

THE EMPIRE DISTRICT ELECTRIC COMPANY

P.S.C. Mo. No. 5 Sec. 5 5th Revised Sheet No. 1

Canceling P.S.C. Mo. No. 5 Sec. 5 4th Revised Sheet No. 1

For ALL TERRITORY

RULES AND
REGULATIONS

CHAPTER I

DEFINITION OF TERMS USED IN THESE RULES AND REGULATIONS

"Apartment House" means a structure which stands alone, enclosed with exterior walls or which is cut off from adjoining structures by fire walls, built for permanent use, erected, framed of component structural parts and unified in entirety, both physically and in operation for reasonably permanent occupancy as two or more single-family residences;

"Applicant" means any person or legal entity making application to the Company to receive utility service;

"Bill" means a written or electronic demand for payment for utility service and the taxes and franchise fees related to it.

"Billing Period" means a normal usage period of not less than twenty-six (26) nor more than thirty-five (35) days for a monthly billed Customer except for initial, corrected or final bills;

"Central Service Pole" means a pole furnished, installed and owned by the Company upon a farm Customer's premises. The Company's service lines and the Company's meter measuring service to the Customer are attached to the central service pole. The Customer's service entrance also attaches to the central service pole and connects to the Company's service drop through the meter;

"Code" means the National Electric Code (NEC), as published and revised by the National Fire Protection Association, and which, with municipal regulations, governs all electric installations and wiring by the Customer; and/or the National Electrical Safety Code (NESC), as published and revised by the Institute of Electrical and Electronics Engineers, Inc. which governs all wiring by the Company;

"Class of Service" is considered to cover, respectively, only one phase, voltage, nature of utilization or Customer classification. By nature of utilization is meant: Lighting (and miscellaneous appliance load), power, combined lighting and power, controlled water heating, etc. Customer classifications include: Residential, Commercial, Industrial, Public Street and Highway Lighting, Municipal or Governmental, Wholesale for Resale, etc. However, a single class of service may include more than one particular phase or voltage where rendered in combination by means of a single service connection and meter;

"Company" means The Empire District Electric Company;

"Complaint" means an informal or formal complaint under 4 CSR 240-2.070.

"Contract Year" means, unless otherwise designated, the period of time intervening between the effective date of the service contract and the next succeeding anniversary date, or the period between successive anniversary dates thereafter;

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"Credit Action Fee" means a fee or charge in accordance with a Company rate schedule approved by the Commission for credit type actions such as a discontinuance trip charge, reconnection charge, returned check charge, and other payment instruments, meter tampering charge, meter testing charge, or deposit interest rate;

"Customer" means a person, or legal entity responsible for payment for service(s) supplied by the Company, except one denoted as a guarantor;

"Cycle Billing" means a system which results in the rendition of bills to various Customers on different days of a month;

"Delinquent Charge" means a charge remaining unpaid by a residential Customer at least twenty-one (21) days (or the number of days specified in the applicable rate schedule for a non-residential Customer) from the rendition of the bill by the Company, or a charge remaining unpaid after the preferred payment date selected by a residential Customer;

"Delinquent Date" means the date stated on a bill, which shall be at least twenty-one (21) days for a monthly billed residential Customer (or the number of days specified in the applicable rate schedule for a non-residential Customer) from the rendition of the bill; or which shall be the preferred payment date selected by the Customer, after which Company may assess a late payment charge in accordance with a company rate schedule on file with the Commission;

"Deposit" means a money advance to Company for the purpose of securing payment of delinquent charges which might accrue to the Customer who made the advance;

"Discontinuance of Service" or "Discontinuance" means cessation of service not requested by a Customer;

"Distribution facilities" means terminal poles, manholes, feeder lines, service lines, switch gear, pole-mounted, pad-mounted or submersible transformers, and pedestals or poles utilized to provide electric service;

"Empire's Action to Support the Elderly" (EASE) is a designation on the account that may include waiving the late penalties or deposits, and third-party notification of delinquencies. This is not considered a "Medical Extension";

"Energy Crisis Intervention Program (ECIP)" means the federal ECIP administered by the Missouri Division of Family Services under section 660.100, RSMo;

"Estimated Bill" means a charge for utility service which is not based on an actual reading by an authorized utility representative of the meter or other registering device or a Customer supplied read in accordance with Chapter V, Section A.3.;

"Extension Agreement" means a verbal payment agreement between Company and the Customer extending time for payment for fifteen (15) days or less;

"Feeder Line" means that portion of a single-phase or multi-phase circuit extending from the substation, terminal pole or manhole at or near the perimeter of the subdivision into and throughout the subdivision and used to provide service within the subdivision and from which the submersible or pad mounted transformers are energized, and also including that portion of the secondary circuit extending from a transformer to pedestals, excluding service lines as herein defined, and power lines as designated by the Company;

"Guarantee" means a written promise from a Company approved third party to assume liability up to a specified amount for delinquent charges which might accrue to a particular Customer;

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RESERVED FOR FUTURE USE

DATE OF ISSUE June 3, 2011
ISSUED BY Kelly S. Walters, Vice President, Joplin, MO

DATE EFFECTIVE June 15, 2011

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"Heat-related Utility Service" means any electric service that is necessary to the proper function and operation of a Customer's heating equipment;

"House" means a single structure roofed and enclosed with exterior walls, built for permanent use, erected, framed of component structural parts and unified in its entirety both physically and in operation for residential occupancy;

"Indirect Costs of Construction" means the costs of supervision, engineering, insurance, pensions, payroll taxes, tools, accounting administrative expenses, and miscellaneous materials expenses as allocated using ratios, determined from historical experience, applied to labor dollars or materials issued for an individual job to obtain indirect costs of construction;

"In Dispute" means any matter regarding a charge or service which is the subject of an unresolved inquiry;

"Inquiries" means information requests from Customers regarding any billing or service rendered or to be rendered by Company;

"Late Payment Charge" means an assessment on an unpaid balance in accordance with Company's rate schedule on file with the Commission and in addition to the delinquent charge;

"Low Income Home Energy Assistance Program (LIHEAP)" means the federal LIHEAP administered by the Missouri Family Support Division under section 660.110, RSMo;

"Low Income Registered Elderly or Disabled Customer" means a Customer registered under the provisions of LIHEAP (see Low Income Home Energy Assistance Program in this definition section) whose household income is less than 150% of the federal poverty guidelines who has a signed affidavit of income on file (subject to periodic audit) with the Company;

"Medical Designation" (Special Needs Customer) means a Customer's household where at least one (1) member of the household has filed annually with the Company a Company approved form signed by a healthcare provider attesting that such Customer's household must have electric utility service provided in the home to maintain life or health;

"Month," as used in rate schedules, regulations and contracts, means, unless otherwise designated, a period of time equal to approximately one-twelfth of a year, usually identified by the calendar month in which a majority of the period of time falls;

"Mobile Home Park" means an area specifically developed to offer accommodations to occupants of either tenant-owned or Customer-owned residential mobile homes;

"NEC" means the National Electric Code as published and revised by the National Fire Protection Association which, with municipal regulations, governs all electric installations and wiring by the Customer;

"NESC" means the National Electric Safety Code as published and revised by the Institute of Electrical and Electronics Engineers, Inc. which governs all wiring by the Company;

"Payment" means cash, draft or electric transfer, offered by the Customer as compensation for services or products, as accepted by the Company for same;

"Permanent Structure" means any structure used for residential or commercial purposes that has a permanent foundation, water service, and sanitary sewer or septic service. Structures otherwise referred to as mobile homes shall also be classified as permanent structures when they meet these requirements;

"Person" means an individual, association, corporation, partnership, receiver, firm, trustee, or governmental agency;

"Point of Delivery" means the point where Company's overhead service drop or underground service lateral connects to Customer's service entrance conductors, unless otherwise provided by mutual agreement between Company and the Customer;

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"Preferred Payment Date Plan" or (Flexible Due Date) means a Commission approved plan offered at the Company's option in which the delinquent date for the charges stated on a bill shall occur on or near the same day during each billing period as selected by the Customer and as defined in Chapter V, Section A.7.b.;

"Premises" means the structure where service is rendered by Company;

"Rate schedule" means a schedule of rates, services, and rules approved by the Commission;

"Registered Elderly or Disabled (EASE) Customer" means a Customer's household where at least one (1) member of the household has filed with the Company a Company approved form showing the person is sixty (60) years or older, or is disabled to the extent that s/he has filed with the Company a written medical statement submitted by a healthcare provider, renewable annually following annual registration, attesting that such Customer's household must have electric utility service provided in the home to maintain life or health, or has a formal award letter issued from the federal government of disability benefits;

"Rendition of a Bill" means the mailing, electronic delivery or hand delivery of a bill by the Company to a Customer;

"Residential Service" means the provision of or use of a utility service for domestic purposes;

"Service" means the maintaining by the Company, at the point of delivery, of electricity, at the standard available voltage, in the form and under the provisions specified in the rate schedule and/or the service contract and in these Rules and Regulations, available for the Customer's use;

"Service Drop" means the overhead service conductors between Company's pole or other aerial support to and including the connectors to service entrance conductors at the point of delivery to the Customer's premises;

"Service Entrance" means Customer-owned wire and enclosures connecting the Customer's service equipment to the Company's service drop or service lateral. This includes the Customer's service entrance conductors, the meter socket, the main disconnect where mounted separately, and the conduit or cable run on the exterior of the building or other support;

"Service Lateral" means the underground service conductors between the Company's secondary pedestal or transformer, including any risers at a pole or other structure, and the point of delivery;

"Service Point" means the point of delivery.

