

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

In the Matter of the tariff filing of The)	
Empire District Electric Company)	
to implement a general rate increase for)	Case No. ER-2004-0570
retail electric service provided to customers)	
in its Missouri service area.)	

**MOTION TO EXCLUDE CERTAIN TESTIMONY AND OPINIONS
OF TRAVIS ALLEN AND SUGGESTIONS IN SUPPORT THEREOF**

COMES NOW The Empire District Electric Company ("Empire" or "Company"), by and through the undersigned counsel, and moves the Missouri Public Service Commission ("Commission") for an order excluding from this proceeding certain testimony and opinions of the Office of the Public Counsel witness Travis Allen ("Allen") regarding a recommended rate of return for Empire. In support of this Motion, Empire respectfully states to the Commission as follows:

I. Introduction

In this proceeding, Allen, on behalf of the Office of the Public Counsel, has submitted written direct, rebuttal, and surrebuttal testimony with accompanying schedules. This testimony purports to support Allen's opinion that the Commission should authorize a return on common equity for Empire in a range of 8.96 to 9.41 percent and that accordingly a fair and reasonable rate of return for the Company is between 8.20 and 8.42 percent of the value of it's net original-cost rate base. Further, Allen's testimony purports to contradict the testimony offered by Empire's witnesses Dr. James H. Vander Weide and Dr. Donald A. Murry. Allen's opinions in this regard, however, are only admissible if he is deemed to be an expert in utility finance and his "expert" testimony is found to comply with §490.065, Revised Statutes of Missouri.

As will be discussed below, and as demonstrated by his prefiled testimony and data request responses, Allen does not possess the requisite education or expertise necessary in order to qualify

as an "expert" in this proceeding. Further, his approach to calculating a rate of return for Empire is mechanistic and demonstrates a lack of understanding of the methodologies being applied. RSMo. §490.065 requires that an expert witness have "scientific, technical or other specialized knowledge." Empire asserts that Allen fails to satisfy that requirement. Empire also asserts that Allen's testimony fails to satisfy the subpart of the statute which requires that Allen rely upon reliable facts and data. Therefore, Empire moves to exclude from the record of this proceeding all "opinions" offered by Allen.

II. Argument

Per *State Board of Registration for the Healing Arts v. McDonagh*, 123 S.W.3d 146 (Mo. banc 2003), the standards for admissibility of expert testimony in civil cases in Missouri are those set out in RSMo. §490.065. In *McDonagh*, the Missouri Supreme Court, reaffirming its decision in *Lasky v. Union Electric Co.*, 963 S.W.2d 797 (Mo. banc 1997), clearly stated that the standard for the admission of expert testimony in civil cases is that set forth in section 490.065. The Court also stated that the same standard should be applied in administrative cases such as the case at hand.

Pursuant to the statute, if "specialized knowledge" will assist the trier of fact to understand the evidence or to determine a fact in issue, a witness "qualified as an expert by knowledge, skill, experience, training, or education" may testify. If a reasonable foundation is laid, an expert may testify in terms of opinion or inference, with supporting reasons – and may embrace an ultimate issue – without the use of hypothetical questions.

Empire proffered data requests to Allen to determine if the Office of the Public Counsel would be able to establish a proper foundation regarding Allen's "expert" testimony, as required by the statute. Empire sought information on expert qualifications such as acquired degrees, specialized

training in the field, licenses, time in practice, teaching experience, works published, professional organization memberships, and prior expert testimony experience. The applicable data requests and Allen's responses are attached hereto as Appendix 1. The Office of the Public Counsel proffered the identical data requests regarding expert qualifications to Empire's witness James H. Vander Weide, Ph.D., and Empire's witness Donald A. Murry, Ph.D. Dr. Vander Weide's responses are attached hereto as Appendix 2; Dr. Murry's responses are attached hereto as Appendix 3.

By way of illustration, in response to the data request regarding professional licenses and certificates, Allen answered as follows: "Witness Allen currently holds no professional licenses or certificates." Allen also stated that he "is currently not a member of any professional organization." When asked about specialized training in the field of regulatory finance, Allen pointed primarily to seminars taking place during this calendar year and "regulatory training" by coworkers, including Public Counsel attorney, Douglas Micheel.

