

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI**

In the matter of the Tariff Filing of the Empire)	
District Electric Company of Joplin, Missouri)	
To Implement a General Rate Increase for)	Case No. ER-2006-0315
Retail Electric Service Provided to Customers)	
In the Missouri Service Area of the Company)	

NOTICE OF FILING OF PROPOSED ORDER
BY THE EMPIRE DISTRICT ELECTRIC COMPANY

COMES NOW The Empire District Electric Company ("Empire"), by and through counsel, and, with regard to the opinion issued by the Missouri Supreme Court on October 30, 2007, in Case No. SC88390, Empire respectfully presents a proposed order for the consideration of the Missouri Public Service Commission (the "Commission") and states as follows:

1. With its December 29, 2006 Order Granting Expedited Treatment and Approving Tariffs, the Commission found and concluded that the revised tariffs sheets filed by Empire on December 28, 2006, with a proposed effective date of January 27, 2007, were just and reasonable and were in compliance with the Commission's December 21, 2006 Report and Order.

2. As the Commission is aware, on March 19, 2007, the Office of the Public Counsel ("OPC") filed a Petition for Writ of Mandamus with the Missouri Supreme Court seeking an order requiring the Commission to vacate and rescind its December 29, 2006 Order Granting Expedited Treatment and Approving Tariffs and directing the Commission to provide an effective date for any subsequent tariff approval order that allows at least ten days to prepare and file an application for rehearing. On May 1, 2007, the Missouri Supreme Court issued a preliminary writ directing the Commission to respond to OPC's petition.

3. On October 30, 2007, the Missouri Supreme Court made its preliminary writ peremptory and issued an opinion. The Court did not grant the relief requested by OPC in toto. Instead, with its opinion, the Court directed the Commission to vacate its December 29 Order

4. It is abundantly clear that the Supreme Court did not examine the lawfulness or reasonableness of the substance of the December 29, 2006 Order Granting Expedited Treatment and Approving Tariffs. The Supreme Court considered only the timing of the issuance of said Order and made no statement regarding the lawfulness or reasonableness of the underlying tariffs. Accordingly, the existing filed and approved tariffs should continue in force and in effect.

Respectfully submitted,

By: /s/

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Certificate of Service

I hereby certify that the foregoing has been sent by United States mail, hand-delivered, or transmitted by facsimile or electronic mail to all counsel of record on the 19th day of November, 2007.

/s/ Diana C. Carter

**BEFORE THE PUBLIC SERVICE COMMISSION
STATE OF MISSOURI**

In the Matter of the tariff filing of The)	
Empire District Electric Company)	
to implement a general rate increase for)	Case No. ER-2006-0315
retail electric service provided to customers)	
in its Missouri service area.)	

**ORDER APPROVING TARIFFS AND VACATING DECEMBER 29, 2006 ORDER
GRANTING EXPEDITED TREATMENT AND APPROVING TARIFFS**

With its December 29, 2006 Order Granting Expedited Treatment and Approving Tariffs, the Missouri Public Service Commission ("Commission") found and concluded that the revised tariff sheets filed by The Empire District Electric Company ("Empire") on December 28, 2006, with a proposed effective date of January 27, 2007, were just and reasonable and were in compliance with the Commission's December 21, 2006 Report and Order. This remains the Commission's finding and conclusion based on the record in this case, and, as a consequence, said revised tariff sheets shall continue in force and in effect. However, the Commission will provide a ten day period between the issue and effective dates of this order.

On February 1, 2006, Empire filed proposed tariff sheets, Tariff File No. YE-2006-0597, designed to implement a general rate increase for retail electric service. The matter was opened and denominated ER-2006-0315.

On December 21, 2006, the Commission issued a Report and Order in this matter, to be effective December 31, 2006. Empire, the Office of the Public Counsel ("OPC"), and Praxair, Inc. and Explorer Pipeline Company (the "Industrials") each filed an Application for Rehearing with regard to the Report and Order.

