

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

The Staff of the Missouri Public Service Commission,

Complainant,

v.

The Empire District Electric Company,

Respondent.

Case No. EC-2009-0078

PROPOSED PROCEDURAL SCHEDULE

COMES NOW the Staff of the Missouri Public Service Commission (“Staff”) and for its Proposed Procedural Schedule states:

1. During the on-the-record portion of the October 22, 2008 Prehearing Conference held in this matter, Regulatory Law Judge Woodruff instructed the parties to file a Proposed Procedural Schedule by a week from that date, on November 5, 2008. Subsequent to the on-the-record portion RLJ Woodruff clarified that he intended to refer to October 29, 2008.

2. On October 29, 2008 the Staff requested, and was granted, additional time to negotiate a Proposed Procedural Schedule.

3. The parties have, despite negotiations, been unable to agree to a Proposed Procedural Schedule in this matter.

4. The Staff proposes the Commission adopt the following schedule:

Staff Direct: November 26, 2008

Other parties Rebuttal: January 9, 2009

All parties Surrebuttal: January 23, 2009

Issues List: January 28, 2009

Briefs: January 30, 2009

Hearing: February 4-5, 2009

5. For reference, please see attached, as Appendix A, the intervals Staff proposes for this case, as compared to Empire's last rate case, ER-2008-0043, and Empire's Requests for Variance and Territorial Agreements, which underlie the instant Complaint.

WHEREFORE, the Staff moves the Commission to adopt the schedule proposed herein.

Respectfully submitted,

/s/ Sarah Kliethermes
Sarah L. Kliethermes
Legal Counsel
Missouri Bar No. 60024
Missouri Public Service Commission
P. O. Box 360
Jefferson City, MO 65102
(573) 751-6726 (Telephone)
(573) 751-9285 (Fax)
sarah.kliethermes@psc.mo.gov

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed, hand-delivered, or transmitted by electronic mail to all counsel of record this 3rd day of November, 2008.

/s/ Sarah Kliethermes

APPENDIX A

Empire Rate Case, Case No. ER-2008-0043

		<u>Days</u>	<u>Days Since Initial Filing</u>
Empire's Direct Filing	10/1/07		
		144	
Non-Utility Direct Rev. Req.	2/22/08		144
		13	
Non-Utility Direct RD	3/7/08		157
		28	
Rebuttal	4/4/08		185
		21	
Surrebuttal	4/25/08		206
		7	
Issues List etc.	5/2/08		213
		4	
Briefs	5/6/08		217
		6	
Hearing	5/ 12-23 /08		223

Staff's Complaint Case No. EC-2009-0078

		<u>Days</u>	<u>Days Since Initial Filing</u>
Staff's Complaint	9/2/08		
		86	
Staff Direct	11/26/08		86
		44	
Rebuttal	1/9/09		130
		14	
Surrebuttal	1/23/09		144
		5	
Issue List	1/28/09		149
		2	
Briefs	1/30/09		151
		5	
Hearing	2/ 4-5 /2009		156

Empire Teritorial Agreement and Variance Request.
Consolidated Case Nos.
EE-2007-0030 & EO-2007-0029

		<u>Days</u>	<u>Days Since Initial Filing</u>
Empire's Initial Filing	7/18/06		
		118	
Stipulation of Facts	11/13/06		118
		7	
All Prefiled Testimony	11/20/06		125
		17	
Hearing	12/7/06		142