In his responses to questions regarding teaching experience, Allen responded as follows: "Witness Allen has not taught any college level courses as of yet; Witness Allen has not taught any courses in the field of regulatory finance as of yet; Witness Allen has not taught any cost of capital or rate of return courses as of yet." Regarding works published, Allen responded as follows: "Witness Allen has not written any textbooks; Witness Allen has not written or co-written any books, treatises, or other works on the subject of regulatory finance as of yet; Witness Allen has not written or co-written any books, treatises, or other works on the subject of rate of return and/or cost of capital as of yet; Witness Allen has not written or co-written any articles as of yet."

In contrast to Allen, Empire's witness Dr. Vander Weide responded to the expert qualification data requests by informing the Office of the Public Counsel of Dr. Vander Weide's

Ph.D. in Finance, professorship at Duke University, extensive teaching experience, membership in various professional associations, numerous publications, past consulting experience, and his prior testimony in the area of rate of return and/or cost of capital for regulated utilities in approximately 350 proceedings since 1975. Allen, who has attained only a Bachelor of Science Degree and Master of Science Degree in Business Economics and Finance, was able to point to only one case in which he previously provided "expert" testimony, and Allen first filed "expert" testimony on April 15, 2004.

It is true that a witness is not required by the statute or applicable case law to possess any *specific* education level or experience in order to qualify as an expert. However, at the heart of RSMo. §490.065 is the use of the word "expert." According to the Merriam-Webster dictionary, an expert is one with special skill or knowledge representing mastery of a particular subject. As demonstrated by his prefiled testimony and data request responses attached hereto as Appendix 1, Allen falls well short of mastering the field of utility finance and rate of return analysis – both in terms of education and practical experience. Simply put, Allen does not possess the "specialized knowledge" to assist this Commission, and Allen is not "qualified as an expert by knowledge, skill, experience, training, or education."


III. Conclusion

It is important that a utility such as Empire be allowed to earn a fair and reasonable rate of return. Allen fails to satisfy the minimum requirements of RSMo. §490.065, and Allen's rate of return calculations are arbitrary and unreliable. As such, reliance on Allen's testimony in this regard will thwart the Commission's ability to award Empire the opportunity to earn a fair and reasonable rate of return. Empire encourages this Commission to exercise its discretion and not only look to

Allen's lack of experience and training when determining how much credibility to attach to his testimony, but to use Allen's lack of experience and training to exclude from the record of this proceeding all testimony of Allen which purports to be "expert" testimony. Under the requirements of both RSMo. §490.065.1 and §490.065.3, Allen's opinion testimony should be excluded from the record of this proceeding.

WHEREFORE, Empire respectfully moves the Commission for an order excluding from this proceeding certain testimony and opinions of Office of the Public Counsel witness Travis Allen regarding a recommended rate of return for Empire.

BRYDON, SWEARENGEN & ENGLAND P.C.

By: 
James C. Swearengen #21510
Diana C. Carter #50527
312 East Capitol Avenue
P.O. Box 456
Jefferson City, MO 65102-0456
Phone: (573) 635-7166
Fax: (573) 635-0427
E-mail: lrackers@brydonlaw.com
dcarter@brydonlaw.com

ATTORNEYS FOR THE EMPIRE
DISTRICT ELECTRIC COMPANY

CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the foregoing document was served electronically, by hand-delivery, or by U.S. mail, postage prepaid, on this 14th day of December, 2004, to all parties of record.



No. 0485

Empire District Electric Company Data Request
Empire District Electric Company
Case # ER-2004-0570

Requested From: Travis Allen

Date Requested: October 26, 2004

Requested By: Angela Cloven

Brief Description Acquired Degrees and Work Experience

Description Please list all jobs which you have held in the field of regulatory finance. For each, state the name and address of your employer, the dates of employment, and a brief description of your duties.

Due Date 11/15/2004

Response: Missouri Office of the Public Counsel
 200 Madison St.
 Jefferson City, MO
 65109

Duties include providing expert testimony on cost of capital issues before the Missouri Public Service Commission, assisting legal staff at hearings, and assisting in the preparation of legal briefs.

This Response Includes:

☐ Printed Materials
 disks
 tapes

____ Total Pages

☐ Magnetic Media

____ Number of
 or

Please number each section of multiple pages as:

File formats for data: _____

of Total

LIST PRINTED MATERIALS AND/OR FILES INCLUDED:

The information provided to The Empire District Electric Company in response to the above information request is accurate and complete, and contains no material misrepresentations or omissions based upon present facts known to the undersigned. The undersigned agrees to immediately inform the The Empire District

Electric Company if any matters are discovered which would materially affect the accuracy or completeness of the information provided in response to the above information.