"Settlement Agreement" means an agreement between a Customer and Company which resolves any matter in dispute between the parties or provides for the payment of undisputed charges over a period longer than the Customer's normal billing period;

"Special Needs" means a designation on the account that may be considered during power restoration or interruption of service. This is not considered a "Medical Extension";

"Subdivision" means a lot, tract, or parcel of land divided into two or more lots, plots, sites, or other divisions for use for new houses, or the land on which is constructed new apartment houses per a recorded plat thereof if such recordation is required by law;

"Termination of Service" or "Termination" means a cessation of utility service requested by a Customer;

"Utility" means an electric, gas or water corporation as those terms are defined in section 386.020, RSMo;

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CHAPTER II
GENERAL CONDITIONS

A. APPLICATION FOR SERVICE

1. Service Application:
The form of application for non-residential service shall be determined by the Company and may be oral or may be made upon the Company's standard written application forms, signed by the applicant or applicant's authorized agent. Residential applications may be by oral agreement to an implied contract that is ratified when Company provides service and Customer accepts and uses service and thereby incurs an obligation to pay for the service from which Customer has benefited. A written application may be required from a residential Customer for reasons of fraudulent or unauthorized usage or unacceptable credit performance.
2. Application in Name of Customer:
Each service application must be made in the true name of Customer. Proof of identification may be required by Company.
3. Application by Location and Class of Service:
A separate service application must be made for each location and each class of service.
4. How Application for Service Should be Made:
Customer must contact Company and give sufficient information to establish identity, credit, class of service, time service is needed, and mailing address of person(s) responsible for bill payment.
 - a. Service Established to Premises:
Residential or Small Commercial: Where service is already established at the desired location, Customer shall make application for service within three (3) days after date of initial use of service. If a Residential or Small Commercial Customer transfers from one location to another location, the Customer shall notify the Company of date for final meter reading at location being vacated, and date for initial meter reading at location being occupied, and request that service contract, deposit, unpaid charges, Customer information and credit history be transferred from old to new address. If a discontinuance order is pending because of delinquent charges owed by the Customer for service at the premise being vacated, Company may require payment of or a settlement agreement on the delinquent charges before extending service to the Customer at a new location.
 - b. Service not established to premises - Residential or Small Commercial:
Applicant's desiring to receive service to a new location should consult with a representative of the Company as to available service, NEC requirements, location of Customer's service entrance, Company facilities necessary for the class of service desired, etc. Company representatives shall be competent to render advice to all Customer classifications and to assist in obtaining the proper service without unnecessary delay or expense due to improper selection of equipment, installation or wiring.
 - c. Large Commercial or Industrial:
Whether or not service is established to the desired location, applicants in these categories should consult with a representative of the Company to determine availability and/or adequacy of service for the proposed location and commercial/industrial operation.

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B. REFUSAL OF SERVICE

1. Reasons for Refusal of Service:

The Company may refuse to provide service to an applicant for service for one or more of the following reasons:

- a. Failure to pay a delinquent account for the same class of service previously rendered by the Company to the applicant. The Company shall not be required to provide electric service if, at the time of application, there is an unpaid delinquent account, not in dispute, for service previously rendered by the Company at the same premises to the applicant's spouse, family member, or any other current occupant; or for service previously rendered by the Company at a different location to the applicant's spouse, family member, or any other occupant, if applicant also received substantial benefit from the previous electric service. This provision cannot be avoided by applicant's use of an alias or by substituting an application for service in the name of some other member of the household or any other person acting for or on behalf of the applicant as a device to escape payment of the applicant's unpaid obligation.
- b. Failure to comply with the terms and conditions of a settlement agreement or Commission Order entered with respect to service previously rendered by the Company to the applicant.
- c. Failure to post a deposit when applicable under the terms of Chapter V, Section C.
- d. Misrepresentation of identity or facts for the purpose of obtaining the service or failure to provide proper identification upon request by the Company.
- e. Violation of federal, state or local laws or regulations.
- f. Documented violation of the rules and regulations of the Company.
- g. Inability of the Company, due to inadequate facilities, to provide the service requested.
- h. Potential adverse effect of the service requested on service to other Customers of the Company.
- i. Hazards associated with the requested installation or equipment of the applicant.
- j. If the structure(s) is inappropriately located on Company rights of way or easements.

2. Reasons Insufficient to Refuse Service:

The Company shall not refuse to provide service to an applicant for service for any of the following reasons:

- a. Failure of a previous occupant of the premises to pay a delinquent account unless previous occupant continues to reside with new applicant.
- b. Failure to pay for non-utility merchandise or non-utility services purchased from or paid through the Company.
- c. Failure to pay a bill correcting a previous underbilling due to misapplication of rate schedules, provided the applicant enters a settlement agreement pursuant to these rules.

3. Written Notification of Refusal to Provide Service:

When the Company refuses to provide service to an applicant for service, the Company shall inform the applicant in writing of:

- a. The reasons for refusal to provide service.
- b. The conditions, if any, under which service would be provided.
- c. The right to make complaint to the Commission regarding refusal to provide service.

C. SERVICE CONTRACT

1. Service Contract:

A service application, written or oral, when accepted by the Company, becomes a service contract between the Customer and the Company, whereby the Customer will pay the Company for any service taken by the Customer thereunder. The Company will not maintain service to the Customer without a written or oral service contract that is ratified by performance. The Customer may not assign any rights thereunder without written consent of the Company. These Rules and Regulations are, by reference, made a part of such service contract.

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2. **Period of Contract:**
Unless otherwise specified, all service contracts shall be made effective for a period of one (1) year. When justified by exceptional service requirements, the Company may require a longer contract period plus a contract for a contribution in aid of construction by the Customer.
3. **Contract Self-Contained:**
No promises, representations or agreements of anyone shall be binding upon the Company unless the same shall be incorporated in the service contract and/or these rules and regulations and tariff sheets.
4. **Mobile Home Parks:**
Before service facilities will be installed, the mobile home park owner or operator must furnish a final plat of the park to scale, showing lots by number or address, location of drives, utility easements, other utility services and the location of the agreed upon distribution system. Such plat will be signed by the park owner or operator, and all expenses, including direct and indirect costs of construction, for any relocation of facilities after the initial installation of the electric distribution system resulting from a change in plans will be the responsibility of the park owner or operator.

D. SERVICE POLICY

1. **One Service to a Building:**
Except for certain special conditions, the NEC requires that there be only one service drop or lateral to a building for each class of service furnished. Where more than one Customer occupies the same building, more than one service entrance may be installed, provided all such service entrances are connected to and supplied from one service drop or lateral. The Company shall not be responsible for adequacy, repair, or maintenance of the service entrances extending between the service drop or lateral to such building and the location of the Company's meter(s) or Customer's service equipment. Furthermore, the Company shall not be responsible for the adequacy, repair, or maintenance of any meter socket, service equipment, or any combination thereof.
2. **Number of Meters:**
Only one meter shall be installed for each class of service to each Customer at each location, and each meter shall be billed separately under the appropriate rate schedule of the Company. However, the Company shall have the right to install more than one meter when Customer and Company mutually agree that such an installation is desirable for reasons of economics and/or convenience.

Master metering will not be installed on residential, commercial multiple-occupancy units or mobile home parks.

Exceptions where separate metering will not be required include:

- a. Transient multiple-occupancy buildings, such as hotels, motels, hospitals, nursing homes, etc.
- b. Transient mobile home parks which set aside at least 80% of their space for travel trailers.
- c. Commercial unit space subject to alteration with change in tenants as evidenced by temporary versus permanent type wall construction separating the commercial unit space.
- d. That portion of electricity used in central space heating, central hot water heating, central ventilating, and central air conditioning systems.
- e. Buildings or mobile home parks where alternative renewable energy resources are utilized in connection with central space heating, central hot water heating, central ventilating, and central air conditioning systems.

