

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

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-2008-0093

STAFF RESPONSE TO COMMISSION ORDER

Comes now the Staff of the Missouri Public Service Commission (Staff) in response to the August 7, 2008 Commission Order Establishing Time To Respond To Motion For Expedited Approval Of Tariff Sheets (Commission Order). The Staff files attached hereto as Appendix A the Staff Recommendation that the Commission approve on an expedited basis for good cause shown, pursuant to Section 393.140(11) RSMo. 2000, the compliance tariffs of The Empire District Electric Company. In support thereof, the Staff states as follows:

1. The Staff sets out in some detail below and in the Staff Recommendation the process whereby Empire submitted its proposed tariff sheets to the Staff for the Staff's review and filed and substituted or refiled, in part, compliance tariffs for the Staff's review after the Commission issued its Report and Order on July 30, 2008.

2. Empire states in its August 6, 2008 Motion For Expedited Treatment that "[t]he Commission Staff has reviewed Empire's compliance tariff sheets and has reported to Empire that the Staff finds them to be in compliance with the Report and Order, so the Company believes that an order approving those tariff sheets can, and should, be issued expeditiously." Empire similarly states in its August 8, 2008 Supplemental Motion For Expedited Treatment that "[t]he Commission Staff has reviewed Empire's compliance tariff sheets, including these FAC

tariff sheets, and has reported to Empire that the Staff finds them to be in compliance with the Report and Order." Empire's statements are incorrect. Empire submitted to the Staff before August 6, 2008, redlined tariff sheets, i.e., tariff sheets containing both existing tariff language and numbers and new tariff language and numbers from the Report And Order. The Staff reviewed these tariff sheets word-by-word and number-by-number. The Staff notified Empire where corrections were needed. Empire filed on August 6, 2008, thirty-two (32) compliance tariff sheets, i.e., tariff sheets not redlined, which the Staff reviewed word-by-word and number-by-number. The Staff notified Empire where corrections were needed. On August 8, 2008 Empire filed four (4) substitute compliance tariff sheets, which the Staff has reviewed word-by-word and number-by-number. Also on August 8, 2008, Empire withdrew the four fuel adjustment clause (FAC) tariff sheets that it had filed on August 6, 2008, and it submitted new FAC tariff sheets bearing the same sheet numbers. The Staff has reviewed these tariff sheets word-by-word and number-by-number. Even if there is not supposed to be any change in a certain tariff sheet, if the electric utility sends another copy of that tariff sheet as part of a set of tariff sheets, the electric department tariff Staff does not assume that the latest received copy is identical to the preceding copy. The latest copy is checked word-by-word and number-by-number.

3. Finally, the Staff would note that in processing the Empire compliance tariff sheets, the Staff has endeavored to make itself available and answer questions that any of the parties of the case have had, of which it was aware, regarding Empire's compliance tariff sheets. The Staff will continue to proceed in this manner and encourages any party that may have questions to contact technical Staff or undersigned Staff counsel.

Wherefore the Staff submits the attached Staff Recommendation that the Commission approve on an expedited basis for good cause shown, pursuant to Section 393.140(11) RSMo. 2000, the compliance tariff sheets of The Empire District Electric Company as filed on August 6, 2008 and substituted or refiled, in part, on August 8, 2008.

Respectfully submitted,

/s/ Steven Dottheim

Steven Dottheim
Chief Deputy General Counsel
Missouri Bar No. 29149

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Certificate of Service

I hereby certify that copies of the foregoing have been mailed, hand-delivered, or transmitted by facsimile or electronic mail to all counsel of record this 8th day of August, 2008.

/s/ Steven Dottheim

MEMORANDUM

TO: Missouri Public Service Commission Official Case File
Case No. ER-2008-0093 Tariff Filing Nos. YE-2009-0098 and YE-2009-0101
The Empire District Electric Company

FROM: James Watkins, Project Coordinator
Mack McDuffey, Rate & Tariff Examiner II

/s/ James Watkins 08/08/08
Project Coordinator/Date

/s/ Steve Dottheim 08/08/08
General Counsel's Office/Date

SUBJECT: Staff Recommendation For **Approval** Of Tariff Sheets Filed To Comply With
The Commission's July 30, 2008 Report And Order

DATE: August 8, 2008

On August 6, 2008, The Empire District Electric Company (Empire) filed with the Commission thirty-two (32) tariff sheets (30 rates and 2 rules tariff sheets) with an issue date of August 6, 2008, and a proposed effective date of September 5, 2008. Empire also filed its Motion For Expedited Treatment And Approval Of Tariff Sheets Filed In Compliance With Commission Report And Order (Motion) dated August 6, 2008. These tariff sheets are designed to comply with Ordered Paragraph 3 of the Commission's July 30, 2008 Report And Order (Order), which states, "The Empire District Electric Company is authorized to file a tariff sufficient to recover revenues as determined by the Commission in this order. Empire shall file its compliance tariff no later than August 9, 2008." In the summary on page 3 of the Order, the Commission states, "This order allows Empire to increase the revenue it may collect from its Missouri customers by approximately \$22,040,395." On August 8, 2008, Empire, at the request of the Missouri Public Service Commission Energy Department Staff (Staff), filed four (4) substitute tariff sheets. On August 8, 2008, Empire also withdrew and refiled the four (4) "FAC" tariff sheets to implement a fuel adjustment mechanism.

