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September 30, 1998

Mr. Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge
Missouri Public Service Commission
P.O. Box 360
Jefferson City, Missouri 65102

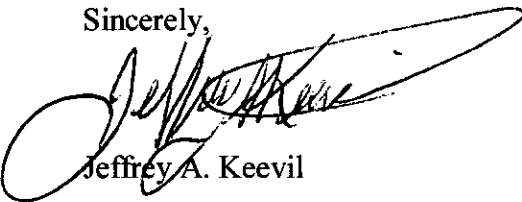
RE: In the Matter of the Assessment Against the Public Utilities in the State of
Missouri – Case No. OO-99-44

Dear Mr. Roberts:

Enclosed for filing in the above-referenced case are an original and fourteen (14)
copies of the **RESPONSIVE STATEMENT OF TRIGEN-KANSAS CITY ENERGY
CORPORATION.**

Copies of this filing have on this date been mailed or hand-delivered to counsel
for parties of record. Thank you for your attention to this matter.

Sincerely,



Jeffrey A. Keevil

JAK/er
Enclosures
cc: counsel of record

FILED

SEP 30 1998

Missouri Public
Service Commission

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

FILED

SEP 30 1998

Missouri Public
Service Commission

In the Matter of the Assessment Against)
the Public Utilities in the State of Missouri)
for the Expenses of the Commission for)
the Fiscal Year Commencing July 1, 1998.)

Case No. OO-99-44

RESPONSIVE STATEMENT OF
TRIGEN-KANSAS CITY ENERGY CORPORATION

On September 23, 1998, the Commission issued an Order Granting Intervention ("Order") in this case, in which it granted intervention to Trigen-Kansas City Energy Corporation ("Trigen"). Such Order also directed Trigen to file a pleading not later than October 1, 1998, responding to four specific matters enumerated in paragraph Ordered 2. The original Joint Applicants in this case, as well as the other intervenors, had been ordered to respond to the same matters by prior orders of the Commission; the Responsive Statement of Joint Applicants was filed herein on August 31, 1998. The following information is submitted pursuant to the Commission's Order of September 23, 1998.

1. Nature of Stay Requested and Remedy Sought.

Trigen agrees with the Joint Applicants that the ultimate remedy sought is that the Commission enter upon a hearing concerning the propriety of the assessments and that it issue a new supplemental order consistent with the evidence presented and the applicable law. Trigen also agrees with the Joint Applicants that Supplemental Order No. 52 is void and of no effect because it was made effective on the date of issuance. Due to questions which have arisen regarding the manner in which the amounts of the assessments were

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determined, including but not necessarily limited to the line item relating to “Article X transfers”, Trigen believes that the Commission should stay any increased portion of the current assessment as it relates to the immediately prior year’s assessment.

2. Nature of Protest.

Trigen is primarily concerned at this time with the increase in its current assessment as compared to previous assessments, given that its assessment more than doubled from the prior year. Based upon information currently known to Trigen, the “nature of protest” is primarily whether the most recent assessment was determined in accordance with section 386.370 RSMo. Supp. 1997; i.e., as stated by Joint Applicants, any assessment for a cost not related to the regulation of public utilities or for an improperly allocated cost would be a matter of concern. Trigen wishes to avoid payment of any assessment which was unauthorized by law and preserve its rights to a refund of any portion of the assessment paid which may ultimately be determined to have been unauthorized by law.

3. Article X Distributions Received by Trigen.

Trigen agrees with Joint Applicants that the amount of Article X distributions received is irrelevant for purposes of this case. However, without waiving the objection as to irrelevancy, Trigen would inform the Commission that it has received no such distributions to date.

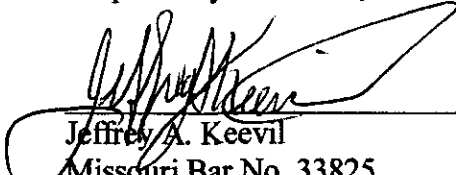
4. Legal Authority.

Given the relatively short amount of time to research all possible legal authority, Trigen reserves the right to provide additional authority in the briefing and argument portions of this case as the same comes to light. However, at this time Trigen would

specifically point to Section 386.370 RSMo. Supp. 1997 and *Mo. Const., Art. X*, as well as the additional legal authority cited by Joint Applicants: *State ex rel. St. Louis County v. Public Service Commission*, 360 Mo. 339, 228 S.W.2d 1 (1950); *Union Electric Company v. Clark*, 511 S.W.2d 822 (Mo. 1974); Section 386.500 RSMo.

WHEREFORE, having fully responded to the Commission's directive to provide additional information, Trigen rests.

Respectfully submitted,



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ATTORNEY FOR TRIGEN- KANSAS
CITY ENERGY CORPORATION

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing pleading was delivered by first-class mail, or hand-delivery, to counsel for parties of record on this 30th day of September, 1998.