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3. Service in Multiple-Occupancy Buildings:

Where service is rendered by the Company to individual Customers located in a structure designed for multiple-occupancy, such as an office or professional building, apartment building, etc., the Company shall not be responsible for adequacy of electrical circuits or facilities not owned by the Company extending between the Company's service conductors to such building and the location of Company's meter for such Customer's service.

4. Notice by Customer of Change in Conditions:

The Customer shall give immediate written notice to the Company of any change in the amount of his/her load or nature of his/her service such as would alter the amount of Company facilities necessary to provide the Customer's service. In the event the Customer shall fail to so notify the Company, the Customer shall be held responsible for any damage to Company's meter and distribution transformer used in Customer's service caused by any such increase in Customer's load.

5. Continuity of Service:

The Company will exercise reasonable diligence and care in providing a regular and uninterrupted supply of service to Customer. Whenever the Company finds it necessary, in order to repair or improve its system facilities, the Company shall have the right to temporarily suspend service to Customer. It is understood and agreed that hazards to continuity of service are recognized by the Customer before utilizing service. The Company will not be liable for any interruption, fluctuation, shortage or insufficiency of supply of service, or for any loss or damage occasioned thereby, if same is caused by strike, riot, civil commotion, hostile attack, storm, fire, accident, breakdown, unexpected or prolonged increase in usage of electricity, act of God, legal process, governmental interference, or any cause beyond its control.

The Company shall issue instructions to its employees to the extent practical covering procedures to be followed in the event of an emergency in order to prevent or mitigate the interruption, fluctuation, shortage or insufficiency of supply of service as much as reasonably possible. If, because of such emergency, it appears reasonably necessary to do so, the Company may interrupt, curtail or suspend electric service to all or some of its Customers, and the selection by the Company of the Customers to whom service is interrupted, curtailed or suspended shall not result in liability of the Company to any such Customer if such action is taken by the Company in a good faith effort to prevent the impairment of service or reduce the number of persons affected thereby.

6. Mobile Home Park:

The Company will install, own and maintain an overhead distribution system to serve all mobile home sites and common use facilities within the park, in accordance with the Company's Rules and Regulations relating to service and extensions. The park owner or operator will, in accordance with the Company's specifications, furnish, own and install a metering pole with entry facilities at each mobile home site.

If, however, the service is provided through an underground distribution system, the company will install, own and maintain meter pedestals for a fee at each mobile home site. The point of delivery shall be where the Company's service conductors attach to the Customer's entry conductors on the metering pole or the breaker terminals at the meter pedestal.

E. ACCESS FOR SERVICE

1. Right of Way:

Before service is connected, the Customer shall, when requested by the Company, at his/her expense, make or procure conveyance to Company of necessary easements for proper location upon premises owned or occupied by Customer of Company's lines and facilities employed in serving the Customer; and shall give or secure permission for necessary tree trimming by Company upon such premises.

2. Access to Customer's Premises:

Authorized employees of the Company shall have access to the premises of the Customer during all seasonal daylight hours at all reasonable times to read Company's meters measuring service to Customer, to test the Customer's metering or to inspect the Customer's equipment or connections, or anytime necessary to repair, replace or remove Company property and in case of emergency.

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F. TYPE OF SERVICE AND RATE SCHEDULE

1. Choice of Rate Schedule:

A representative of the Company will assist the Customer, at any time, in his/her selection of the proper applicable rate schedule for utility service received by the Customer. In the event any other applicable rate schedule of the Company shall become more advantageous for the Customer's service, s/he may select the other applicable rate schedule, except that, having selected one applicable rate schedule, the Customer may not choose another rate schedule within less than twelve (12) months. The Company shall not, at any time, be required to make any retroactive adjustment to bills for Customer's service if it shall develop that the rate schedule applying to the Customer's service is less advantageous to the Customer than another rate schedule, except as determined in individual cases by proper regulatory authority.

2. Supplementary or Emergency Service:

The Company's service shall not, at any instant, be used by the Customer in multiple with any other source of electricity, without the express written consent of the Company, and shall not be maintained for use in event of breakdown of an alternative source of electricity or of power, except by written agreement between the Company and the Customer.

3. Resale of Service:

Except where specifically provided by applicable rate schedule or special contract, no Customer shall resell, redistribute or submeter, either directly or indirectly, to any person any service supplied to the Customer by the Company.

4. Mobile Home Parks:

a. Service will be rendered under the Company's filed rate schedule applicable to the area and class of service at each location.

b. When the park conforms to the Company's requirements for permanency, the Company may accept applications for service directly from occupants of mobile home park spaces. To qualify as a permanent type park, the park owner or operator must provide water and sanitary sewer to each lot, and may provide such other facilities as hard surface pads for each home, surfaced roads and driveways throughout the area of development.

When the occupant's service application is approved, the Company will render service and bill directly the occupant of the mobile home until the account is closed by the occupant. Effective on that date and with the same meter reading, the account will be opened in the name of the park owner or operator and bills rendered thereunder will be the responsibility of the park owner or operator until a new occupant has contracted for service on the meter.

c. Bills will be rendered to the park owner or operator for service to mobile homes in parks not conforming to the Company's requirements for permanency classification described above. Payment of the bills will be the responsibility of the park owner or operator. The exact amount of the bill applicable to any particular mobile home site may be collected by the park owner or operator from the home occupant, but in no case shall the occupant be charged an amount different from that billed to the park owner or operator on the Company's applicable rate schedule. In such cases, the park owner or operator must post for the occupant's use the applicable rate schedule under which the bill is rendered.

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- d. In permanent type parks, the park owner or operator may apply for service in the park's name for certain mobile home sites classified and used as "transient locations." The park owner or operator can be the only applicant, and payment of the bills for utility service rendered is the responsibility of the owner or operator. Resale of electric service is prohibited.
- e. In order that the proper rate schedule may be applied to each service location, the park owner or operator will assume responsibility for advising the Company of mobile home movement or equipment changes that affect the eligibility of the meter for special service rate schedules.

G. TERMINATION OF SERVICE

Written or verbal notice of termination must be given by the Customer at an office or call center of the Company. Customer will be responsible for payment for all service used by him/her as determined by final readings of meters on the termination date requested by the Customer. Customer shall not, by such notice, be relieved of any accrued obligations under service contract and applicable rate schedules. In the event that a customer fails to notify the Company, their service responsibility will end when a new customer takes service.

Service through any meter being billed to a mobile home park owner or operator will be terminated at his/her request after proper notice to the occupant. In such cases a reconnection charge will be billed to the park owner or operator upon restoration of service.

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RESERVED FOR FUTURE USE

DATE OF ISSUE June 3, 2011
ISSUED BY Kelly S. Walters, Vice President, Joplin, MO

DATE EFFECTIVE June 15, 2011

THE EMPIRE DISTRICT ELECTRIC COMPANY

P.S.C. Mo. No. 5 Sec. 5 8th Revised Sheet No. 12

Canceling P.S.C. Mo. No. 5 Sec. 5 7th Revised Sheet No. 12

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DATE OF ISSUE June 3, 2011
ISSUED BY Kelly S. Walters, Vice President, Joplin, MO

DATE EFFECTIVE June 15, 2011

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P.S.C. Mo. No. 5 Sec. 5 5th Revised Sheet No. 14

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DATE OF ISSUE June 3, 2011
ISSUED BY Kelly S. Walters, Vice President, Joplin, MO

DATE EFFECTIVE June 15, 2011

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P.S.C. Mo. No. 5 Sec. 5 5th Revised Sheet No. 16

Canceling P.S.C. Mo. No. 5 Sec. 5 4th Revised Sheet No. 16

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DATE OF ISSUE June 3, 2011
ISSUED BY Kelly S. Walters, Vice President, Joplin, MO

DATE EFFECTIVE June 15, 2011

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Canceling P.S.C. Mo. No. 5 Sec. 5 4th Revised Sheet No. 17

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RESERVED FOR FUTURE USE

DATE OF ISSUE June 3, 2011
ISSUED BY Kelly S. Walters, Vice President, Joplin, MO

DATE EFFECTIVE June 15, 2011

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P.S.C. Mo. No. 5 Sec. 5 2nd Revised Sheet No. 17a

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CHAPTER III

SERVICE SPECIFICATIONS

A. GENERAL

1. Condition of Customer's Facilities:

The Company shall have the right to disconnect service to any installation which violates local, municipal, NEC, or NESC regulations or that is deemed by the Company to be detrimental or hazardous to the Customer, the public, service to other customers, or Company's facilities.

2. Equipment Furnished:

The Company will furnish and install the Company's service drop and the meter. The Company may furnish a meter socket for a fee but will not install the meter socket unless it is to be mounted on Company equipment. All other equipment will be furnished by the customer and installed by the customer's electrician according to Company specifications. Specifications and division of responsibility with respect to installation of electrical service and the service entrance equipment are available to the customer and/or the customer's representative upon request at any Company office or Company website.

