



Martha S. Hogerty  
Public Counsel

State of Missouri

Bob Holden  
Governor

**Office of the Public Counsel**  
Governor Office Building  
200 Madison, Suite 650  
P.O. Box 7800  
Jefferson City, Missouri 65102

Telephone: 573-751-4857  
Facsimile: 573-751-5562  
Web: <http://www.mo-opc.org>  
Relay Missouri  
1-800-735-2966 TDD  
1-800-735-2466 Voice

March 9, 2001

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

**FILED<sup>2</sup>**

MAR 09 2001

Missouri Public  
Service Commission

**RE: UtiliCorp United Inc.**  
**ER-2001-\_\_\_\_\_**

ET- 2001- 482

Dear Mr. Roberts:

Enclosed for filing in the above-referenced case please find the original and eight copies of **Motion to Suspend or Dismiss**. Please "file" stamp the extra-enclosed copy and return it to this office.

Thank you for your attention to this matter.

Sincerely,

John B. Coffman  
Deputy Public Counsel

JBC:jb

cc: Counsel of Record

200100849

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI

FILED  
MAR 9 2001  
Missouri Public  
Service Commission

In the Matter of UtiliCorp United, Inc.'s )  
Tariffs Filed to Update the Rules and )  
Regulations for Electric and to Increase )  
the Interest Rate Paid on Deposits, the Late )  
Payment Charge, the Reconnection Fee, )  
and the Charge for Returned Checks )

ET- 2001-482  
Case No. ~~ER-2001-~~  
Tariff No. 200100849

MOTION TO DISMISS OR SUSPEND

COMES NOW the Office of the Public Counsel (Public Counsel) and for its Motion to Dismiss or Suspend states as follows:

1. On or about February 16, 2001, UtiliCorp United, Inc. (Company) filed the above tariffs designed to change various rates, including an increase to the interest paid on deposits to 9.5%, and increase in the late payment charge to 1.5%, a reconnection fee change, and a charge for returned checks. Although these tariffs are not designed to become effective until May 1, 2001, Company is nonetheless requesting that these tariffs be approved early on March 19, 2001. Public Counsel is opposed to approval of these various rate changes outside of the general rate case proceedings and this Motion will discuss some of those concerns.

2. Approving these rate changes outside of a general rate case would violate the prohibition against single-issue rate making. State ex rel. Utility Consumer Counsel of Missouri v. PSC, 585 S.W.2nd 41(Mo. banc 1979). Furthermore, these proposals can wait until a general rate increase request (which is expected to be filed by UtiliCorp United, Inc. within a very short time) when all relevant factors can be considered. These various rates and charges can be

examined in the context of that broader rate case. It would add needless confusion to have these charges changed now and then were adjusted again in the upcoming rate case.

3. Company claims that the proposed rate changes are “merger-related synchronization of SJLP tariff to MPS’s.” Cover letter, dated February 15, 2001. It would be most appropriate for any such “synchronization” between these two divisions to occur in an upcoming rate case when the two Company divisions can be examined in totality.

Furthermore, in the case which approved the merger between St. Joseph Light & Power Company with UtiliCorp United, Inc., the Commission stated that the merger standard to which it adhered was a standard that stated that a merger should be approved provided that it would not be detrimental to the public through higher rates or deterioration of service. Re: UtiliCorp United, Inc.; St. Joseph Light and Power Company, Case No. EM-2000-292, Report and Order, pp. 31-32. If the Commission approves the proposed tariffs, which Company admits are “merger-related,” various rates would be increased to the detriment of St. Joseph Light & Power Company customers.

4. Public Counsel has expressed its concerns about the proposed tariffs to Company and has attempted to have these concerns resolved, but unfortunately, the parties have been unable to resolve their differences.

5. It is anticipated that Company will argue that the *net* revenue effect of the various proposed rate changes is minimal. However, it is important to understand that these various changes will affect different groups of customers to varying degrees. While the net effect to Company revenue may be small, the impact on a particular customer may be great.

6. Essentially, it does not make sense to “synchronize” these various charges before the Commission has had an opportunity to synchronize all of the rates between the St. Joseph

Light & Power Company division and the Missouri Service Public Company division of UtiliCorp United, Inc. A general rate case filing is anticipated any day.

If Company strongly desires to “synchronize” differing rates and charges prior to the upcoming rate case, Public Counsel suggests that each of the proposed rate changes could be made between the two divisions in the direction that was a benefit to customers, not a detriment to the customers. In other words, each rate could be synchronized to the rate of the division that has the lower rate, and any subsequent increase for these rates overall could be reconsidered in the upcoming general rate case.

WHEREFORE, Public Counsel respectfully requests that the Commission dismiss the proposed tariffs, or in the alternative, suspend these tariffs for a period of time that would be sufficient to allow Public Counsel to provide prepared testimony and Public Counsel further requests that the Commission hold an evidentiary hearing on these matters.

Respectfully submitted,

OFFICE OF THE Public Counsel

By:   
John B. Coffman (#36591)  
Deputy Public Counsel  
P. O. Box 7800  
Jefferson City, MO 65102  
(573) 751-5560  
(573) 751-5562 FAX

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed or hand-delivered to the following this 9<sup>th</sup> day of March 2001:

Paul Boudreau  
Brydon, Swearingen, & England  
312 E. Capitol Avenue  
Jefferson City, MO 65101

Steve Dottheim  
General Counsel  
P O Box 360  
Jefferson City, MO 65101

A handwritten signature in black ink, appearing to read "S. Dottheim", is written over a horizontal line.