

**STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION**

At a session of the Public Service  
Commission held at its office in  
Jefferson City on the 23<sup>rd</sup> day  
of April, 2008.

In the Matter of The Empire District Electric	)	
Company of Joplin, Missouri for Authority	)	
to File Tariffs Increasing Rates for Electric	)	<b><u>Case No. ER-2008-0093</u></b>
Service Provided to Customers in the Missouri	)	Tariff File No. YE-2008-0205
Service Area of the Company.	)	

**ORDER APPROVING STIPULATION AND AGREEMENT**  
**AS TO CERTAIN ISSUES**

Issue Date: April 23, 2008

Effective Date: May 3, 2008

On April 4, 2008, the Staff of the Missouri Public Service Commission, The Empire District Electric Company, and the Office of the Public Counsel filed a Stipulation and Agreement as to Certain Issues, agreeing to disposition of several issues in dispute between the signatory parties. A copy of the Stipulation and Agreement is attached to this order as Attachment A.

The Stipulation and Agreement is nonunanimous in that it was not signed by all parties. However, Commission rule 4 CSR 240-2.115(2) provides that other parties have seven days in which to object to a nonunanimous stipulation and agreement. If no party files a timely objection to the stipulation and agreement, then the Commission may treat it as a unanimous stipulation and agreement. More than seven days have now passed since

the Stipulation and Agreement was filed and no party has raised an objection.<sup>1</sup> Therefore, the Commission will treat the Stipulation and Agreement as unanimous.

As to those issues disposed of in the Stipulation and Agreement, contingent upon the Commission's acceptance of the Stipulation and Agreement, the parties waived their respective rights to present oral argument and written briefs pursuant to Section 563.080.1 RSMo 2000; their respective rights to the reading of the transcript by the Commission pursuant to Section 536.080.2 RSMo 2000; their respective rights to rehearing under Section 536.500 RSMo 2000; and their respective rights to judicial review pursuant to Section 386.510 RSMo 2000. Moreover, the signatory parties' witnesses' testimony pertaining to the issues resolved in the Stipulation and Agreement will be accepted into the record without cross-examination or formal submission at the evidentiary hearing. The waiver does not apply to any matters raised in any prior or subsequent Commission proceeding or any matters not explicitly addressed by the Stipulation and Agreement. Commission Rule 4 CSR 240-2.115 gives the Commission the authority to accept a stipulation and agreement as a resolution to certain issues of a contested case.

After reviewing the Stipulation and Agreement, the Commission finds it to be reasonable. The Commission determines that the Stipulation and Agreement shall be approved. In approving the Stipulation and Agreement, the Commission is only accepting the agreement of the parties to resolve these particular issues in this particular case. The Commission is not endorsing any particular position with regard to these issues and its

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<sup>1</sup> On April 9, 2008, the Missouri Department of Natural Resources filed a response expressly stating it does not object to the Nonunanimous Stipulation and Agreement as to Certain Issues.

approval of this Stipulation and Agreement should not be interpreted as such an endorsement in any future case.

**IT IS ORDERED THAT:**

1. The Stipulation and Agreement as to Certain Issues filed on April 4, 2008, is approved as a resolution of the issues addressed in that stipulation and agreement. A copy of the stipulation and agreement is attached to this order as Attachment A.
2. The signatory parties are ordered to comply with the terms of the Stipulation and Agreement as to Certain Issues.
3. This order shall become effective on May 3, 2008.

**BY THE COMMISSION**

A handwritten signature in black ink, appearing to read 'Colleen M. Dale', is written over a faint, circular embossed seal.

Colleen M. Dale  
Secretary

( S E A L )

Davis, Chm., Murray, Clayton,  
Jarrett, and Gunn, CC., concur.

Voss, Regulatory Law Judge