For Rural Customers on the initial installation, the Company will furnish and install a central service pole and run a service drop to it from Company's distribution lines or transformers. The various feed wires, however, from the central service pole to the customer's house, to the barn, and to the other out-buildings are the Customer's property and are to be furnished and installed by the Customer. The Customer shall so arrange his wiring that the meter socket and the main disconnect is located on the central service pole.

3. Customer Cost on Extension:

Empire will furnish Customer copy of charges prior to construction.

B. ELECTRIC DISTRIBUTION POLICY

1. Overhead:

a. Electric Distribution Extensions to Residential Customers not in a subdivision:

The Company will provide, at no cost, single-phase overhead electric service from its distribution system to serve any and all prospective customers occupying permanent residences who apply for such service, provided, however, that: I.) the customer shall pay the cost, including indirect costs of construction, of the extension in excess of one thousand (1,000) feet from the Company's existing distribution facilities as a contribution in aid of construction; II.) in the event that more than three hundred (300) feet of the extension is other than along and/or parallel to a public road, the customer shall pay the cost, including indirect costs of construction, of the extension in excess of three hundred (300) feet which is not along and/or parallel to a public road as a contribution in aid of construction; and III.) the Company will not make any extension over 1,000 feet unless customer, customer's agent, owner of the property served by such extension, or owner's agent, executes a contract in writing with suitable guarantee that he will use the service for at least two years and that s/he will pay any unpaid extension cost balance in full if service is disconnected at any time during the first five years of service.

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B. ELECTRIC DISTRIBUTION POLICY, 1. Overhead (Continued)

The customer will pay a minimum of five percent (5%) of the customer's contribution at the time of application for such extension as evidence of good faith and the remainder on completion of the construction. With proper credit (as determined by the Company), the customer may pay the remainder in no more than sixty (60) equal monthly payments with an interest charge of six percent (6%) on an annual basis on the unpaid portion of the original amount put on monthly payments. For a period of five (5) years the Company will pay the customer or credit the customer's unpaid extension cost balance for each new customer added to the extension a pro rata amount of the original cost of the extension, based on the ratio of 1,000 feet to the original length of the extension in excess of 1,000 feet.

A copy of the Company's estimate of the cost of construction, including direct and indirect costs, shall be furnished to the customer upon request prior to construction.

The Company will not be required to obligate funds to secure private right-of-way for the purpose of making extension of distribution pole lines or other facilities to premises of prospective customers.

- b. Electric Distribution Extensions to Non-residential Customers:
The company will provide an overhead distribution extension to an individual non-residential customer at no cost to the customer provided the estimated revenue from one year of electric service equals or exceeds the estimated direct and indirect costs of construction of the distribution extension. The Company shall require contributions in aid of construction for the portion of the investment in the total extension of the service to the customer that cannot be supported with the estimated revenues. In addition, if the customer cannot establish adequate credit or accurately project revenues as determined by the Company, the entire cost of the construction shall be required from the customer before the construction is commenced, in combination with minimum monthly or annual guarantees in term contracts to guarantee performance that the sales will develop or that the Company investment will be protected. At the end of five (5) years, the portion of the construction cost justified by the revenue will be refunded to the customer.

The Company will not be required to obligate funds to secure private right-of-way for the purpose of making extension of distribution pole lines or other facilities to premises of prospective customers.

- c. Overhead Service Conditions:
Customer's service entrance shall be installed where it can be conveniently reached from Company's service drop without undue interference from trees, buildings and adjoining property, and in a location such that Company's service lines and customer's drip loop will have a clearance of not less than thirty-six (36) inches from windows, doors, porches or any building openings, as required by the Code and for general safety. Where it appears impractical to provide thirty-six (36) inches clearance, The Customer should consult with the Company for assistance on developing a plan to eliminate the clearance violation so that the solution meets Code.

Customer shall not erect any structure or swimming pool under or over Company service lines or within Company easements without written approval from the Company.

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B. ELECTRIC DISTRIBUTION POLICY, 1. Overhead (Continued)

Complete instructions, specifications, and construction requirements are available from the Company, or from the Company's web site.

In order to permit proper operation of Company's service lines and feeder lines serving the customer, the Company shall have the right, when and as necessary, to trim properly and keep trimmed any trees located upon the customer's premises which may interfere with service to customer or service to any other customer.

d. Temporary Distribution and Service Lines:

The Company shall not be required to provide service to temporary locations, such as for mobile homes, construction sites, etc., even though the line facilities are already in place, unless such customer advances the sum stated in Schedule CA, Credit Action Fees, as a construction payment for the cost of installation and removal of the meter, service, and other necessary facilities. The title to such property shall be and remain in the Company. Should the customer utilize electric service at this location for a period of twelve consecutive months from the date of initial service, the above payment, plus interest as designated by State Law or Commission order, will be refunded to the customer by the Company.

The Company shall not be required to provide electric service to temporary customers at locations that require the extension of the Company's lines unless the full cost of erection and removal, including indirect costs of construction, of the extension be contributed by the customer.

2. Underground and Overhead:

The Company's standard construction will be overhead. However, where feasible from engineering, operational, and economic considerations, new electric service to residential and commercial customers may be installed underground. Installation of facilities shall be made in accordance with the following provisions:

a. Primary and Secondary Distribution Facilities to Residential Subdivisions:

When application is received from a developer for an extension of electric service to a subdivision in an area not served by existing facilities, the Company shall prepare a detailed estimate of the cost to install a distribution system to the subdivision, including services, transformers, and indirect costs of construction. A copy of the Company's estimate of the cost of construction, including direct and indirect costs, shall be furnished to the developer upon request prior to construction. The developer will make full payment of these estimated charges in advance of any construction by the company. When construction is completed, if the actual costs of the extension are less than the estimated costs, the portion of the developer contribution above the actual costs will be refunded to the customer. If actual costs are higher than the estimated costs the developer will not be required to pay more than the estimate.

For each new permanent residential customer added during sixty (60) months following the completion of the extension, the Company will refund to the developer an amount equal to the Construction Allowance. The Construction allowance is described in the following paragraph. Refund totals will not exceed the original contribution by the developer. The developer may make arrangements to offset a portion of the cost of an underground system by providing certain related materials and performing certain work such as trenching, conduit installation and back-filling. However, any work performed by the developer shall be done in accordance with Company requirements and specifications and shall be coordinated with the Company representative.

As a Construction Allowance for residential subdivisions, the Company will calculate at the beginning of each calendar year the value of 225 feet of overhead single phase primary conductor, one (1) forty foot wood pole and necessary fixtures, one (1) down guy and anchor, one (1) fifteen (15) KVA transformer, transformer ground rod, one hundred (100) feet of overhead service conductor and related connectors, and one (1) two hundred (200) amp meter.

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B. ELECTRIC DISTRIBUTION POLICY, 2. Underground and Overhead (Continued)

In all cases, the developer will be responsible for obtaining any easements or rights-of-way required by the Company and will have them indicated on the subdivision plot and filed with the proper authorities for dedication.

- b. The Company will provide overhead or underground residential service to apartments and other multi-family dwellings provided that the estimated revenue from one (1) year of electric service equals or exceeds the estimated direct and indirect cost of construction for the extension. A copy of the Company's estimate of the cost of construction, including direct and indirect costs shall be furnished to the developer upon request prior to construction.

When construction is completed, if the actual costs of the extension are less than the estimated costs, the portion of the developer contribution above the actual costs will be refunded to the customer. If actual costs are higher than the estimated costs the developer will not be required to pay more than the estimate.

- c. **Underground Services to Residential Customers:**
The Company will furnish and install cable sufficient to provide underground service runs to individual customers from the Company's underground primary distribution systems, up to 100 feet in length. Where a service exceeds 100 feet in length, the Company shall prepare a detailed estimate of the cost to install the entire underground run, including indirect costs. The customer will be required to pay the cost, including indirect costs of construction, of the underground service for that portion in excess of 100 feet. The customer may make arrangements to pay a portion of the excess cost of the underground service by providing certain related materials and performing certain work such as trenching, conduit installation and back-filling. However, any work performed by the customer shall be done in accordance with Company requirements and specifications and shall be coordinated with the Company representative. After installation, the Company shall own and maintain the underground service.

Where the Company's existing distribution system is installed underground, only underground service conductors to individual customers will be installed. Where the Company's existing facilities are overhead, the service will be overhead unless the customer agrees to pay the estimated difference between the cost of underground and overhead service.

Customers having existing overhead service conductors from the Company's overhead distribution system may have underground service provided they compensate the Company for the unused life and removal costs less salvage value of the existing overhead service conductors in addition to meeting the requirements listed above.

A rural customer whose point of delivery is located at a central service pole shall be responsible for all circuits beyond that point, whether overhead or underground. If the rural customer does not have a central service pole, the Company policy for providing underground service shall be the same as described above for other residential customers.