On December 28, 2006, Empire filed revised tariffs sheets with a proposed effective date of January 27, 2007, and a motion for expedited treatment requesting approval of the revised tariff sheets to be effective January 1, 2007. On December 29, 2006, the Staff of the Commission filed its Staff Recommendation regarding the tariff filing, in which Staff explained that it had reviewed the filed tariff sheets. Staff stated that the tariff sheets were in compliance with the Report and Order, and Staff recommended expedited approval of the tariff sheets, as described in the cover pleading of the Staff Recommendation. The Commission found certain assumptions set forth in Staff's cover pleading to be a reasonable interpretation of the Report and Order, and that remains the finding of the Commission.

One of the assumptions concerned a sub-issue under the Regulatory Plan Amortizations issue. In its resolution of that issue in its Report and Order, the Commission incorrectly found and concluded that there were no remaining disputes concerning the amortizations. The Commission did find the Staff's position to be reasonable, which is the position used in the assumptions used to evaluate the subject tariffs. With the Order Supplementing and Clarifying Report and Order, issued January 9, 2007, to be effective January 19, 2007, the Report and Order was clarified to remove language concerning a lack of dispute on this sub-issue and to clarify the meaning of "Staff's position" to include its position on the inappropriateness of further adjustment to the March 31, 2006 discounted present values of the two purchased power contracts.

The Commission found the revised tariff sheets filed by Empire on December 28, 2006, with a proposed effective date of January 27, 2007, to be an accurate reflection of the revenue increase authorized by the Report and Order, and on December 29, 2006,

the Commission issued its Order Granting Expedited Treatment and Approving Tariffs, to be effective December 31, 2006. The Commission concluded that the requests for delay and further suspension were not reasonable and would preclude Empire from earning the just and reasonable rates the Commission allowed through the Report and Order. This remains the Commission's conclusion.

The OPC challenged the Commission's December 29 Order by extraordinary writ. On October 30, 2007, the Missouri Supreme Court made its preliminary writ issued in Case No. SC88390 peremptory and issued an opinion directing the Commission to vacate its December 29 Order and allow OPC a reasonable time to prepare and file an application for rehearing. Specifically, the Supreme Court stated as follows in footnote three of its opinion:

It should be noted that the question before this Court is *not* whether or not the December 29, 2006 order meets the two-prong test described in *State ex rel. Utility Consumers Council of Missouri v. Public Service Commission*, 585 S.W.2d 41, 47. In *Utility Consumers*, the Court evaluated the substance of a PSC order on a writ of review, finding that on "appeal, our role is to determine whether the commission's report and order was lawful and, if so, whether it was reasonable." . . . This standard of review does not apply in the present case, because an application for rehearing was never filed. Here, the court does not examine the lawfulness and reasonableness of the substance of the December 29, 2006 order, but rather, whether the timing of its issuance foreclosed the possibility of rehearing.

The Supreme Court did not examine the lawfulness or reasonableness of the substance of the December 29, 2006 Order Granting Expedited Treatment and Approving Tariffs. The Supreme Court considered only the timing of the issuance of said Order and made no statement regarding the lawfulness or reasonableness of the underlying tariffs.

The Commission has reviewed the subject tariff sheets and Staff's Memorandum and Recommendation. The Commission finds that the revised tariffs sheets filed by

Empire on December 28, 2006, with a proposed effective date of January 27, 2007, are just and reasonable based upon the record in this case, are in compliance and consistent with the Commission's December 21, 2006 Report and Order and January 9, 2007 Order Supplementing and Clarifying Report and Order and should be approved.

IT IS THEREFORE ORDERED:

1. That the Order Granting Expedited Treatment and Approving Tariffs, issued by the Commission on December 29, 2006, to be effective December 31, 2006, is hereby vacated pursuant to the decision and directive of the Missouri Supreme Court.