The Staff has reviewed the filed tariff sheets, as substituted or withdrawn and refiled, and is of the opinion that, based on an authorized increase in revenues of \$22,040,395, they are in compliance with the Commission's Order.

Staff therefore recommends that the Commission **approve** the following proposed tariff sheets, as filed on August 6, 2008, and substituted on August 8, 2008, to become effective on August 23, 2008 as requested in Empire's Motion, with less than 30 days' notice for good cause shown pursuant to Section 393.140(11) RSMo 2000.

The Empire District Electric Company, P.S.C. Mo. No. 5, Electric

Section A

23rd Revised Sheet No. 1, Canceling 22nd Revised Sheet No. 1

Section 1

14th Revised Sheet No. 1, Canceling 13th Revised Sheet No. 1

Section 2

13th Revised Sheet No. 1, Canceling 12th Revised Sheet No. 1

13th Revised Sheet No. 2, Canceling 12th Revised Sheet No. 2
13th Revised Sheet No. 3, Canceling 12th Revised Sheet No. 3
8th Revised Sheet No. 3a, Canceling 7th Revised Sheet No. 3a
14th Revised Sheet No. 4, Canceling 13th Revised Sheet No. 4
9th Revised Sheet No. 4a, Canceling 8th Revised Sheet No. 4a
13th Revised Sheet No. 6, Canceling 12th Revised Sheet No. 6
13th Revised Sheet No. 7, Canceling 12th Revised Sheet No. 7
9th Revised Sheet No. 9, Canceling 8th Revised Sheet No. 9
7th Revised Sheet No. 9b, Canceling 6th Revised Sheet No. 9b
8th Revised Sheet No. 13, Canceling 7th Revised Sheet No. 13
5th Revised Sheet No. 14, Canceling 4th Revised Sheet No. 14

Section 3

14th Revised Sheet No. 1, Canceling 13th Revised Sheet No. 1
18th Revised Sheet No. 2, Canceling 17th Revised Sheet No. 2
13th Revised Sheet No. 3, Canceling 12th Revised Sheet No. 3
13th Revised Sheet No. 4, Canceling 12th Revised Sheet No. 4

Section 4

4th Revised Sheet No. 8, Canceling 3rd Revised Sheet No. 8
3rd Revised Sheet No. 8a, Canceling 2nd Revised Sheet No. 8a
4th Revised Sheet No. 8b, Canceling 3rd Revised Sheet No. 8b
3rd Revised Sheet No. 8c, Canceling 2nd Revised Sheet No. 8c
1st Revised Sheet No. 8d, Canceling Original Sheet No. 8d
1st Revised Sheet No. 8e, Canceling Original Sheet No. 8e
5th Revised Sheet No. 9, Canceling 4th Revised Sheet No. 9
4th Revised Sheet No. 11, Canceling 3rd Revised Sheet No. 11
6th Revised Sheet No. 17, Canceling 5th Revised Sheet No. 17

Section 5

6th Revised Sheet No. A, Canceling 5th Revised Sheet No. A
4th Revised Sheet No. 19, Canceling 3rd Revised Sheet No. 19

Staff also recommends that the Commission **approve** the following proposed fuel adjustment clause "FAC" tariff sheets as filed on August 6, 2008, and withdrawn and refiled on August 8, 2008, to implement a fuel adjustment mechanism, to become effective on September 1, 2008 as requested in Empire's Supplemental Motion For Expedited Treatment, with less than 30 days' notice for good cause shown pursuant to Section 393.140(11) RSMo 2000.

The Empire District Electric Company, P.S.C. Mo. No. 5, Electric

Section 4

Original Sheet No. 17a
Original Sheet No. 17b
Original Sheet No. 17c

The Staff has verified that Empire has filed its annual report and is not delinquent on any assessment. Staff is not aware of any other matter before the Commission that affects or is affected by this filing.

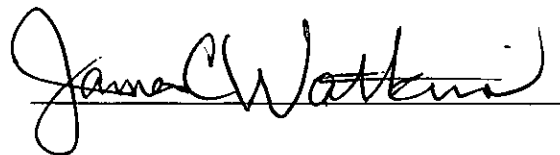
BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of the Empire District Electric)	
Company's Tariffs to Increase Rates for Electric)	<u>Case No. ER-2008-0093</u>
Service Provided to Customers in the Missouri)	<u>Tariff No. YE-2009-0098</u>
Service Area of the Company.)	<u>Tariff No. YE-2009-0101</u>

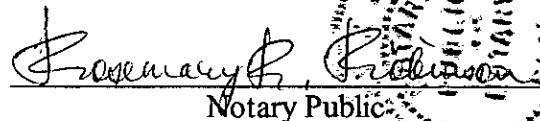
AFFIDAVIT OF JAMES C. WATKINS

STATE OF MISSOURI)
) ss
COUNTY OF COLE)

James C. Watkins, of lawful age, on oath states: that he has participated in the preparation of the foregoing Staff Recommendation; that he has knowledge of the matters set forth in such recommendation; and that such matters are true to the best of his knowledge and belief.



Subscribed and sworn to before me this 8th day of August, 2008.


Notary Public