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B. ELECTRIC DISTRIBUTION POLICY, 2. Underground and Overhead (Continued)

d. Underground Service to Commercial or Industrial Customers:

When application is received from a commercial or industrial customer for underground electric service, the Company shall prepare a detailed estimate of the cost to install an overhead system to the customer, including indirect costs of construction. The Company shall also perform a detailed estimate to determine the cost to install an underground system of the same scope as the overhead system to the same customer, including indirect costs of construction. If the underground system is more expensive than the overhead system, and the customer insists upon an underground system, the customer shall be required to pay the difference between the estimated cost of the underground system and the overhead system. The customer may make arrangements to pay a portion of the excess cost of the underground system by performing certain work such as trenching and back-filling. However, any work performed by the customer shall be done in accordance with Company requirements and specifications and shall be coordinated with the Company representative.

e. Underground Service to Authorized Public Street Lighting:

Any authorized street lighting lines installed in a subdivision with underground distribution will be installed underground. When public street lighting lines are installed underground, the estimated direct and indirect costs of construction to install the facilities shall be charged to the appropriate governing agency. The governing agency may make arrangements to pay a portion of the cost of the underground system by providing certain related materials and performing certain work such as trenching, conduit installation and back-filling. However, any work performed by the governing agency shall be done in accordance with Company requirements and specifications and shall be coordinated with the Company representative.

Arrangements for public street lighting, however, are made between the customer and the governing agency in the area, such as a duly incorporated city, town, village, etc., which has the right to authorize public street lighting in the subdivision. This agency will then contract with the Company for public street lighting service.

If the street lighting lines are required to be installed underground where adequate overhead distribution already exists, then a charge of the estimated direct and indirect costs of construction for underground service to the street lighting, plus compensation for any unused life and the removal costs of any overhead distribution requiring removal, shall be charged to the appropriate governing agency. The governing agency may make arrangements to pay a portion of the cost of the underground system by providing certain related materials and performing certain work such as trenching, conduit installation and back-filling. However, any work performed by the governing agency shall be done in accordance with Company requirements and specifications and shall be coordinated with the Company representative.

f. Underground or Overhead Distribution Systems for Mobile Home Parks:

Distribution systems will be provided for mobile home parks when the Company is satisfied that the park will be permanent and where the developer guarantees to protect the investment of the Company in event the park closes or is not utilized sufficiently for revenues to cover the direct and indirect costs of construction.

When application is received from a developer for an extension of electric service to a mobile home park in an area not served by existing facilities, the Company shall prepare a detailed least cost estimate to install a distribution system to the mobile home park, including services, transformers, and indirect costs of construction. A copy of the Company's estimate of the cost of construction, including direct and indirect costs, shall be furnished to the developer upon request prior to construction.

The developer will make full payment of the estimated charges, in excess of one years estimated revenue for the project, in advance of any construction by the Company. When construction is completed, if the actual costs of the extension are less than the estimated costs, the portion of the customer contribution above the actual costs will be refunded to the customer. If actual costs are higher than the estimated costs the customer will not be required to pay more than the estimate.

Upon request, the Company shall install underground services to each mobile home site from an overhead distribution system in accordance with the terms and provisions of Section B.2.c of the Company's filed Rules and Regulations for electric service. A meter pedestal will be located at each mobile home location. The meter pedestal will be furnished, installed, owned and maintained by the Company for a fee.

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B. ELECTRIC DISTRIBUTION POLICY, 2. Underground and Overhead (Continued)

g. In those situations where the Company determines that, due to economic or safety concerns it would be in the Company's interest to install underground facilities, such facilities may be installed without additional cost to the customer. When it appears that underground construction may be in the Company's economic interest, the Company shall prepare a detailed estimate of the cost to install an overhead system, including indirect costs of construction. The Company shall also perform a detailed estimate to determine the cost to install an underground system of the same scope as the overhead system, including indirect costs of construction.

h. Requested Relocation of Company Facilities:

A cost estimate of the relocation will be performed including removal, installation and indirect cost of construction. In those situations where the Company determines that due to reliability, economic, or safety concerns it would be in the best interest of the Company to relocate the facilities, there could be no additional charge for the re-location. Any estimated expense not determined to be in the best interest of the Company would be the responsibility of the entity making the request.

3. Unregulated competition:

Where the Company competes for business with unregulated competition, the Company may waive all or part of any charges associated with extensions of service and/or construction deposits, provided for in the Empire Distribution Policy, Chapter III B, Empire District Electric Company Rules and Regulations, and any additional non-rate schedule charges, required in order to effectively compete with offers made to developers and/or customers by unregulated competition after notifying the Missouri Public Service Commission and receiving an Order granting the waiver for good cause shown.

C. METERING

1. Meters:

Meters necessary to measure the power and energy purchased and delivered hereunder will be installed, owned and maintained by the Company at its expense. Tests of the accuracy of the metering equipment will be made by the Company according to approved modern practices. No adjustment in charges for service hereunder will be made unless an average error of more than two (2) percent, plus or minus, in the accuracy of such metering is found. Should an error in excess of an average of 2% be found, proper adjustment for the full amount of such error will be made as stated in Chapter V, Section B.1. The Company shall have such meters promptly adjusted as close as practical to 100% or exchanged in the case of meter failure. Upon the request of the Customer, a representative of the Customer may witness such tests. The Customer will have the right to request that a special meter test be made at any time. If the test made at the customer's request discloses that the meter tested is within an average error of not more than 2% and the meter has been tested in the last 12 months, the Customer will bear the full expense of such test. The expense of all other tests will be borne by the Company.

The readings of the Company's meter measuring service to customer (subject to determination of accuracy of the meter, as provided above) will be taken as prima facie evidence of the customer's use of service.

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2. Meter Installation:

In general, self-contained meters will be used on installations supplied at 277 volts to ground and less, and requiring 200 amperes and less for polyphase service, and for installations requiring 400 ampere single phase service or less. Self-contained meters will be placed in the service entrance ahead of the main disconnect. Installations involving more than six meters on a single building require a full rated main disconnect installed ahead of the meter sockets. Current transformers in conjunction with the meter will be used where the installation requires more than 200 amperes with polyphase phase and more than 400 amperes with single phase service. The current transformers, likewise, shall be placed in the service entrance ahead of the main disconnect, and shall be enclosed in a metal cabinet (with indoor metering or underground service) or mounted on a metal frame (with outdoor metering). Outdoor frames will be supplied by the Company and installed by the Customer's electrician. The metal cabinets will be provided by the customer and installed by the Customer's electrician. In all cases, the current transformers will be provided by the Company and mounted by the Customer's electrician.

Meters which require both current and potential transformers, commonly called instrument transformers, will be used on installations supplied at voltages in excess of 277 volts to ground. It is necessary that the customer consult with a representative of the Company concerning location and mounting of the instrument transformers and meter before proceeding with plans for the service entrance. On indoor locations of this type, a disconnecting switch must be connected ahead of Company's metering equipment.

Meters shall be placed in a location which is readily accessible to the Company's inspectors and meter readers without inconvenience to the customer or Company's personnel. For self-contained meters, normally this will be on the exterior of an outer wall of customer's house or other building, on a central service pole, or other outdoor support. An exception would be in business or factory districts where the buildings extend out to the alleys or thoroughfares, thus exposing the meter to damage by trucks or other traffic. In these cases, an interior location accessible to Company personnel shall be provided. In any case, the meter support must be located in an environment free from excessive vibration, dust, corrosive gases, and magnetic interference or any other harmful conditions.

Self-contained polyphase meters will, in general, be socket type and will be installed outdoors.

Meter mountings must be arranged so that the center of the meter is not more than six (6) feet or less than four (4) feet above ground or floor level. A level unobstructed work space of seventy-five (75) inches in height and eighteen (18) inches on either side of the metering equipment or enclosure, and four (4) feet in front of the meter cover face is required to allow for accessing the metering equipment

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It is the Company's regular practice to seal its meters and enclosures of metering equipment. Only Company employees or agents are authorized to remove any such seal. When a seal is repeatedly missing or broken, Company shall have the right to initiate a meter-tampering investigation and when tampering is documented may bill the Customer for resealing or special locking devices necessary to secure the meter and/or meter enclosure.

D. POWER SUPPLY

In all cases and at all locations, supply specifications shall be approved by the Company.

1. Voltages:

The following nominal voltages are available for supply to Customers, depending upon size, application and location on the Company's distribution system: Other voltages may be available in certain areas but will require consultation with a Company representative.

Standard Secondary Voltages:

- 120/240 volts single phase
- 120/208 volts three phase grounded wye
- 120/240 volts three phase four wire delta
- 277/480 volts grounded wye

Standard Primary Voltage:

- 7,200/12,470 volts three phase grounded wye
- 14,400/25,000 volts three phase grounded wye

Capacity:

The Customer must contact the Company to verify the available power supply capacity at any particular location on Company's electrical system.