DATE RECEIVED: _____ SIGNED BY: _____

TITLE _____

Empire District Electric Company Data Request
Empire District Electric Company
Case # ER-2004-0570

Requested From: Travis Allen

Date Requested: October 26, 2004

Requested By: Angela Cloven

Brief Description Acquired Degrees and Work Experience

Description Describe the last three jobs held by you immediately prior to your current position. For each, state the name and address of your employer, the dates of employment, and a brief description of your duties.

Due Date 11/15/2004

Response: FedEx Ground Evansville Indiana-- Loaded Trucks

Graduate Assistant to Dr. Donald Elliott at Southern Illinois University – Edwardsville, Edwardsville Illinois – Tutored his Business Forecasting course and graded papers.

Graduate Assistant to Dr. Radcliffe Edmonds at Southern Illinois University – Edwardsville, Edwardsville Illinois – Tutored his Econometrics course and graded papers.

This Response Includes:

☐ Printed Materials
disks
tapes

___ Total Pages

☐ Magnetic Media

___ Number of
or

Please number each section of multiple pages as:

File formats for data: _____

of Total

LIST PRINTED MATERIALS AND/OR FILES INCLUDED:

The information provided to The Empire District Electric Company in response to the above information request is accurate and complete, and contains no material misrepresentations or omissions based upon present facts known to the undersigned. The undersigned agrees to immediately inform the The Empire District Electric Company if any matters are discovered which would materially affect the accuracy or completeness of the information provided in response to the above information.

DATE RECEIVED: _____

SIGNED BY: _____

TITLE _____

Empire District Electric Company Data Request
Empire District Electric Company
Case # ER-2004-0570

Requested From: Travis Allen

Date Requested: October 26, 2004

Requested By: Angela Cloven

Brief Description Acquired Degrees and Work Experience

Description State the date on which you applied for your current position, describe all application materials which were provided to your current employer before a decision was reached to hire you for your current position, and state the date on which you were hired for your current position.

Due Date 11/15/2004

Response: Witness Allen applied for his current position in January 2004. Witness Allen provided his current employer a resume and a cover letter. Witness Allen was hired on March 12, 2004.

This Response Includes:

<input type="checkbox"/> Printed Materials disks tapes	___ Total Pages	<input type="checkbox"/> Magnetic Media	___ Number of or
--	-----------------	---	---------------------

Please number each section of multiple pages as: _____ File formats for data: _____

of Total

LIST PRINTED MATERIALS AND/OR FILES INCLUDED:

The information provided to The Empire District Electric Company in response to the above information request is accurate and complete, and contains no material misrepresentations or omissions based upon present facts known to the undersigned. The undersigned agrees to immediately inform the The Empire District Electric Company if any matters are discovered which would materially affect the accuracy or completeness of the information provided in response to the above information.

DATE RECEIVED: _____ SIGNED BY: _____

TITLE _____

Empire District Electric Company Data Request
Empire District Electric Company
Case # ER-2004-0570

Requested From: Travis Allen

Date Requested: October 26, 2004

Requested By: Angela Cloven

Brief Description Licenses, Certifications, Memberships

Description State whether you are a certified public accountant.

Due Date 11/15/2004

Response: Witness Allen is not a certified public account.

This Response Includes:

☐ Printed Materials
disks
tapes

___ Total Pages

☐ Magnetic Media

___ Number of
or

Please number each section of multiple pages as:

File formats for data: _____

of Total

LIST PRINTED MATERIALS AND/OR FILES INCLUDED:

The information provided to The Empire District Electric Company in response to the above information request is accurate and complete, and contains no material misrepresentations or omissions based upon present facts known to the undersigned. The undersigned agrees to immediately inform the The Empire District Electric Company if any matters are discovered which would materially affect the accuracy or completeness of the information provided in response to the above information.

DATE RECEIVED: _____

SIGNED BY: _____

TITLE _____

Empire District Electric Company Data Request
Empire District Electric Company
Case # ER-2004-0570

Requested From: Travis Allen

Date Requested: October 26, 2004

Requested By: Angela Cloven

Brief Description Licenses, Certifications, Memberships

Description State whether you are a certified public accountant.

Due Date 11/15/2004

Response: Witness Allen is not a certified public account.

