

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the matter of The Empire Dis-)
trict Electric Company of Joplin,)
Missouri for authority to file)
tariffs increasing rates for elec-) ER-2012-0345
tric service provided to customers)
in the Missouri service area of the)
Company)

**MEUA STATEMENT OF POSITION
REGARDING INTERIM RELIEF**

COMES NOW the Midwest Energy Users' Association ("MEUA") and provides its Statement of Position on the issues stated in the Statement of Issues as follows:

1. **ISSUE 1: Is Empire facing a financial emergency or near emergency that warrants the Commission authorizing it to implement an interim-subject-to refund rate increase pending implementation of final general rates in this case?**

MEUA Position: No. Evidence, even that offered by Empire, belies any financial emergency. Empire has recommended its dividend and appears to have had increased sales during the period following the tornado. Empire has recently demonstrated access to the credit markets and its corporate outlook from Standard & Poors is "Stable."

2. **ISSUE 2: Do Empire's tornado recovery costs and post-tornado cost of service due to the May 2011 Joplin tornado warrant the Commission authorizing**

it to implement an interim subject-to-refund rate increase pending implementation of final general rates in this case?

MEUA Position: No. Empire applied for an Accounting Authority Order in File No. EM-2011-0387, received the earnings protection relief requested, save for its request to recover lost profits, and agreed to the stipulation settling that case. It has been and will be fully able to recover its prudently-incurred costs through the agreed procedure of the AAO.

3. **ISSUE 3: Is there any other basis(es) that warrants the Commission authorizing Empire to implement an interim-subject-to-refund rate increase pending implementation of final general rates in this case?**

MEUA Response: No. Though the Joplin tornado of 2011 inflicted severe damage and loss of life on the Joplin Community, and doubtless caused great sympathy for Empire's efforts to restore service, the costs incurred have been and will be fully recovered by Empire through the AAO process. Empire has not shown any financial exigency that places it anywhere close to an inability to provide safe and adequate service. Indeed, its response to the damage belies Empire's inability to provide safe and adequate service.

4. **ISSUE 4. If the answer to 1, 2 or 3 is "yes," what should be the amount of the interim-subject**

to-refund rate increase, and what conditions, if any, should the Commission impose on it?

MEUA Response: Given that the stated conditions to a response to this issue have not been established, MEUA does not believe that Empire has shown justification for any interim increase nor conditions thereon.

Respectfully submitted,

FINNEGAN, CONRAD & PETERSON, L.C.



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ATTORNEYS FOR THE MIDWEST ENERGY
USERS' ASSOCIATION

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this day served the foregoing pleading by electronic means, by United States Mail, First Class postage prepaid, or by hand delivery to all known parties in interest upon their respective representatives or attorneys of record as reflected in the records maintained by the Secretary of the Commission.

A handwritten signature in black ink, appearing to read "Stuart W. Conrad", written over a horizontal line.

Stuart W. Conrad

Dated: September 4, 2012