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BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

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

Case No. ER-97-394

ORDER GRANTING MOTION TO COMPEL

UtiliCorp United Inc. (UtiliCorp) initiated this general rate proceeding by the filing of tariffs on March 21, 1997, designed to implement a general rate increase for electric service provided to its Missouri customers.

On August 29, 1997, the Staff of the Commission (Staff) filed a motion to compel UtiliCorp to respond to 89 data requests. The Staff alleged that UtiliCorp has not responded in a timely fashion. On September 8, 1997, UtiliCorp stated that, because of the substantial number of data requests received by UtiliCorp in this case, it had not in fact responded promptly to some data requests. UtiliCorp stated that it had every intention of responding to "most if not all" of the outstanding data requests by September 9, 1997.

On September 16, 1997, the Staff filed a response to the UtiliCorp answer stating that, as of the September 9, 1997 date, seven data requests remain unanswered. In addition, the Staff stated that 9 more data requests are now delinquent by anywhere from 26 days to 48 days (over the 20-day limit as set out in the Commission's rules). The Staff renewed its motion to compel answers to these 16 outstanding data requests.

The Commission has considered the motions and response of the parties. The Staff makes a point of reciting the history of UtiliCorp's

tardiness in responding to data requests of the Staff. This history is well-known to the Commission. While the Commission understands the number and volume of information requested, the Commission must insist that UtiliCorp respond to legitimate requests in a prompt fashion in order to ensure fundamental fairness and opportunity to all parties to this proceeding and to move this process forward in an appropriate fashion.

Therefore, UtiliCorp will be ordered to respond to the 16 outstanding data requests detailed in the response of the Staff no later than the close of business, September 24, 1997.

IT IS THEREFORE ORDERED:

1. That the motion of the Staff to compel responses to data requests by UtiliCorp United Inc. is sustained to the extent that UtiliCorp United Inc. is hereby ordered to respond to the following data requests no later than the close of business, September 24, 1997: Nos. 331, 1567, 1570, 1579, 1665, 1691, 1698, 355, 395, 396, 397, 398, 406, 407, 428, and 449.

2. That this order shall become effective on September 19, 1997.

BY THE COMMISSION



**Cecil I. Wright
Executive Secretary**

(S E A L)

Joseph A. Derque III, Administrative
Law Judge, by delegation of authority
pursuant to 4 CSR 240-2.120(1),
(November 30, 1995) and Section 386.240,
RSMo 1994.

Dated at Jefferson City, Missouri,
on this 18th day of September, 1997.