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August 14, 2002

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

FILED³

AUG 14 2002

Re: Case No. ER-2002-424

**Missouri Public
Service Commission**

Dear Mr. Roberts:

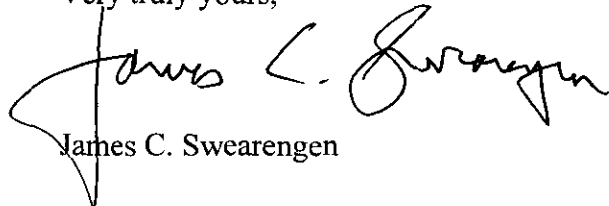
Enclosed for filing on behalf of The Empire District Electric Company, please find an original and eight (8) copies of a Motion Concerning Notice Requirements With Respect To Hearings.

A copy of this filing will be provided to all parties of record.

Please see that this filing is brought to the attention of the appropriate Commission personnel.

I thank you in advance for your cooperation in this matter.

Very truly yours,



James C. Swearengen

JCS/lar

Enclosure

cc: John Coffman
Denny Frey
Stuart Conrad

FILED³

AUG 14 2002

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

Missouri Public
Service Commission

In the Matter of The Empire District Electric)
Company of Joplin, Missouri, for authority to)
file tariffs increasing rates for electric service) Case No. ER-2002-424
provided to customers in the Missouri service)
area of the Company.)

**MOTION CONCERNING NOTICE REQUIREMENTS WITH
RESPECT TO HEARINGS**

Comes now The Empire District Electric Company ("Empire"), by and through its counsel, and for its Motion Concerning Notice Requirements With Respect To Hearings respectfully states as follows to the Missouri Public Service Commission ("Commission"):

1. By its Suspension Order and Notice issued April 2, 2002, the Commission set October 28 through November 8, 2002, as the dates for the evidentiary hearing in this matter. Ordered No. 9 of said Suspension Order and Notice directed that Empire give notice of this evidentiary hearing to its customers at least ten, but not more than forty-five days prior to October 28, 2002, unless otherwise ordered by the Commission, and prescribed the form of the notice.

2. Thereafter, by its Order Scheduling Local Public Hearing issued June 7, 2002, the Commission set a local public hearing in this matter for September 19, 2002. Ordered No. 2 of said Order Scheduling Local Public Hearing directed that Empire give notice of the local hearing at least ten, but not more than forty-five days prior to September 19, 2002, unless otherwise ordered by the Commission, and prescribed the form of the notice.

3. Thereafter, by its Order Directing Change of Customer Notice issued July

11, 2002, the Commission prescribed a new form of notice.

4. Notice of the local public hearing is now being provided to Empire's customers through a bill insert. The text of said notice is as follows:

On March 8, 2002, The Empire District Electric Company filed an electric rate case with the Missouri Public Service Commission seeking to increase permanent electric revenues by approximately \$19.9 million a year. At the same time, Empire also sought Commission approval to reduce the interim energy charge currently in effect.

The Commission recently approved an agreement which reduced the interim energy charge by approximately \$7 million, or \$1.43 a month for a residential customer using 750 kilowatt hours of electricity a month.

With that agreement in place, the current \$19.9 million rate case proposal would increase the electric rates for a residential customer using 750 kilowatt hours of electricity by approximately \$4.66 a month above electric rates now in effect.

A local public hearing has been set before the Commission beginning at 6:00 p.m., September 19, 2002, at Matthews Hall Auditorium, Missouri Southern State College, 3950 East Newman Road, Joplin, Missouri. Prior to the start of the hearing, the staff of the Commission will conduct a general information session beginning at 5:30 p.m.

The evidentiary hearing has been set before the Commission beginning at 8:30 a.m., October 28, 2002, in the Commission's hearing room on the third floor of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. If you wish to comment about the proposed rate increase or secure information about either the local public hearing or the evidentiary hearing, you may contact the Office of the Public Counsel, Post Office Box 7800, Jefferson City, Missouri 65102, telephone (573) 751-4857.

Any person planning to attend either hearing who has special needs as addressed by the American's With Disabilities Act, should contact the Missouri Public Service Commission at least ten days prior to the hearing at one of the following numbers: Consumer Services Hotline - 1-800-392-4211, or TDD Hotline - 1-800-829-7541.

5. As can be seen, paragraph 4 of the bill insert gives notice of the details of the September 19, 2002, local public hearing. In addition, paragraph 5 gives notice of

the October 28, 2002, evidentiary hearing.

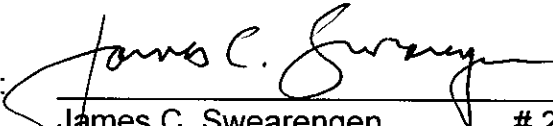
6. Because the notice of the October 28, 2002, evidentiary hearing is being provided more than forty-five days prior to the first day of said hearing, Empire is willing and fully prepared to issue to its customers a second notice of the evidentiary hearing within the prescribed time frame, that is, not less than ten nor more than forty-five days prior to October 28, 2002. Under the circumstances, however, Empire believes that such a second notice would be redundant and might inadvertently create confusion among Empire's customers concerning the rate increase, i.e. whether more than one increase is being sought or whether anyone who testified at the local hearing must again appear at the October 28, 2002 hearing in Jefferson City. In Empire's experience, public witnesses have not appeared at such evidentiary hearings. Moreover, such a second notice would involve additional costs which would be passed on to Empire's customers.

7. In view of the foregoing, Empire desires that this Commission issue its order finding that the notice to customers contained in paragraph 4 herein is in substantial compliance with the Commission's various orders concerning notices of both the local public hearing and evidentiary hearing, granting Empire a waiver of the forty-five day notice requirement with respect to the October 28, 2002, evidentiary hearing and finding that no additional notice to customers be given in this case.

WHEREFORE, Empire moves the Commission to grant the relief requested in paragraph 7, supra.

Respectfully Submitted,

BRYDON, SWEARENGEN & ENGLAND P.C.

By: 
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ATTORNEYS FOR THE EMPIRE DISTRICT ELECTRIC COMPANY

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing document was sent by U.S. Mail, postage prepaid, or hand-delivered, on this 14TH day of August, 2002, to all parties of record.