This Response Includes:

☐ Printed Materials
 disks
 tapes

____ Total Pages

☐ Magnetic Media

____ Number of
 or

Please number each section of multiple pages as:

File formats for data: _____

of Total

LIST PRINTED MATERIALS AND/OR FILES INCLUDED:

The information provided to The Empire District Electric Company in response to the above information request is accurate and complete, and contains no material misrepresentations or omissions based upon present facts known to the undersigned. The undersigned agrees to immediately inform the The Empire District Electric Company if any matters are discovered which would materially affect the accuracy or completeness of the information provided in response to the above information.

DATE RECEIVED: _____ SIGNED BY: _____

TITLE _____

Empire District Electric Company Data Request
Empire District Electric Company
Case # ER-2004-0570

Requested From: Travis Allen

Date Requested: October 26, 2004

Requested By: Angela Cloven

Brief Description Licenses, Certifications, Memberships

Description State the name of each and every professional license or certificate held by you. For each, state the name and address of the licensing/certifying entity and the date the license or certificate was obtained.

Due Date 11/15/2004

Response: Witness Allen currently holds no professional licenses or certificates.

This Response Includes:

☐ Printed Materials
disks
tapes

____ Total Pages

☐ Magnetic Media

____ Number of
or

Please number each section of multiple pages as:

File formats for data: _____

of Total

LIST PRINTED MATERIALS AND/OR FILES INCLUDED:

The information provided to The Empire District Electric Company in response to the above information request is accurate and complete, and contains no material misrepresentations or omissions based upon present facts known to the undersigned. The undersigned agrees to immediately inform the The Empire District Electric Company if any matters are discovered which would materially affect the accuracy or completeness of the information provided in response to the above information.

DATE RECEIVED: _____

SIGNED BY: _____

TITLE _____

Empire District Electric Company Data Request
Empire District Electric Company
Case # ER-2004-0570

Requested From: Travis Allen

Date Requested: October 26, 2004

Requested By: Angela Cloven


Brief Description Licenses, Certifications, Memberships

Description State the name of each and every professional organization of which you are a member. For each, state the name and address of the organization and any office held by you in the organization.


Due Date 11/15/2004

Response: Witness Allen is currently not a member of any professional organization.

This Response Includes:

 Printed Materials
disks
tapes

____ Total Pages

 Magnetic Media

____ Number of
or

Please number each section of multiple pages as:

File formats for data: _____

of Total

LIST PRINTED MATERIALS AND/OR FILES INCLUDED:

The information provided to The Empire District Electric Company in response to the above information request is accurate and complete, and contains no material misrepresentations or omissions based upon present facts known to the undersigned. The undersigned agrees to immediately inform the The Empire District Electric Company if any matters are discovered which would materially affect the accuracy or completeness of the information provided in response to the above information.

DATE RECEIVED: _____

SIGNED BY: _____

TITLE _____

Empire District Electric Company Data Request
Empire District Electric Company
Case # ER-2004-0570

Requested From: Travis Allen

Date Requested: October 26, 2004

Requested By: Angela Cloven

Brief Description Specialized Training

Description Please describe all specialized training you have had in the field of regulatory finance. Include the name and date of each seminar or class attended and the name and date of publication of all works reviewed.

Due Date 11/15/2004

Response: Witness Allen attended a week-long training seminar in public utility regulation at New Mexico State University in May of 2004.

Witness Allen received training from regulatory finance expert John A. Tuck from March 2004 – June 2004.

Witness Allen received regulatory training from Douglas Micheel in April 2004.

Witness Allen received regulatory training from Russ Trippensee in April 2004.

Witness Allen attended the 2004 FRI Utility Symposium in September 2004.

Witness Allen received training from regulatory finance expert Steve Hill in September 2004.

Witness Allen has studied numerous books, trade journals, articles, and other publications relating to the area of public utility finance.

This Response Includes:

Printed Materials
disks
tapes

Total Pages

Magnetic Media

Number of
or

Please number each section of multiple pages as:

File formats for data: _____

of Total

LIST PRINTED MATERIALS AND/OR FILES INCLUDED:

The information provided to The Empire District Electric Company in response to the above information request is accurate and complete, and contains no material misrepresentations or omissions based upon present facts known to the undersigned. The undersigned agrees to immediately inform the The Empire District Electric Company if any matters are discovered which would materially affect the accuracy or completeness of the information provided in response to the above information.

DATE RECEIVED: _____

SIGNED BY: _____

TITLE _____

**Empire District Electric Company Data Request
Empire District Electric Company
Case # ER-2004-0570**

Requested From: Travis Allen

Date Requested: October 26, 2004

Requested By: Angela Cloven

Brief Description Specialized Training

Description Please describe all specialized training you have had in the area of rate of return and/or cost of capital for regulated utility companies. Include the name and date of each seminar or class attended and the name and date of publication of all works reviewed.

