utilities suggest that Complainant's reply is untimely. The Order of the Commission of February 14, 2002, number 2 on page 4 of the Order itself:

"That Missouri Public Service and St. Joseph Light & Power shall file motions and suggestions in support of paragraph 6(a), (e) and (f) of the answers filed in Case Nos. EC-2002-277 and EC-2002-278 not later than February 21, 2002. The Missouri Coalition for Fair

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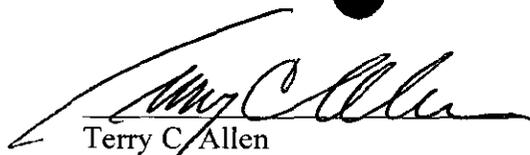
Competition and the Commission's Staff shall file responses not later than March 7, 2002."

Pursuant to the very Order of the Commission the Reply is timely filed as it was filed on March 7, 2002 and acknowledged by the Utilities in their Reply as filed March 7, 2002.

2. The utilities have now taken a "personal" attack by suggesting that the Complainant is "contemptuous" of the Commission Rules. The utilities should be embarrassed by such suggestions. They know better. Complainant simply wants the fair playing field that the Missouri Legislature intended when they overwhelmingly passed the Affiliated Transaction law. The HVAC proprietors not party to these PowerTech programs cannot compete with dollars of the utilities in the advertising, supporting these programs through a few selected operators. Obviously, the utilities want their protected monopolistic practices to take over the HVAC business under the guise of "financing" consumers as opposed to controlling the HVAC industry and trying to keep the Commission from looking at how these programs truly operate.

As Complainant indicated in its reply of March 7, 2002, that in a prior case before this Commission, the Complainant filed a complaint in the very same way without first contacting the utility. In that case involving Ameren UE, the issues were addressed and resolved. No one claimed that the case should be dismissed for failure to first discuss with Ameren UE because it was not required in the Affiliated Transaction law. Complainant is acting on past practice and in good faith. Personal attacks by the Utilities are nonsense and neither material or relevant.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing was mailed, first-class postage prepaid, this 19 day of March, 2002, to the following:

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