



marketing affiliate of UtiliCorp, wherein Staff contended that (1) UES had established a niche market due to UES having access to over half of MPS' end-user customers and nearly three-quarters of MPS' released capacity on both WNG and PEPL and (2) the captive customers of MPS did not receive capacity release credits equal to the transportation charges which appeared on the UES bills to the various MPS end-user customers, and thus, the captive customers were not properly compensated for paying the fixed charges necessary to allow MPS to sell its excess capacity. As a result, the Staff proposed adjustments to MPS' ACA recovery balances in ACA Case Nos. GR-95-273 and GR-96-192.

The Staff recommends that this ACA case remain open, pending an Order from the Commission in Case No. GR-95-273 and Case No. GR-96-192. Staff also recommends that the company be ordered to file a written response to Staff's recommendation within 30 days.

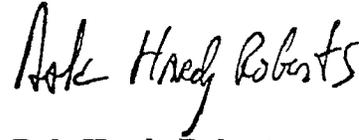
The Commission has reviewed the memorandum filed by Staff and determines that the Company shall file a response to Staff's recommendation no later than October 14, 1998.

**IT IS THEREFORE ORDERED:**

1. That the Company shall file a response to the recommendation of the Staff of the Commission no later than October 14, 1998.

2. That this order shall become effective on October 2, 1998.

**BY THE COMMISSION**

A handwritten signature in black ink that reads "Dale Hardy Roberts". The signature is written in a cursive style with a large initial "D".

**Dale Hardy Roberts**  
**Secretary/Chief Regulatory Law Judge**

(S E A L)

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

Register, Regulatory Law Judge