Phase:

Standard phasing for residential or rural areas shall be single phase. Customers or applicants for service in such areas should arrange to utilize single phase service. When three phase is requested in residential or rural areas, feasibility of extending three phase facilities shall be determined by Company, considering such factors as prospective annual revenue, location, topography, Customer load characteristics, etc.

Frequency:

The standard frequency in all locations shall be 60 hertz.

2. Fluctuating Loads:

Any single phase equipment rated over 20 kW or any three phase equipment rated over 45 kW must be approved by Company. Three phase fluctuating loads drawing a peak instantaneous demand in excess of 15 kVA and cycling at a rate of once every five minutes or less shall be reported to the Company so the effects of the Customer's load on the Customer's and/or adjacent Customers' electrical service quality can be determined.

For any poly-phase services, the Customer is responsible for protecting motors and other equipment from damage in case of a single phasing condition on the Company's distribution and/or transmission systems.

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3. Motors:

a. Supply to Motors:

All single phase motors over 6.5 h.p. and all three phase motors over 15 h.p. must be approved in writing by Company. If an adjustable speed drive or DC drive is used, the Customer shall notify Company so that characteristics particular to solid state motor controlling can be taken into account in all studies.

4. Electric Welders:

Any electric welder rated over 5 KVA must be approved in writing by Company.

5. Load Balance:

Customer's wiring shall have a sufficient number of branch circuits and be so connected as to allow load on each phase or side of the supply neutral to be as nearly balanced as possible, thus minimizing unbalance or neutral current.

6. Grounding:

Customer's wiring installation shall be effectively grounded as required by the NEC, NESC and local code or building authority. In particular, this includes grounding of the service entrance neutral conductor, metallic metering enclosures, the meter socket, metallic service entrance enclosures, main disconnect, and metallic service entrance conduit.

7. Application for Electrical Supply With Special Considerations:

In cases or locations where the Customer's or applicant's equipment installation and usage applications do not meet the requirements stated above in Section D, the Customer shall contact the Company to request a feasibility study of the Customer's proposed requirements. If problems are found to exist with the application as proposed, Company shall suggest mitigative measures. When applying for special consideration, the Customer shall supply all data relevant to his/her electrical power needs which shall include but not be limited to the following:

8. Equipment Nameplate Information:

- Voltage
- Frequency
- Efficiency
- Power Factor
- NEMA equipment data (specifically locked rotor current code for motors)
- Type of equipment
- Location of equipment
- Equipment operation schedules (i.e., how many times started per hour, etc.)
- Adjacent and/or auxiliary equipment types and schedules
- Equipment test data (if available)

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E. OTHER

1. Antennas:
Radio or television receiving or transmitting antennas shall not be attached to Company's poles, nor be installed in a manner that violates current NESC regulations. Any person(s) installing such antennas shall comply with OSHA standards, any applicable Missouri statutes, and local ordinances while performing installation of such structures.

2. House Moving:
Whenever a house, derrick, building or other obstruction is to be moved over a route traversed or crossed by the Company's overhead wires or guys, advance notification must be given at the Company's Call Center and arrangements made for the proper handling of any wires or guys which must be raised or moved. In no case shall anyone except the Company's employees attempt to cut, raise, lift or move any of the Company's wires, guys, poles or other facilities. The Customer shall pay in advance of the moving date by cash, cashier's check or money order for the direct and indirect costs of construction for any adjustments made to our facilities as required under Missouri statutes 229.230 through 229.290

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CHAPTER IV

EMERGENCY ENERGY CONSERVATION PLAN

A. GENERAL

The purpose of this plan is to define actions that will be taken when an imminent fuel shortage threatens the ability of the Company to continue services which are essential to the health and well being of the Company's Customers.

The Plan will be a two phase plan, with the second phase being implemented in the event Phase I fails to provide adequate reduction in energy consumption. The Plan will be implemented as necessary and in the order shown. Should conditions deteriorate rapidly, Phase II may be implemented before any or all steps in Phase I have been completed.

B. PHASE I

1. Elimination of all non-essential Company consumption.
2. Voluntary elimination of all non-essential lighting, including but not limited to:
 - Homes
 - Stores
 - Educational Institutions
 - Industries
 - Commercial Buildings
 - Street Lighting
 - Outdoor Advertising
 - Parking Lot Lighting
3. A voluntary 20% reduction in consumption for educational institutions, museums, art galleries and historic buildings.
4. Voluntary elimination of all night-time sporting events and other recreational uses.
5. Interruption of service to all Customers served on interruptible rates as provided in the respective rate or contract.
6. Voluntary reduction by industrial Customers which will result in a 20% reduction in energy consumption.
7. Voluntary reduction in the use of home heating equipment and appliances to the lowest use necessary to maintain life support systems.

In the event the steps implemented in Phase I do not provide adequate reduction in consumption to mitigate the imminent fuel shortage, State and Federal regulatory commissions or other appropriate authority will be requested to authorize The Empire District Electric Company to implement Phase II procedures as they become necessary to preserve the Company's fuel inventory and maintain essential services.

C. PHASE II

1. Mandatory elimination and reduction as outlined in Phase I.

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2. Mandatory elimination of consumption by all educational institutions, museums, art galleries and historic buildings.
3. Voltage reduction of 5% for all Customers.
4. Rotating two-hour service interruption on selected feeder lines. The System Operator will be responsible for implementing and controlling the interruptions, and, where possible, will avoid interruption of circuits which serve critical needs of the community.

The Company Energy Curtailment Plan will be reviewed on an annual basis by those responsible for its implementation so as to make any changes which may be either necessary or desirable, and in order to maintain the desired degree of familiarity with the plan.

D. ESSENTIAL SERVICES

The following Customers will be exempt from full compliance with the plan as outlined in Phase II due to the essential nature of the service they provide. Although exempted from the mandatory provision of this plan, such Customers would be expected to cooperate to the fullest extent possible consistent with the continued operation of the essential service for which the Customer is responsible.

1. Any facility whose function is known to the Company to be necessary to the support of life.
 - a. Certain hospital services and nursing homes.
 - b. Non-hospital facilities which may have iron lung or kidney machines.
2. Any facility whose function is necessary for National, State or local security.
 - a. Civil Defense facilities.
 - b. Other Governmental activities essential to national defense.
3. Any facility whose function is known to be necessary to provide essential public services.
 - a. Police and fire control facilities.
 - b. Public utilities - water, telephone, cellular communication, gas, sewage disposal facilities.
 - c. Transportation facilities.
 - d. Communications media - newspapers, radio and television stations.
 - e. Coal mining and related functions.
 - f. Petroleum refining and pipeline facilities.
 - g. Food processing, storage and distribution facilities.
 - h. Medical supply facilities.

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CHAPTER V

BILLING PRACTICES

This chapter applies to all residential utility service provided by Company and subject to the jurisdiction of the Public Service Commission under the laws of the State of Missouri. This chapter also applies to non-residential utility service unless an exception to the residential standards is noted.

Company will not discriminate against any Customer or prospective Customer for exercising any right granted by this chapter.

The rules set forth in this chapter governing the Company's relations with its Customers and prospective Customers shall be an integral part of the Company's rate schedules.

A. BILLING AND PAYMENT STANDARDS 4 CSR 240-13.020

1. Company shall normally render a bill for each billing period to every Customer in accordance with its rate schedule. Failure of a Customer to receive a bill shall not relieve that Customer of the obligation for payment thereof.
2. Each billing statement rendered by the Company shall be computed on the actual usage during the billing period except as follows:
 - a. Company may render a bill based on estimated usage --
 - (1) When extreme weather conditions, emergencies, labor agreements, or work stoppages prevent actual meter readings.
 - (2) When Company is unable to obtain access to the Customer's premises for the purpose of reading the meter or when the Customer makes reading the meter unnecessarily difficult. If Company is unable to obtain an actual meter reading for these reasons, where practicable it shall undertake reasonable alternatives to obtain a Customer reading of the meter, such as mailing or leaving postpaid, pre addressed postcards upon which the Customer may note the reading unless the Customer requests otherwise;
 - b. Company shall not render a bill based on estimated usage for more than three (3) consecutive billing periods except under conditions described in subsection 2.a of this rule.
 - c. Under no circumstances shall Company render a bill based on estimated usage:
 - (1) Unless the estimating procedures employed by the Company and any substantive changes to those procedures have been approved by the Commission; and
 - (2) As a Customer's initial or final bill for service unless conditions beyond the control of the Company prevent an actual meter reading;