Due Date 11/15/2004

Response: Witness Allen attended a week-long course on public utility regulation sponsored by New Mexico State University in May 2004.

Witness Allen received training from regulatory finance expert John A. Tuck from March 2004 – June 2004.

Witness Allen attended the 2004 FRI Utility Symposium in September 2004.

Witness Allen received training from regulatory finance expert Steve Hill in September 2004.

This Response Includes:

☐ Printed Materials
disks
tapes

____ Total Pages

☐ Magnetic Media

____ Number of
or

Please number each section of multiple pages as:

File formats for data: _____

of Total

LIST PRINTED MATERIALS AND/OR FILES INCLUDED:

The information provided to The Empire District Electric Company in response to the above information request is accurate and complete, and contains no material misrepresentations or omissions based upon present

facts known to the undersigned. The undersigned agrees to immediately inform the The Empire District Electric Company if any matters are discovered which would materially affect the accuracy or completeness of the information provided in response to the above information.

DATE RECEIVED: _____ SIGNED BY: _____

TITLE _____

Empire District Electric Company Data Request
Empire District Electric Company
Case # ER-2004-0570

Requested From: Travis Allen
 Date Requested: October 26, 2004
 Requested By: Angela Cloven

Brief Description Specialized Training

Description Please describe all specialized training you have had in the use of the DCF (discounted cash flow) model. Include the name and date of each seminar or class attended and the name and date of publication of all works reviewed.

Due Date 11/15/2004

Response:

- Financial Management & Decision Making – Spring 2000
 Essentials of Corporate Finance - Copyright 1999
- Portfolio Analysis – Fall 2000
 Fundamentals of Investments – Copyright 2001
- Security Analysis & Modeling – Fall 2002
 Investment Analysis and Portfolio Management – Copyright 2000
- Corporate Financial Analysis & Strategy – Spring 2003
 The Revolution in Corporate Finance – Copyright 2002
- Training by Dr. Susan Crain – Spring 2001/Spring 2004
- Training by Dr. Chris Dussold – Fall 2002/Spring 2003
- Training by John A. Tuck – April 2004
 Practical Skills for the Changing Electric, Natural Gas, and Telecommunications Industries – May 2004
- Training by Stephen G. Hill – September 2004

This Response Includes:

Printed Materials
 disks
 tapes

____ Total Pages

Magnetic Media

____ Number of
 or

Please number each section of multiple pages as:

File formats for data: _____

of Total

LIST PRINTED MATERIALS AND/OR FILES INCLUDED:

The information provided to The Empire District Electric Company in response to the above information request is accurate and complete, and contains no material misrepresentations or omissions based upon present facts known to the undersigned. The undersigned agrees to immediately inform the The Empire District Electric Company if any matters are discovered which would materially affect the accuracy or completeness of the information provided in response to the above information.

DATE RECEIVED: _____

SIGNED BY: _____

TITLE _____

Empire District Electric Company Data Request
Empire District Electric Company
Case # ER-2004-0570

Requested From: Travis Allen
Date Requested: October 26, 2004
Requested By: Angela Cloven
Brief Description Specialized Training

Description Please describe all specialized training you have had in the area of rate of return and/or cost of capital for regulated electric utility companies. Include the name and date of each seminar or class attended and the name and date of publication of all works reviewed.

Due Date 11/15/2004

-
- Financial Management & Decision Making – Spring 2000
 - Essentials of Corporate Finance - Copyright 1999
 - Portfolio Analysis – Fall 2000
 - Fundamentals of Investments – Copyright 2001
 - Security Analysis & Modeling – Fall 2002
 - Investment Analysis and Portfolio Management – Copyright 2000
 - Corporate Financial Analysis & Strategy – Spring 2003
 - The Revolution in Corporate Finance – Copyright 2002
 - Training by Dr. Susan Crain – Spring 2001/Spring 2004-Fall 2004
 - Training by Dr. Chris Dussold – Fall 2002/Spring 2003
 - Training by John A. Tuck – April 2004
 - Practical Skills for the Changing Electric, Natural Gas, and Telecommunications Industries – May 2004
 - Training by Stephen G. Hill – September 2004
 - 2004 FRI Utility Symposium – September 2004
-
-

This Response Includes:

Printed Materials
disks
tapes

____ Total Pages

Magnetic Media

____ Number of
or

Please number each section of multiple pages as:

File formats for data: _____

of Total

LIST PRINTED MATERIALS AND/OR FILES INCLUDED:

The information provided to The Empire District Electric Company in response to the above information request is accurate and complete, and contains no material misrepresentations or omissions based upon present facts known to the undersigned. The undersigned agrees to immediately inform the The Empire District Electric Company if any matters are discovered which would materially affect the accuracy or completeness of the information provided in response to the above information.

