

**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	)	Case No. ER-2008-0093
Service Provided to Customers in the Missouri	)	
Service Area of the Company	)	

**OBJECTION OF THE EMPIRE DISTRICT ELECTRIC COMPANY  
TO NOTICE TO COMMISSION AND PARTIES OF  
INVOLVEMENT AND INTEREST OF ADDITIONAL ENTITIES**

On February 21, 2008, Praxair, Inc., and Explorer Pipeline Company (collectively "Praxair/Explorer") jointly filed a pleading entitled "Notice to Commission and Parties of Involvement and Interest of Additional Entities." By their pleading, Praxair/Explorer purport to advise the Missouri Public Service Commission ("Commission"): 1) that two large industrial customers of The Empire District Electric Company ("Empire" or "Company") – Enbridge Energy Company, Inc., d/b/a Enbridge Pipeline, and Wal-Mart Stores, Inc. – "have indicated their interest in the subject matter of the proceeding" and, 2) that these two customers intend to "participate [in the proceeding] through the involvement of previously-intervened parties."

Empire objects to Praxair/Explorers' filing because it seeks to confer special status on these two customers – although the precise nature of that status remains unclear – for which there is no basis either in the Commission's rules or in the November 16, 2007, order establishing a procedural schedule in this case. Those rules and that procedural order establish two – and only two – routes for participation in this case: formal participation through intervention or informal participation through testimony at a public hearing and/or through the submission of written comments to be included in the Commission's public file. But Praxair/Explorers' notice attempts to create out of whole cloth a third route – involvement and participation through a previously-intervened party – whatever that means. This attempt should not be allowed to succeed.

If the two industrial customers that are the subject of Praxair/Explorers' pleading wanted to formally participate in this case they could have filed for intervention. But they did not. Indeed, Praxair/Explorers' pleading specifically states that the two parties do not seek to formally intervene "[b]ecause of the status of the proceeding." Empire assumes that means the customers recognize that they would be required to bear a heavy burden were they to seek intervention at this time – four months after expiration of the date the Commission set for intervention. But whatever it means, one thing is clear: neither of the customers that are the subject of Praxair/Explorers' notice has requested or been authorized to intervene in this case.

Having chosen not to intervene, the customers still can participate in the case, although their options for doing so are limited. Local public hearings are scheduled to be held March 12-13, 2008, and the customers' representatives are free to make their views known at those hearings. As an alternative or in addition to their public testimony, the customers can file written comments, which will be included in the Commission's public file. These customers, however, should not be accorded some special status, as is suggested by Praxair/Explorers' filing, that will enable or allow them to participate "through the involvement of previously-intervened parties."

WHEREFORE, for the reasons previously stated, Empire requests that the Commission reject the notice filed by Praxair/Explorer and, in so doing, make clear that neither of the additional customers that are the subject of that notice will be allowed to participate in this case through the involvement of another, previously-intervened party.

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\* Although Praxair/Explorers' pleading says that Enbridge Energy and Wal-Mart have not sought, and are not seeking, to intervene, testimony filed on February 22, 2008, suggests that these two customers – or at least witnesses who purport to represent them – believe they already enjoy the status of parties to this case. Direct testimony filed by Maurice Brubaker states at page 1 that it is being filed on behalf of "Enbridge Energy, LP . . . and Wal-Mart Stores, Inc." A similar statement appears at page 1 of the direct testimony filed in this case by Michael Gorman. The Commission should note that only parties to a case are allowed to file testimony that will be considered during the evidentiary hearings.

The Company, however, has no objection to including Praxair/Explorers' notice in the public comment file that the Commission maintains for cases such as this one.

Respectfully submitted,

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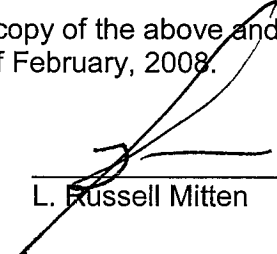
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ATTORNEYS FOR THE EMPIRE DISTRICT  
ELECTRIC COMPANY

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing document was sent by electronic mail, on this 25th day of February, 2008.

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L. Russell Mitten