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- d. When Company renders an estimated bill in accordance with these rules, it shall:
 - (1) Maintain accurate records of the reasons therefor and the effort made to secure an actual reading; and
 - (2) Clearly and conspicuously note on the bill that it is based on estimated usage; and
 - (3) Use Customer supplied readings, whenever possible, to determine usage
- e. When Company underestimates a Customer's usage, the Customer shall be given the opportunity, if requested, to make payment in installments.
- f. In estimating readings, the Company will use the following procedure:
 - (1) Determine the customer's Actual Metered Usage for the same month of the preceding year, if available. Otherwise, determine the Actual Metered Usage for the month closest to that month.
 - (2) Determine the customer's Base Usage as the usage that is the lowest actual monthly usage in the prior thirty-six months with outliers removed.
 - (3) Determine the customer's Weather Sensitive Usage as the difference between Actual Metered Usage and Base Usage.
 - (4) Determine the customer's Weather Multiplier by dividing Weather Sensitive Usage by the Degree Days corresponding to the customer's Actual Metered Usage. In the event there are no degree days corresponding to the customer's Actual Metered Usage the base will be used as the estimate.
 - (5) Determine the customer's Estimated Usage as the customer's Base Usage plus the product of customer's Weather Multiplier and the current month's Degree Days (Current Degree Days).
 - (6) For lighting accounts, the estimate will be based on the prior year's usage per day for the same month of the year multiplied by the number of days to be estimated for the current month.
 - (7) For accounts with a limited history, the estimate will be based on a prior month's use per day multiplied by days in current billing cycle.
- 3. If Company is unable to obtain an actual meter reading for three (3) consecutive billing periods, Company shall advise the Customer by phone, first-class mail or personal delivery that the bills being rendered are estimated, that the estimation may not reflect the actual usage, and that the Customer may read and report electric usage to the Company on a regular basis. The procedure by which such reading and reporting may be initiated shall be explained. Company shall attempt to secure an actual reading from Customers reporting their own usage at least annually. These attempts shall include personal contact with the Customer to advise the Customer of the regular meter reading day. Company shall offer appointments for meter readings on Saturday or prior to 9:00 p.m. on weekdays. The charges for this special reading during normal business hours and outside normal business hours are shown on Schedule CA, Credit Action Fees. Discontinuance of the service of a Customer who is reading and reporting usage on a regular basis because of Company's inability to secure an actual meter reading shall not be required.
- 4. If a Customer fails to report usage to the Company, the Company shall obtain a meter reading at least annually. The Company shall notify the Customer that if usage is not reported regularly by the Customer and if the Customer fails, after written request, to grant access to the meter, then service may be discontinued pursuant to Section F (4 CSR 240-13.050).
- 5. Notwithstanding section A2 of this rule, the Company may bill its Customers in accordance with equal payment billing programs at the election of the Customer, provided the equal payment billing program has been previously approved by the Commission.
- 6. Company may bill its Customers on a cyclical basis if each individual Customer receives each billing on or about the same day of each billing period. If Company changes a meter reading route or schedule which results in a change of nine (9) days or more to the billing cycle, notice shall be given to the affected Customer at least fifteen (15) days prior to the date the Customer receives a bill based on the new cycle.
- 7. A monthly-billed residential Customer shall have at least twenty-one (21) days from the rendition of the bill to pay the utility charges. If the delinquent date falls upon a Sunday, legal holiday, or any other day when the offices of the Company regularly used for the payment of Customer bills are not open to the general public, the delinquent date shall be extended through the next business day. The date of payment for remittance by mail is the date on which Company receives the remittance. Company shall not base an assessment of a deposit or late payment charge, or a discontinuance of service, on a payment that was made to a payment agent on or before the delinquent date.
 - a. Non-residential Customers shall have the number of days specified in the applicable rate schedule from the rendition of each bill to pay the utility charges.

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- b. A Customer who has specified a preferred payment date shall have a maximum of thirty-five (35) days from the normal billing cycle date to pay the utility charges. No deposits or late payment charges will be assessed as a result of Customer's participation in a preferred payment date plan.
8. Company shall not assess a late payment charge upon Customer's utility charge by reason of the Customer's failure to pay any balance due and owing prior to the delinquent date unless the late payment charge has been approved by the Commission as a part of the Company's rate schedules.
9. Every bill for utility service shall clearly state:
 - a. The beginning and ending meter readings of the billing period and the dates of these readings;
 - b. The date when the bill will be considered delinquent;
 - c. Any previous balance which states the balance due for utility charges separate from charges for services not subject to Commission jurisdiction;
 - d. The amount due for the most recent billing period for electric or water usage stated separately from the amount due for the same period for a deposit and the amount due for the same period for service not subject to Commission jurisdiction;
 - e. The amount due for other authorized charges;
 - f. The total amount due;
 - g. The telephone number the Customer may call from the Customer's service location without incurring toll charges and the address of the Company where the Customer may initiate an inquiry or complaint regarding the bill as rendered or the service provided. Charges for measured local service are not toll charges for purposes of this rule; and
 - h. License, occupation, gross receipts, franchise and sales taxes.
10. Company shall render a separate billing for services provided at each address unless otherwise requested by the Customer and agreed to by Company.
11. Company may include charges for special services together with utility charges on the same bill if the charges for special services are designated clearly and separately from utility charges. If partial payment is made, Company shall first credit all payments to the balance outstanding for electric or water charges before crediting deposit unless otherwise specified by the customer.

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12. During the billing period prior to any rate scheduled seasonal rate change, Company shall notify each affected Customer, on the bill or on a notice accompanying the bill, of the direction of the upcoming seasonal rate change and the months during which the forthcoming seasonal rate will be in effect.
13. Customer shall be charged a fee shown on Schedule CA, Credit Action Fees, for each bad check or any type of electronic payment rendered to Company as payment of a bill.

B. BILLING ADJUSTMENTS 4 CSR 240-13.025

For all billing errors, Company will determine from all related and available information the probable period during which such condition existed and shall make billing adjustments for the estimated period involved as follows:

- a. In the event of an overcharge, an adjustment shall be made for the entire period that the overcharge can be shown to have existed, not to exceed sixty (60) consecutive monthly billing periods calculated from the date of discovery, inquiry or actual notification to the Company, whichever comes first.
- b. In the event of an undercharge to a residential Customer, an adjustment shall be made for the entire period that the undercharge can be shown to have existed, not to exceed twelve (12) monthly billing periods calculated from the date of discovery, inquiry or actual notification of the Company, whichever comes first.
- c. In the event of an undercharge to a non-residential Customer, an adjustment shall be made for the entire period that the undercharge can be shown to have existed, not to exceed sixty (60) consecutive monthly billing periods, calculated from the date of discovery, inquiry or actual notification of the Company, whichever comes first.
- d. No billing adjustment will be made where the full amount of the adjustment is less than one dollar (\$1.00).
- e. Where, upon test, an error in measurement is found to be within the limits prescribed by Commission rules, no billing adjustment will be made.
- f. When evidence of tampering, diversion, unauthorized use or misrepresentation of the use of service by a Customer of any class is found, Company will calculate the billing adjustment period in accordance with the applicable statute of limitations for the prosecution of such claim after determining the probable period during which such condition existed from all related and available information. Company may also recover the cost of damages to the meter and costs associated with investigating the tampering or diversion, such as man-hours, truck hours and cost of documenting with photographs.
- g. Interest shall not be payable on undercharges or overcharges to Customers of any class under this section.

C. DEPOSITS AND GUARANTEE OF PAYMENT 4 CSR 240-13.030

1. Company may require a deposit or other guarantee as a condition of new residential service if:
 - a. The Applicant has outstanding with the Company, or a utility providing the same type of service, an unpaid, past due bill which accrued within the last five (5) years and at the time of the request for service remains unpaid and not in dispute. The Company may refuse to provide service to an applicant until both the unpaid bill outstanding with the Company and the required deposit are paid in full.

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- 4. Customers required to make a deposit may pay in installments unless Company can show likelihood that the customer does not intend to pay for the service. Deposits assessed to residential customers under the provisions of section 3a (discontinued for non payment) or section 3c (excessive late payments) of this rule during the months of November, December and January may be paid, if the customer is unable to pay the entire deposit, by installments over a six (6) month period.