2. That the tariff sheets previously filed by The Empire District Electric Company Tariff File No. YE-2007-0488 and approved by the Commission in its Order Granting Expedited Treatment and Approving Tariffs, issued December 29, 2006, to be effective December 31, 2006, are approved and shall remain in force and in effect, to-wit:

P.S.C. Mo. No. 5, Section A

21st Revised Sheet No. 1, Canceling 20th Revised Sheet No. 1

P.S.C. Mo. No. 5, Section B

2nd Revised Sheet No. 1, Canceling 1st Revised Sheet No. 1

1st Revised Sheet No. 2, Canceling Original Sheet No. 2

1st Revised Sheet No. 3, Canceling Original Sheet No. 3

1st Revised Sheet No. 4, Canceling Original Sheet No. 4

1st Revised Sheet No. 5, Canceling Original Sheet No. 5

1st Revised Sheet No. 6, Canceling Original Sheet No. 6

1st Revised Sheet No. 7, Canceling Original Sheet No. 7

1st Revised Sheet No. 7a, Canceling Original Sheet No. 7a

1st Revised Sheet No. 8, Canceling Original Sheet No. 8

P.S.C. Mo. No. 5, Section 1

13th Revised Sheet No. 1, Canceling 12th Revised Sheet No. 1

10th Revised Sheet No. 2, Canceling 9th Revised Sheet No. 2

6th Revised Sheet No. 3, Canceling 5th Revised Sheet No. 3

P.S.C. Mo. No. 5, Section 2

12th Revised Sheet No. 1, Canceling 11th Revised Sheet No. 1
1st Revised Sheet No. 1a, Canceling Original Sheet No. 1a
12th Revised Sheet No. 2, Canceling 11th Revised Sheet No. 2
1st Revised Sheet No. 2a, Canceling Original Sheet No. 2a
12th Revised Sheet No. 3, Canceling 11th Revised Sheet No. 3
7th Revised Sheet No. 3a, Canceling 6th Revised Sheet No. 3a
13th Revised Sheet No. 4, Canceling 12th Revised Sheet No. 4
8th Revised Sheet No. 4a, Canceling 7th Revised Sheet No. 4a
12th Revised Sheet No. 5, Canceling 11th Revised Sheet No. 5
12th Revised Sheet No. 6, Canceling 11th Revised Sheet No. 6
12th Revised Sheet No. 7, Canceling 11th Revised Sheet No. 7
5th Revised Sheet No. 7a, Canceling 4th Revised Sheet No. 7a
6th Revised Sheet No. 8, Canceling 5th Revised Sheet No. 8
8th Revised Sheet No. 9, Canceling 7th Revised Sheet No. 9
5th Revised Sheet No. 9a, Canceling 4th Revised Sheet No. 9a
6th Revised Sheet No. 9b, Canceling 5th Revised Sheet No. 9b
5th Revised Sheet No. 10, Canceling 4th Revised Sheet No. 10
5th Revised Sheet No. 10a, Canceling 4th Revised Sheet No. 10a
3rd Revised Sheet No. 11, Canceling 2nd Revised Sheet No. 11
3rd Revised Sheet No. 11a, Canceling 2nd Revised Sheet No. 11a
3rd Revised Sheet No. 12, Canceling 2nd Revised Sheet No. 12
3rd Revised Sheet No. 12a, Canceling 2nd Revised Sheet No. 12a
7th Revised Sheet No. 13, Canceling 6th Revised Sheet No. 13
4th Revised Sheet No. 14, Canceling 3rd Revised Sheet No. 14
4th Revised Sheet No. 14a, Canceling 3rd Revised Sheet No. 14a
4th Revised Sheet No. 14b, Canceling 3rd Revised Sheet No. 14b
4th Revised Sheet No. 14c, Canceling 3rd Revised Sheet No. 14c
4th Revised Sheet No. 14d, Canceling 3rd Revised Sheet No. 14d
4th Revised Sheet No. 14e, Canceling 3rd Revised Sheet No. 14e

