

**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 June, 2006.

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 REJECTING TARIFFS AND STRIKING TESTIMONY

Issue Date: June 15, 2006

Effective Date: June 25, 2006

On May 2, 2006, in response to a Motion for Clarification filed by The Empire District Electric Company ("Empire"), the Missouri Public Service Commission issued its Order Clarifying Continued Applicability of the Interim Energy Charge ("Order"). In its Order, the Commission addressed the continued applicability of the Interim Energy Charge ("IEC") voluntarily negotiated in Case No. ER-2004-0570 between Empire, Praxair, Inc., Explorer Pipeline, Inc. and the Office of the Public Counsel and subsequently memorialized in a Stipulation and Agreement.

The Commission's May 2, 2006 Order required Empire to remove "from its pleadings and other filings in this case the request it consented not to make."¹

Empire did not ask for rehearing of the Commission's Order, but has not complied with the Commission's Order. Empire's failure to comply with the Commission's Order necessitates removal by striking testimony and rejecting tariffs.

¹ Order Clarifying Continued Applicability of the Interim Energy Charge at page 3.

On May 26, 2006, Praxair Inc. and Explorer Pipeline, Inc. ("Praxair"), filed a Motion to Reject Specified Tariff Sheets and Strike Testimony. On June 1, 2006, Empire filed its Response to Motion to Reject and Strike. In its response, Empire agreed that P.S.C. Mo. No. 5, Section 4, 2nd Revised Sheet No. 21; P.S.C. Mo. No. 5, Section 4, Original Sheet No. 22; and P.S.C. Mo. No. 5, Section 4, Revised Sheet No. 23, should be rejected.

In addition, as requested by Praxair, the following shall be rejected, stricken or retained as follows:

- P.S.C. Mo. No. 5, Section 4, 5th Revised Sheet No. 17 (this blank sheet is retained);
- The entirety of the Direct Testimony of Todd W. Tarter will not be stricken, rather, the following specific language will be stricken:
 - Page 2, lines 4 through 7 (to the period);
 - Page 2, lines 16 through 24;
 - Page 3, lines 1 through 12;
 - Page 5, lines 22 through 23;
 - Page 6, lines 1 through 23;
 - Page 7, lines 1 through 10;
 - Page 16, line 16 (to the period);
 - Page 28, lines 6 (after period) through 8 (to the comma);
- Direct Testimony of William L. Gipson:
 - The summary section of the Executive Summary, this page is stricken;
 - Page 5, lines 6 through 19, not stricken;
 - Page 6, lines 1 through 8, not stricken;
 - Page 6, lines 9 through 22, stricken;
 - Page 7, lines 8 through 22, not stricken;
 - Page 8, lines 1 through 22, stricken;
 - Page 9, lines 1 through 4, stricken;
 - Page 10, lines 18 through 21, stricken;
 - Page 11, lines 1 through 11, stricken;
- Direct Testimony of W. Scott Keith:
 - Executive Summary text lines 3 through 4 from "the" through "179", stricken;
 - Text line 9 (after end of sentence) through 12 (end of sentence), not stricken;

- Line 12 (after period) through line 14 (end of sentence), stricken;
 - Lines 13 and 14, "discussion" through "ECR", stricken;
 - Lines 20 through 21 after "(s).", stricken;
 - Line 25 (up to the period), stricken;
 - Page 3, line 4 (after the comma) through line 5 (up to the Comma), stricken;
 - Page 3, under Topic, "and ECR", stricken;
 - Page 6, line 10 through page 8, line 18, not stricken;
 - Page 13, line 12 through line 19, not stricken;
 - Page 22, line 5, between period and comma, stricken;
 - Page 23, lines 8 through 23, stricken;
 - Page 24 though 26, stricken in their entirety;
 - Page 27, lines 1 through 10, stricken;
 - Page 27, lines 11 through 23, not stricken;
 - Page 28, not stricken;
 - Page 29, lines 1 (after comma) through 4, stricken;
 - Page 29, lines 5 through 17, not stricken;
 - Page 29, lines 18 through 23, stricken;
 - Page 30, lines 1 through 22, stricken;
 - Page 31, lines 1 through 6, stricken;
 - Page 32, line 13, not stricken;
 - Schedule WSK-1, Section J, Schedule 1, page 1, line 20, not stricken;
 - Schedule WSK-2, stricken;
 - Schedule WSK-3, stricken;
 - Schedule WSK-4, stricken;
- Direct Testimony of James H. Vander Weide:
- Page 53, lines 5 through 16, stricken;
 - Page 54, lines 1 through 7, stricken.

IT IS ORDERED THAT:

1. The tariff pages as stated above are rejected.
2. The testimony as set forth above is stricken.

3. This order shall become effective June 25, 2006.

BY THE COMMISSION

A handwritten signature in black ink, appearing to read 'Colleen M. Dale', with a stylized, cursive script.

Colleen M. Dale
Secretary

(S E A L)

Davis, Chm., Murray, Gaw,
Clayton, and Appling, CC., concur

Dale, Chief Regulatory Law Judge