- 5. A deposit shall be subject to the following terms:
 - a. It shall not exceed two (2) times the highest bill for utility charges actually incurred or estimated (such estimate may include usage previous to the customer at that premise) to be incurred by the Customer during the most proximate twelve (12) month period at the service premises, or, in the case of a new Residential Customer who is assessed a deposit under subsection 1.d. (unable to establish an acceptable credit rating), two (2) times the average of the estimated monthly bill for a yearly period for utility charges at the requested service premises;
 - b. It shall bear interest at a rate specified in Schedule CA, Credit Action Fees, approved by the Commission, which shall be credited annually upon the account of the Customer or paid upon the return of the deposit, whichever occurs first. Interest shall not accrue on any deposit after the date on which a reasonable effort has been made to return it to the Customer. Records shall be kept of efforts to return a deposit. This rule shall not preclude the Company from crediting interest upon each service account during one (1) billing cycle annually;
 - c. Upon discontinuance or termination of service, other than for a change of service address, it shall be credited, with accrued interest, to the utility charges stated on the final bill and the balance, if any, shall be returned to the Customer within twenty-one (21) days of the rendition of the final bill;
 - d. Upon satisfactory payment of all undisputed utility charges during the last twelve (12) billing months, it shall be promptly refunded or credited, with accrued interest, against charges stated on subsequent bills. Payment of a charge is satisfactory if received prior to the date upon which the charge becomes delinquent, provided it is not in dispute. Payment of a disputed charge shall be satisfactory if made within ten (10) days of resolution or withdrawal of the dispute. Company may withhold refund of a deposit pending the resolution of a dispute with respect to charges secured by the deposit;
 - e. Deposits from non-residential Customers may be retained by the Company as a guarantee of payment of final bills;
 - f. Company shall maintain records which show the name of each Customer who has posted a deposit, the current address of the Customer, the date and amount of deposit, the date and amount of interest paid, and information to determine the earliest possible refund date;
 - g. Each Customer posting a deposit shall receive, in writing, at the time of tender of deposit or with the first bill, a receipt as evidence of deposit, unless Company shows the existence or nonexistence of a deposit on the Customer's bill, in which event the receipt shall not be required unless requested by the Customer. The receipt shall contain the following minimum information:

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- e. The failure of a previous owner or occupant of the premises to pay an unpaid or delinquent bill except where the previous occupant remains an occupant or user; or
 - f. The failure to pay a bill correcting a previous underbilling, whenever the Customer claims an inability to pay the corrected amount, unless Company has offered the Customer a payment arrangement equal to the period of underbilling.
3. On the date specified on the notice of discontinuance or within eleven (11) business days after that, and subject to the requirements of these rules, Company may discontinue service to a Customer between the hours of 8:00 a.m. and 4:00 p.m. Service shall not be discontinued on a day when Company personnel are not available to reconnect the Customer's service, or on a day immediately preceding such day. After the eleven (11) business day effective period of the notice, all notice procedures required by this rule shall again be followed before the Company may disconnect service.
4. The notice of discontinuance shall contain the following information:
- a. The name and address of the Customer and the address, if different, where service is rendered;
 - b. A statement of the reason for the proposed discontinuance of service and the cost for reconnection;
 - c. The date on or after which service will be discontinued unless appropriate action is taken;
 - d. How a Customer may avoid the discontinuance;
 - e. The possibility of a settlement agreement if the claim is for a charge not in dispute and Customer is unable to pay the charge in full at one (1) time; and
 - f. A telephone number the Customer may call from the service location without incurring toll charges and the address of the Company prominently displayed where the Customer may make an inquiry. Charges for measured service are not toll charges for purposes of this rule.
5. Company shall not discontinue service pursuant to section F.1 unless written notice by first-class mail is sent to the Customer at least ten (10) days prior to the date of the proposed discontinuance. Service of notice by mail is complete upon mailing. As an alternative, Company may deliver a written notice in hand to the Customer at least ninety-six (96) hours prior to discontinuance. Company shall maintain an accurate record of the date of mailing or delivery.

A notice of discontinuance of service shall not be issued as to that portion of a bill which is determined to be an amount in dispute pursuant to sections E.5. or 6. (4 CSR 240-13.045(5) or (6)) that is currently the subject of a dispute pending with Company or complaint before the Commission, nor shall such a notice be issued as to any bill or portion of a bill which is the subject of a settlement agreement except after breach of a settlement agreement, unless Company inadvertently issues the notice, in which case Company shall take necessary steps to withdraw or cancel this notice.

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- 10. Notwithstanding any other provision of this rule, Company may discontinue any service temporarily for reasons of maintenance, health, safety or a state of emergency.
- 11. Upon the Customer's request, Company shall restore service consistent with all other provisions of this chapter when the cause for discontinuance has been eliminated, applicable restoration charges have been paid, and if required, satisfactory credit arrangements have been made. At all times, a reasonable effort shall be made to restore service upon the day restoration is requested, but no later than 7:00 p.m., and in any event, restoration shall be made not later than the next working day following the day requested by the Customer. Company shall charge the Customer a fee for restoration of service as provided in Schedule CA, Credit Action Fees.

G. COLD WEATHER MAINTENANCE OF SERVICE: Provision of Residential Heat-Related Utility Service During Cold Weather
4 CSR 240-13.055

- 1. This rule protects the health and safety of residential Customers receiving heat-related utility service by placing restrictions on discontinuing and refusing to provide heat-related utility service from November 1 through March 31 due to delinquent accounts of those Customers.
- 2. This rule takes precedence over other rules on provision of heat-related utility service from November 1 through March 31 annually.
- 3. Notice Requirements. From November 1 through March 31, prior to discontinuance of service due to nonpayment, Company shall:
 - a. Notify the Customer, at least ten (10) days prior to the date of the proposed discontinuance, by first class mail, and in the case of a registered elderly or disabled Customer the additional party listed on the Customer's registration form of Company's intent to discontinue Service. The contact with the registered individual shall include initially two (2) or more telephone call attempts with the mailing of the notice;
 - b. Make further attempts to contact the Customer within ninety-six (96) hours preceding discontinuance of service either by a second written notice as in subsection 3.a., sent by first class mail; or a door hanger; or at least two (2) telephone call attempts to the Customer;
 - c. Attempt to contact the Customer at the time of the discontinuance of service in the manner specified in Section F.8 (4 CSR 240-13.050(8))
 - d. Make a personal contact on the premises with a registered elderly or disabled Customer or some member of the family above the age of fifteen (15) years, at the time of the discontinuance of service; and
 - e. Ensure that all notices and contacts required in this subsection describe the terms for continuance of service under this rule, including the method of calculating the required payments, the availability of financial assistance from the Family Support Division and social service or charitable organizations that have notified Company that they provide that assistance, and the identity of those organizations.

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9. Reconnection Provisions: If the Company has discontinued heat-related utility service to a residential Customer due to nonpayment of a delinquent charge, from November 1 through March 31 Company shall reconnect service to that Customer without requiring a deposit provided--
- a. The Customer contacts Company, requests Company to reconnect service and states an inability to pay in full;
 - b. The Company receives an initial payment and the Customer enters into a payment agreement, both of which are in compliance with section (10) of this rule;
 - c. The Customer complies with the requests of Company for information regarding the Customer's monthly or annual income;
 - d. None of the amount owed is an amount due as a result of tampering, diversion or unauthorized interference with or use of the Company's service, and the Customer has not engaged in such activity since last receiving service; and
 - e. There is no other lawful reason for continued refusal to provide utility service.
10. Payment Agreement: The payment agreement for service under this Cold Weather rule shall comply with the following:
- a. A pledge of an amount equal to any payment required by this section by the agency which administers LIHEAP shall be deemed to be the payment required. Company shall confirm in writing the terms of any payment agreement under this rule, unless the extension granted the Customer does not exceed two (2) weeks.
 - b. Payment Calculations:
 - (1) Company shall first offer a twelve (12) month budget plan which is designed to cover the total of all preexisting arrears, current bills and Company's estimate of the ensuing bills.
 - (2) If the Customer states an inability to pay the budget plan amount, Company and the Customer may upon mutual agreement enter into a payment agreement which allows payment of preexisting arrears over a reasonable period in excess of twelve (12) months. In determining a reasonable period of time, Company and the Customer shall consider the amount of the arrears, the time over which it developed, the reasons why it developed, the Customer's payment history and the Customer's ability to pay.
 - (3) Company shall permit a Customer to enter into a payment agreement to cover the current bill plus arrearages in fewer than twelve (12) months if requested by the Customer.
 - (4) Company may revise the required payment in accordance with its Average Payment Plan.
 - (5) If a Customer defaults on a cold weather rule payment agreement but has not yet had service discontinued by the Company, the Company shall permit such Customer to be reinstated on the payment agreement if the Customer pays in full the amounts that should have been paid pursuant to the agreement up to the date service is requested, as well as, amounts not included in a payment agreement that have become past due.
 - c. Initial Payments:
 - (1) For a Customer who has not defaulted on a payment plan under the cold weather rule, the initial payment shall be no more than twelve percent (12%) of the twelve (12) month budget bill amount calculated in subsection (10)b. of this rule unless the Company and the Customer agree to a different amount.
 - (2) For a Customer that has defaulted on a payment plan under the cold weather rule, the initial payment shall be an amount equal to eighty percent (80%) of the Customer's balance, unless the Company and the Customer agree to a different amount.