P.S.C. Mo. No. 5, Section 3

13th Revised Sheet No. 1, Canceling 12th Revised Sheet No. 1
6th Revised Sheet No. 1a, Canceling 5th Revised Sheet No. 1a
17th Revised Sheet No. 2, Canceling 16th Revised Sheet No. 2
8th Revised Sheet No. 2a, Canceling 7th Revised Sheet No. 2a
12th Revised Sheet No. 3, Canceling 11th Revised Sheet No. 3
1st Revised Sheet No. 3a, Canceling Original Sheet No. 3a
12th Revised Sheet No. 4, Canceling 11th Revised Sheet No. 4
4th Revised Sheet No. 5, Canceling 3rd Revised Sheet No. 5
2nd Revised Sheet No. 6, Canceling 1st Revised Sheet No. 6
1st Revised Sheet No. 7, Canceling Original Sheet No. 7

1st Revised Sheet No. 8, Canceling Original Sheet No. 8
1st Revised Sheet No. 9, Canceling Original Sheet No. 9

P.S.C. Mo. No. 5, Section 4

4th Revised Sheet No. 1, Canceling 3rd Revised Sheet No. 1
11th Revised Sheet No. 2, Canceling 10th Revised Sheet No. 2
9th Revised Sheet No. 3, Canceling 8th Revised Sheet No. 3
9th Revised Sheet No. 4, Canceling 8th Revised Sheet No. 4
5th Revised Sheet No. 4a, Canceling 4th Revised Sheet No. 4a
3rd Revised Sheet No. 4b, Canceling 2nd Revised Sheet No. 4b
3rd Revised Sheet No. 4c, Canceling 2nd Revised Sheet No. 4c
3rd Revised Sheet No. 5, Canceling 2nd Revised Sheet No. 5
14th Revised Sheet No. 6, Canceling 13th Revised Sheet No. 6
6th Revised Sheet No. 7, Canceling 5th Revised Sheet No. 7
3rd Revised Sheet No. 8, Canceling 2nd Revised Sheet No. 8
1st Revised Sheet No. 8a, Canceling Original Sheet No. 8a
2nd Revised Sheet No. 8b, Canceling 1st Revised Sheet No. 8b
2nd Revised Sheet No. 8c, Canceling 1st Revised Sheet No. 8c
4th Revised Sheet No. 9, Canceling 3rd Revised Sheet No. 9
3rd Revised Sheet No. 10, Canceling 2nd Revised Sheet No. 10
3rd Revised Sheet No. 11, Canceling 2nd Revised Sheet No. 11
3rd Revised Sheet No. 12, Canceling 2nd Revised Sheet No. 12
3rd Revised Sheet No. 13, Canceling 2nd Revised Sheet No. 13
3rd Revised Sheet No. 14, Canceling 2nd Revised Sheet No. 14
4th Revised Sheet No. 15, Canceling 3rd Revised Sheet No. 15
5th Revised Sheet No. 16, Canceling 4th Revised Sheet No. 16
5th Revised Sheet No. 17, Canceling 4th Revised Sheet No. 17
1st Revised Sheet No. 18, Canceling Original Sheet No. 18
~~1st Revised Sheet No. 19, Canceling Original Sheet No. 19~~
1st Revised Sheet No. 20, Canceling Original Sheet No. 20
2nd Revised Sheet No. 21, Canceling 1st Revised Sheet No. 21

P.S.C. Mo. No. 5, Section 5

5th Revised Sheet No. A, Canceling 4th Revised Sheet No. A
4th Revised Sheet No. 1, Canceling 3rd Revised Sheet No. 1
5th Revised Sheet No. 2, Canceling 4th Revised Sheet No. 2
2nd Revised Sheet No. 2a, Canceling 1st Revised Sheet No. 2a
5th Revised Sheet No. 3, Canceling 4th Revised Sheet No. 3
4th Revised Sheet No. 4, Canceling 3rd Revised Sheet No. 4
3rd Revised Sheet No. 5, Canceling 2nd Revised Sheet No. 5
3rd Revised Sheet No. 6, Canceling 2nd Revised Sheet No. 6
4th Revised Sheet No. 7, Canceling 3rd Revised Sheet No. 7
4th Revised Sheet No. 8, Canceling 3rd Revised Sheet No. 8
5th Revised Sheet No. 9, Canceling 4th Revised Sheet No. 9

