

**STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION**

At a session of the Public Service  
Commission held at its office in  
Jefferson City on the 15th day  
of January, 2008.

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 OF CLARIFICATION**

Issue Date: January 15, 2008

Effective Date: January 25, 2008

On December 4, 2007, the Missouri Public Service Commission issued its Order Vacating December 29, 2006 Order Granting Expedited Treatment and Approving Tariffs, and Order Approving Tariffs (December 4 Order) in this case. The order was effective on December 14, 2007.

The December 4 Order approved tariff sheets submitted under Tariff File No. YE-2007-0448<sup>1</sup> filed on December 28, 2006, by The Empire District Electric Company ("the December 28, 2006 tariff sheets"). On December 13, 2007, the Office of the Public Counsel timely filed an Application for Rehearing of the December 4 Order. One of the issues brought to the attention of the Commission in that filing is that by reapproving the December 28, 2006 tariff sheets, and making them effective December 14, 2007, the December 4 Order tariff sheets appeared to supersede some tariff sheets which were

---

<sup>1</sup> The December 4 Order contained a typographical error in that it referred to Tariff File No. YE-2007-0488. That error was corrected by a Notice of Correction issued on December 4, 2007.

approved or which became effective by operation of law between January 1, 2007, and December 14, 2007 (“the intervening tariff sheets”).<sup>2</sup> Empire filed a response to the Application for Rehearing in which it suggested that the December 4 Order should be clarified with regard to the intervening tariff sheets.

By issuing the December 4 Order, the Commission did not intend to replace any of the intervening tariff sheets with the December 28, 2006 tariff sheets. Failing to include clear language in the December 4 Order stating that the intervening tariff sheets should remain in effect and replace any of the corresponding December 28, 2006 tariff sheets was an inadvertent omission. Any suggestion that the Commission superseded the intervening tariff sheets is a misinterpretation of the December 4 Order and the Commission shall clarify the December 4 Order so that there is no question as to the Commission’s intent in that regard. The Commission has the authority under the Revised Statutes of Missouri, Section 388.490, to alter its order. Therefore, the Commission hereby clarifies its December 4 Order by stating that the intervening tariff sheets are not to be superseded by the December 4 Order. Rather, the intervening tariff sheets replaced any of the corresponding December 28, 2006 tariff sheets and shall remain in effect as of their individual effective dates. The Commission shall direct its Data Center to make any changes necessary in the Electronic Filing and Information System (EFIS) to reflect the correct effective dates of the intervening tariff sheets.

---

<sup>2</sup> See for example the tariff sheets listed in paragraph 5 of the Application for Rehearing filed by Public Counsel on December 13, 2007.

**IT IS ORDERED THAT:**

1. The Commission clarifies its Order Vacating December 29, 2006 Order Granting Expedited Treatment and Approving Tariffs, and Order Approving Tariffs issued on December 4, 2007, as stated above.
2. The Commission's Data Center shall make any changes necessary in the Electronic Filing and Information System (EFIS) to reflect the correct effective dates of any tariff sheets approved or becoming effective by operation of law between January 1, 2007, and December 14, 2007.
3. This order shall become effective on January 25, 2008.

**BY THE COMMISSION**



Colleen M. Dale  
Secretary

( S E A L )

Davis, Chm., Murray, and  
Jarrett, CC., concur.  
Clayton, C., dissents.  
Appling, C., absent.

Dippell, Deputy Chief Regulatory Law Judge