

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

In the Matter of The Empire)	
District Electric Company for Authority)	<u>File No. ER-2014-0351</u>
to File Tariffs Increasing Rates for)	Tracking No. YE-2015-0074
Electric Service Provided to Customers)	
in the Company's Missouri Service Area)	

ORDER DENYING MOTION TO DIRECT FILING

Issue Date: April 1, 2015

Effective Date: April 1, 2015

On March 31, 2015, the Staff of the Commission, on behalf of The Empire District Electric Company, the Office of the Public Counsel, the City of Joplin, the Missouri Department of Economic Development – Division of Energy, and the Midwest Energy Users' Association (jointly, "Parties") filed a *Motion to Direct Filing and Joint List of Issues, List and Order of Witnesses, Order of Cross Examination, and Order of Opening Statements*. The Parties indicate that with the exception of Midwest Energy Consumers Group ("MECG"), the Parties have reached an agreement in principle as to all issues in this case and intend to file a global stipulation and agreement with the Commission by Friday, April 3.

On March 31, MECG filed its statement of positions stating that while it does not object to some aspects of the agreement, "the fact that it was provided as a unified single document necessitated that MECG object to that document in order that it be allowed to present its issues to the Commission." The Parties seek an order from the Commission directing MECG to specifically identify which issues it disputes and to identify which witnesses it wishes to cross-examine on each issue.

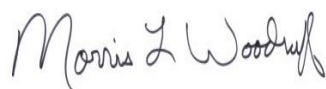
The Commission recognizes the Parties' desire to avoid the appearance of unnecessary witnesses. Unfortunately, since the agreement has yet to be presented to the Commission, it is unable to discern what evidence exists in the record to support the positions addressed in the Parties' agreement. MCEG correctly points out that the Commission cannot simply approve a non-unanimous stipulation, but must make findings of facts supported by competent and substantial evidence on all issues. *State ex rel. Fischer v. Public Service Commission*, 645 S.W.2d 39 (Mo.App.1982). While MCEG may not object to all issues that may be resolved by agreement of the Parties, the Commission must ensure it has competent and substantial evidence in the record to support the Commission's findings.

For this reason, the Commission will deny the Parties' motion at this time.

THE COMMISSION ORDERS THAT:

1. The Parties motion to direct filing is denied.
2. This order shall be effective when issued.

BY THE COMMISSION



Morris L. Woodruff
Secretary



Kim S. Burton, Regulatory Law Judge,
by delegation of authority
pursuant to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 1st day of April, 2015.