6th Revised Sheet No. 10, Canceling 5th Revised Sheet No. 10
5th Revised Sheet No. 11, Canceling 4th Revised Sheet No. 11
2nd Revised Sheet No. 11a, Canceling 1st Revised Sheet No. 11a
7th Revised Sheet No. 12, Canceling 6th Revised Sheet No. 12
5th Revised Sheet No. 13, Canceling 4th Revised Sheet No. 13
4th Revised Sheet No. 14, Canceling 3rd Revised Sheet No. 14
4th Revised Sheet No. 15, Canceling 3rd Revised Sheet No. 15
4th Revised Sheet No. 16, Canceling 3rd Revised Sheet No. 16
4th Revised Sheet No. 17, Canceling 3rd Revised Sheet No. 17
1st Revised Sheet No. 17a, Canceling Original Sheet No. 17a
1st Revised Sheet No. 17b, Canceling Original Sheet No. 17b
1st Revised Sheet No. 17c, Canceling Original Sheet No. 17c
1st Revised Sheet No. 17d, Canceling Original Sheet No. 17d
1st Revised Sheet No. 17e, Canceling Original Sheet No. 17e
1st Revised Sheet No. 17f, Canceling Original Sheet No. 17f
5th Revised Sheet No. 18, Canceling 4th Revised Sheet No. 18
3rd Revised Sheet No. 19, Canceling 2nd Revised Sheet No. 19
3rd Revised Sheet No. 20, Canceling 2nd Revised Sheet No. 20
3rd Revised Sheet No. 21, Canceling 2nd Revised Sheet No. 21
5th Revised Sheet No. 22, Canceling 4th Revised Sheet No. 22
5th Revised Sheet No. 23, Canceling 4th Revised Sheet No. 23
2nd Revised Sheet No. 23a, Canceling 1st Revised Sheet No. 23a
5th Revised Sheet No. 24, Canceling 4th Revised Sheet No. 24
4th Revised Sheet No. 25, Canceling 3rd Revised Sheet No. 25
6th Revised Sheet No. 26, Canceling 5th Revised Sheet No. 26
5th Revised Sheet No. 27, Canceling 4th Revised Sheet No. 27
5th Revised Sheet No. 28, Canceling 4th Revised Sheet No. 28
5th Revised Sheet No. 29, Canceling 4th Revised Sheet No. 29
3rd Revised Sheet No. 30, Canceling 2nd Revised Sheet No. 30
3rd Revised Sheet No. 31, Canceling 2nd Revised Sheet No. 31
1st Revised Sheet No. 32, Canceling Original Sheet No. 32
1st Revised Sheet No. 33, Canceling Original Sheet No. 33
1st Revised Sheet No. 34, Canceling Original Sheet No. 34
1st Revised Sheet No. 35, Canceling Original Sheet No. 35
2nd Revised Sheet No. 36, Canceling 1st Revised Sheet No. 36
2nd Revised Sheet No. 37, Canceling 1st Revised Sheet No. 37
2nd Revised Sheet No. 38, Canceling 1st Revised Sheet No. 38
2nd Revised Sheet No. 39, Canceling 1st Revised Sheet No. 39
2nd Revised Sheet No. 40, Canceling 1st Revised Sheet No. 40
1st Revised Sheet No. 41, Canceling Original Sheet No. 41

3. That the Application for Rehearing filed by Explorer Pipeline and Praxair, Inc., with regard to the December 29, 2006 Order Granting Expedited Treatment and Approving Tariffs is determined to be moot. All timely filed applications or motions for rehearing, clarification, and/or reconsideration with regard to the December 21, 2006 Report and Order and/or the January 9, 2007 Order Supplementing and Clarifying Report and Order remain pending before this Commission.

4. That this Order shall become effective on _____, 2007.