

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of the Empire District Electric)
Company of Joplin, Missouri for Authority to)
File Tariffs Increasing Rates for Electric)
Service Provided to Customers in the Missouri)
Service Area of the Company)

Case No. ER-2006-0315

ORDER REQUIRING FILING

Issue Date: November 9, 2006

Effective Date: November 9, 2006

On November 3, 2006, Praxair, Inc. and Explorer Pipeline Company (collectively referred to as "Praxair") served subpoenas on Bill Gipson and Todd Tarter of the Empire District Electric Company to appear at the November 20, 2006 continuation of the hearing on the issues of true-up testimony, corporate allocations and regulatory plan amortizations.

On November 7, Empire filed objections and a motion to quash, or in the alternative to reschedule the appearance until November 21. In that pleading, Empire noted that Mr. Tarter had not filed any testimony on the issues that were the subject of the continued hearing, that the subpoenas were issued on November 1, nineteen days prior to the purportedly required appearance date, when 4 CSR 240-2.100(2) requires twenty days, unless good cause is shown for issuance on less notice.

The Commission requires that Praxair respond to the objections and motion as more fully set forth below. The Commission requires that Praxair's response be filed no later than 4:00 p.m. on Monday, November 13, 2006. The public necessity

requires that the Commission receive the required response by that time, as the Commissioners will need to meet to determine whether the subpoenas should be quashed or the hearing continued on November 14, or as soon as possible thereafter, in order to reschedule or to give the witnesses sufficient notice of whether they are required to appear.

IT IS ORDERED THAT:

1. Praxair shall file, no later than 4:00 p.m. on November 13, 2006, responses to the following questions and such other information as it deems appropriate to include in its response to Empire:

- a. Why the 20-day notice provision should be waived;
- b. What relevant information it expects to glean from further cross-examination of Messrs. Tarter and Gipson; and
- c. Whether it will accept, without further objection, continuance of the proceeding until November 21, 2006.

BY THE COMMISSION



Colleen M. Dale
Secretary

(SEAL)

Colleen M. Dale, Chief Regulatory Law
Judge, by delegation of authority pursuant
to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri
on this 9th day of November, 2006.