

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

In the Matter of the Tariff Filing of The)
Empire District Electric Company to)
Implement a General Rate Increase for Retail)
Electric Service Provided to Customers in its)
Missouri Service Area.)

Case No. ER-2006-0315

ORDER OF ISSUES, WITNESSES AND CROSS-EXAMINATION

Comes now the Staff of the Missouri Public Service Commission (“Staff”) and states:

1. On February 1, 2006, The Empire District Electric Company filed with the Commission tariff sheets designed to implement a general electric rate increase for service it provides to its Missouri customers. The Commission opened Case No. ER-2006-0315 to address that filing.

2. On April 11, 2006, the Commission issued its *Order Concerning Test Year and True-up and Adopting Procedural Schedule* in which it stated, “Each party shall file a list of witnesses to appear on each day of the hearing and the order in which they shall be called,” and, “The parties shall establish the order of cross-examination and file a joint pleading indicating the same.” The Commission, in ordered paragraph three (3), fixed 4:00 p.m. August 23, 2006, as the time by which the foregoing is to be filed. At the request of counsel for the Staff the presiding officer agreed the time and date by which they may be filed was August 25, 2006 and, after a subsequent request for leave to late file, August 28, 2006.

3. The Parties to this proceeding, alphabetically, are: Aquila, Inc., The Empire District Electric Company, Explorer Pipeline, Inc., Kansas City Power & Light Company,

Missouri Department of Natural Resources, the Missouri Public Service Commission Staff, the Office of the Public Counsel, and Praxair, Inc.

4. The Staff solicited and received input from the parties in preparing a proposed hearing schedule. With that input the Staff has assembled the order of witnesses and order of cross-examination set out below. The Staff has attempted to accommodate witness availabilities in this schedule; however, unforeseen eventualities may prompt parties to request changes to the below schedule.

5. Although the proposed schedule anticipates the parties will use less than the full time the Commission has allotted for the evidentiary hearing in September, the proposed schedule commences the hearing on the first day following the Labor Day holiday due to limitations on the availabilities of witnesses and to help ensure the hearing concludes by September 15, 2006.

6. Prehearing briefs are due by 4:00 p.m. August 30, 2006.

7. The Staff submits the following:

ORDER OF ISSUES AND WITNESSES

Tuesday, September 5, 2006 9:00 a.m.

Make Entries of Appearance

Mark Exhibits

Take Up Any Outstanding Matters

Opening Statements

Empire

Staff

Public Counsel

Explorer/Praxair

DNR

KCPL

Aquila

Recess until 1:30 p.m.

Incentive Compensation

Gene E. Bauer (Empire)
Amanda C. McMellen (Staff)

Recess until 8:30 a.m., Wednesday, September 6, 2006

Wednesday, September 6, 2006 8:30 a.m.

Return on Equity and Capital Structure (Rate of Return Issues)

James Vander Weide (Empire)
William L. Gipson (Empire)
David Murray (Staff)
Mark L. Oligschlaeger (Staff)
Charles King (Public Counsel)

Recess until 8:30 a.m., Friday, September 8, 2006

Thursday, September 7, 2006

No hearing due to conflict with Case No. EX-2006-0472 SB179 rulemaking public hearing

Friday, September 8, 2006 8:30 a.m.

Low-Income Assistance Program and Other Needs Based and Unspent Funding of Current Energy Efficiency and Affordability Programs

Sherrill L. McCormack (Empire)
Lena Mantle (Staff)
Amanda McMellen (Staff)
Barbara Meisenheimer (Public Counsel)
Brenda Wilbers (DNR)

If necessary, Public Counsel witness Ralph Smith (fuel and purchased power expense level scheduled for Tuesday, September 12, 2006 and off-system sales scheduled for Wednesday, September 13, 2006) and Praxair/Explorer witness Maurice Brubaker (regulatory plan amortizations, fuel and purchased power expense level and fuel recovery method (IEC continuation) scheduled for Tuesday, September 12, 2006; gain from unwinding forward natural gas contract scheduled for Wednesday, September 13, 2006; and rate design/cost-of-service scheduled for Thursday, September 14, 2006) may be taken out of order and testify on all their issues on Monday, September 11, 2006 and/or Tuesday, September 12, 2006

Monday, September 11, 2006 8:30 a.m.

Fuel Recovery Method (IEC Continuation) and Regulatory Plan Amortizations

Steven M. Fetter (Empire)

Regulatory Plan Amortizations

William L. Gipson (Empire) **(inclusion and value)**

L. Jay Williams (Empire) **(income tax gross-up)**

Mark L. Oligschlaeger (Staff) **(all regulatory plan amortization issues)**

Ted Robertson (Public Counsel) **(all regulatory plan amortization issues)**

Bryan Weiss (KCPL) **(income tax gross-up)**

Maurice Brubaker (Praxair/ Explorer)

Tuesday, September 12, 2006 8:30 a.m.

Fuel and Purchased Power Expense Level

Todd W. Tarter (Empire)

Richard L. McCord (Empire)

Janis E. Fischer (Staff)

Kwang Choe (Staff)

James Busch (Staff)

Ralph Smith (Public Counsel)

Maurice Brubaker (Praxair/Explorer)

Fuel Recovery Method (IEC Continuation)

Todd W. Tarter (Empire)

William L. Gipson (Empire)

Janis E. Fischer (Staff)

Mark L. Oligschlaeger (Staff)

Ralph Smith (Public Counsel)

Barbara Meisenheimer (Public Counsel)

Maurice Brubaker (Praxair/Explorer)

Wednesday, September 13, 2006 8:30 a.m.

Gain from unwinding forward natural gas contract

W. Scott Keith (Empire)

Janis E. Fischer (Staff)

Maurice Brubaker (Praxair/Explorer)

Off-System Sales

W. Scott Keith (Empire)
Janis E. Fischer (Staff)
Ralph Smith (Public Counsel)

Thursday, September 14, 2006 8:30 a.m.

Rate Design/Cost-of-Service

W. Scott Keith (Empire)
Jayna R. Long (Empire)
James Busch (Staff)
Janice Pyatte (Staff)
David Roos (Staff)
Maurice Brubaker (Praxair/Explorer)
Barbara Meisenheimer (Public Counsel)

ORDER OF CROSS-EXAMINATION

Empire witnesses

Aquila; KCPL; DNR, Explorer/Praxair, Public Counsel, Staff

Staff witnesses

Aquila; KCPL; DNR, Explorer/Praxair, Public Counsel, Empire

Public Counsel witnesses

Staff, Explorer/Praxair, DNR, KCPL, Aquila, Empire

Explorer/Praxair witnesses

DNR; KCPL, Aquila, Public Counsel, Staff, Empire

DNR witnesses

Aquila, KCPL, Explorer/Praxair, Public Counsel, Staff, Empire

KCPL witnesses

Aquila, Empire, DNR, Explorer/Praxair, Public Counsel, Staff

WHEREFORE, the Staff submits the foregoing order of issues, order of witnesses and order of cross-examination.

Respectfully submitted,

/s/ Nathan Williams

Nathan Williams
Deputy General Counsel
Missouri Bar No. 35512

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Certificate of Service

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or electronically mailed to all counsel of record this 28th day of August 2006.

/s/ Nathan Williams