

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION
JEFFERSON CITY**

June 8, 2000

CASE NO: EM-2000-753

Office of the Public Counsel
P.O. Box 7800
Jefferson City, MO 65102

General Counsel
Missouri Public Service Commission
P.O. Box 360
Jefferson City, MO 65102

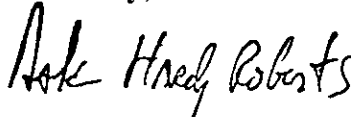
James M. Fischer, Esq.
Fischer & Dority, P.C.
101 West McCarty Street, Suite 215
Jefferson City, MO 65101

William G. Riggins/Gerald A. Reynolds
Kansas City Power & Light Company
1201 Walnut Street
P.O. Box 418679
Kansas City, MO 64141-9679

James J. Cook
AmerenUE
One Ameren Plaza
1901 Chouteau Avenue
PO Box 66149
St. Louis, MO 63166-6149

Enclosed find certified copy of an ORDER in the above-numbered case(s).

Sincerely,



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a Session of the Public Service
Commission held at its office
in Jefferson City on the 8th
day of June, 2000.

In the Matter of the Application of)	
Kansas City Power & Light Company for an)	
Order Authorizing the Transfer of Certain)	
Electrical Generation Assets Used to)	
Provide Electric Service to Customers in)	
Missouri and Other Relief Associated with)	<u>Case No. EM-2000-753</u>
Kansas City Power & Light Company's Plan)	
to Restructure Itself into a Holding)	
Company, Competitive Generation Company,)	
Regulated Utility Company and Unregulated)	
Subsidiary)	

**ORDER DENYING MOTION TO REJECT APPLICATION AS DEFICIENT AND
SCHEDULING EARLY PREHEARING CONFERENCE**

On May 15, 2000, Kansas City Power & Light Company (KCPL) filed an Application, requesting that the Commission authorize KCPL to restructure itself to create a holding company, a competitive generation company, a regulated utility company and an unregulated subsidiary. Also on May 15, KCPL filed a Motion to Schedule an Early Prehearing Conference. In response to KCPL's Application, the Commission issued an Order and Notice on May 16, directing any person interested in intervening to file an application to do so not later than June 15. On May 25, the Staff of the Public Service Commission (Staff) filed a Response in which it noted that KCPL's Application might set in motion "a process of considerable intensity and complexity." Staff offered its opinion that the Commission should take no substantive or procedural action regarding the

Application, other than scheduling an early prehearing conference, until after the intervention period expires and all parties have had an opportunity to respond to KCPL's Application.

On May 25, the Office of the Public Counsel (Public Counsel) filed a Motion to Reject Application as Deficient. Public Counsel's Motion argues that KCPL's Application is deficient because it does not comply with 4 CSR 240-2.060, the Commission's rule regarding applications. In particular, Public Counsel argues that KCPL's Application lacks a copy of the contract or agreement of sale required by 4 CSR 240-02.060(7)(B), a copy of the proposed plan and agreement of corporate merger and consolidation required by 4 CSR 240-2.060(8)(B), and the balance sheets and income statements required by 4 CSR 240-2.060(8)(C). Public Counsel also opposes KCPL's request for waiver of the filing requirements of 4 CSR 240-2.060(4)(A)-(E) and 4 CSR 240-2.060(15).

KCPL's response to Public Counsel's Motion to Reject, filed on June 1, emphasizes that its Application constitutes an unprecedented attempt by a regulated utility to restructure itself. KCPL proposes a phased process for filing testimony and related exhibits over several months to address the issues that will be raised by its Application. KCPL also proposes that a series of workshops and technical conferences be convened to address and hopefully resolve those issues. KCPL argues that the cooperative, collaborative and phased approach proposed in its Application is more likely to result in agreement among all the interested parties, significantly narrowing the issues that must ultimately be resolved by the Commission.

After considering this matter, the Commission concludes that Public Counsel's Motion should be denied. KCPL is proposing a complex process of restructuring and it believes that the complex issues arising from that process can best be resolved through collaborative procedures. If the Commission were to grant Public Counsel's Motion, it would essentially be rejecting KCPL's procedural ideas and it is too early in the process for the Commission to either endorse or reject the procedures suggested by KCPL. Instead, KCPL and all other parties will be given an opportunity to discuss a procedural schedule and related procedures at an early prehearing conference. If after the prehearing conference, Public Counsel, or any other party, continues to believe that the Application is deficient, it may file an appropriate motion with the Commission.

IT IS THEREFORE ORDERED:

1. That the Motion to Reject Application as Deficient filed by the Office of the Public Counsel is denied.

2. That an early prehearing conference shall be held on June 28, 2000, beginning at 10:00 a.m. The prehearing conference shall be held at the Commission's offices on the fifth floor of the Harry S Truman State Office Building, 301 West High Street, Jefferson City, Missouri. Anyone wishing to attend who has special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days before the prehearing conference at: Consumer Services Hotline - 1-800-392-4211 or TDD Hotline - 1-800-829-7541.

3. That the parties shall file a proposed procedural schedule no later than July 7, 2000. The procedural schedule shall include dates for the filing of testimony and for a hearing.

4. That this order shall become effective on June 20, 2000.

BY THE COMMISSION



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

Lumpe, Ch., Drainer, Murray, Schemenauer,
and Simmons, CC., concur

Woodruff, Regulatory Law Judge

A.J./Sec'y:

Woodruff/Boyce

Date Circulated

6-6
CASE NO. *EM-2000-153*

JS
Lumpe, Chair

md
Draher, Vice Chair

CM
Murray, Commissioner

JS
Schemenauer, Commissioner

KS
Simmons, Commissioner

Agenda Date

6-8

Action taken:

5-045

Must Vote Not Later Than

STATE OF MISSOURI
OFFICE OF THE PUBLIC SERVICE COMMISSION

I have compared the preceding copy with the original on file in this office and

I do hereby certify the same to be a true copy therefrom and the whole thereof.

WITNESS my hand and seal of the Public Service Commission, at Jefferson City,
Missouri, this 8th day of June 2000.

Dale Hardy Roberts

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

