

**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)	Case No. ER-2006-0315
retail electric service provided to customers)	
in its Missouri service area)	

**MOTION FOR EXPEDITED CONSIDERATION AND APPROVAL OF TARIFF
SHEETS FILED IN COMPLIANCE WITH COMMISSION ORDER ON LESS
THAN THIRTY DAYS' NOTICE**

COMES NOW The Empire District Electric Company ("Empire"), by and through counsel, and for its Motion for Expedited Consideration and Approval of Tariff Sheets Filed in Compliance with Commission Order on Less than Thirty Days' Notice, respectfully states as follows to the Missouri Public Service Commission (the "Commission"):

1. On December 21, 2006, the Commission issued its *Report and Order* herein, bearing an effective date of December 31, 2006, authorizing Empire to increase its annual revenues by approximately \$29,513,713, including a regulatory amortization.
2. Among other things, the *Report and Order* directs Empire to file, revised tariff sheets in compliance with the Report and Order. (*Report and Order*, Ordered Paragraph 2, p. 58)
3. On this date, Empire has caused to be filed with the Commission revised tariff sheets designed to effectuate the decisions made by the Commission in the *Report and Order*. Those revised tariff sheets bear an issue date of December 27, 2006, and an effective date thirty days later.

4. To show good cause for approval of the revised tariff sheets to be effective for electric service rendered on and after January 1, 2007, Empire states that the tariff sheets have been filed in compliance with the Commission's *Report and Order* herein. Moreover, Empire has been working with the Commission's Staff in developing the revised tariff sheets, and, on information and belief, states that the Staff should be able to file its recommendation to approve the revised tariff sheets no later than the afternoon of December 28, 2006.

5. Empire requests approval of the revised tariff sheets to be effective on January 1, 2007, as this would be consistent with the requirements of the law and long-standing Commission custom, practice and precedent.

6. RSMo. Section 393.150.1 authorizes the Commission to suspend the effectiveness of rate schedules for a period of one hundred and twenty days beyond the proposed effective date. In addition, the Commission “. . . may, in its discretion, extend the time of suspension for a further period **not exceeding six months.**” Section 393.150.2 (emphasis supplied). As a creature of statute, the Commission has only such powers as are expressly conferred by the statutes and those reasonably incidental thereto. *State ex rel. Kansas City Transit, Inc. v. Public Serv. Comm'n*, 406 S.W.2d 5 (1966). The Commission therefore has no authority to suspend the effectiveness of rate schedules for a period longer than one hundred and twenty days plus six months beyond the proposed effective date.

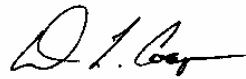
7. Empire initiated this rate proceeding on February 1, 2006, by the filing of tariff sheets that bore a proposed effective date of March 3, 2006. The Commission suspended the effectiveness of those tariff sheets until January 1, 2007, the full suspension period permitted under the law. Accordingly, unless the Commission approves the revised tariff sheets filed by Empire to be effective on January 1, 2007, the Commission will violate Section 393.150.

8. The Commission itself has an extended history of acting in accordance with this interpretation of Section 393.150. See *In re Missouri Gas Energy*, Report and Order, Case No. GR-96-285, p. 81, issued January 22, 1997; *In re St. Louis County Water Company*, 4 MPSC 3d 94, 119 (1995); *In re Capital City Water Company*, 3 MPSC 3d 333, 349 (1995); *In re Missouri Public Service*, 2 MPSC 3d 206, 220 (1993); *In re Kansas Power & Light Company*, 1 MPSC 3d 235, 253 (1992); *In re St. Louis County Water Company*, 29 MPSC (N.S.) 425, 452 (1988); *In re Missouri Gas Energy*, Case No. GR-2004-0209, Report and Order, issued September 21, 2004. Empire therefore requests nothing more than compliance with the law and past Commission precedent and practice.

9. Should the Commission deny this motion and delay the effectiveness of the revised tariff sheets Empire has filed in compliance with the *Report and Order* beyond January 1, 2007, (the operation of law date pursuant to Section 393.150), Empire will be denied recovery of a certain portion of the rate relief to which the Commission has already found Empire to be entitled. This would be unlawful, unjust, unreasonable, confiscatory and, in Empire's opinion, a result not intended by the Commission.

WHEREFORE, Empire respectfully requests that the Commission grant this Motion for Expedited Consideration and Approval of Tariff Sheets Filed in Compliance with Commission Order on Less than Thirty Days' Notice and approve the tariff sheets Empire has filed to be effective for service rendered on and after January 1, 2007.

Respectfully submitted,



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Certificate of Service

I hereby certify that a true and correct copy of the above and foregoing document was sent by U.S. Mail, postage prepaid, or hand-delivered, on this 27th day of December, 2006, to:

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