DATE RECEIVED: _____

SIGNED BY: _____

TITLE _____

Empire District Electric Company Data Request
Empire District Electric Company
Case # ER-2004-0570

Requested From: Travis Allen
 Date Requested: October 26, 2004
 Requested By: Angela Cloven

Brief Description Works Reviewed

Description Provide the title, publisher, and date of publication for each book, treatise, or other work you have read or reviewed on the subject of rate of return methodologies for regulated utilities. Also state the general time period in which you first read or reviewed each book, treatise, or other work.

Due Date 11/15/2004

Witness Allen cannot remember the title, publisher, and date of every publication he has ever read or reviewed on rate of return methodologies. However witness Allen has provided the following list of material.

“The Cost of Capital to a Public Utility”, Michigan State University, 1974

“Investment Analysis and Portfolio Management”, Mike Roche, 2000

“Principles of Corporate Finance”, McGraw-Hill Irwin, 2003

“Fundamentals of Investments”, Prentice Hall, 2003

This Response Includes:

☐ Printed Materials
 disks
 tapes

____ Total Pages

☐ Magnetic Media

____ Number of
 or

Please number each section of multiple pages as:

File formats for data: _____

of Total

LIST PRINTED MATERIALS AND/OR FILES INCLUDED:

The information provided to The Empire District Electric Company in response to the above information request is accurate and complete, and contains no material misrepresentations or omissions based upon present facts known to the undersigned. The undersigned agrees to immediately inform the The Empire District Electric Company if any matters are discovered which would materially affect the accuracy or completeness of the information provided in response to the above information.

DATE RECEIVED: _____

SIGNED BY: _____

TITLE _____

Empire District Electric Company Data Request
Empire District Electric Company
Case # ER-2004-0570

Requested From: Travis Allen
Date Requested: October 26, 2004
Requested By: Angela Cloven



Brief Description Works Reviewed

Description Provide the title, publisher, and date of publication for each book, treatise, or other work you have read or reviewed on the subject of rate of return methodologies for regulated electric utilities. Also state the general time period in which you first read or reviewed each book, treatise, or other work.

Due Date 11/15/2004

Response: See OPC response to Company DR 0495.

This Response Includes:

 Printed Materials disks tapes	___ Total Pages	 Magnetic Media	___ Number of or
---	-----------------	--	---------------------

Please number each section of multiple pages as: _____ File formats for data: _____

of Total

LIST PRINTED MATERIALS AND/OR FILES INCLUDED:

The information provided to The Empire District Electric Company in response to the above information request is accurate and complete, and contains no material misrepresentations or omissions based upon present facts known to the undersigned. The undersigned agrees to immediately inform the The Empire District Electric Company if any matters are discovered which would materially affect the accuracy or completeness of the information provided in response to the above information.

DATE RECEIVED: _____ SIGNED BY: _____

TITLE _____

Empire District Electric Company Data Request
Empire District Electric Company
Case # ER-2004-0570

Requested From: Travis Allen
 Date Requested: October 26, 2004
 Requested By: Angela Cloven

Brief Description Teaching Experience

Description State whether you have taught any courses, classes, or seminars – on any subject – at the college level. If so, state the name and address of the educational institution at which you taught and provide a description of each course, class, or seminar.

Due Date 11/15/2004

Response: Witness Allen has not taught any college level courses as of yet.

This Response Includes:

☐ Printed Materials
 disks
 tapes

___ Total Pages

☐ Magnetic Media

___ Number of
 or

Please number each section of multiple pages as:

File formats for data: _____

of Total

LIST PRINTED MATERIALS AND/OR FILES INCLUDED:

The information provided to The Empire District Electric Company in response to the above information request is accurate and complete, and contains no material misrepresentations or omissions based upon present facts known to the undersigned. The undersigned agrees to immediately inform the The Empire District Electric Company if any matters are discovered which would materially affect the accuracy or completeness of the information provided in response to the above information.

DATE RECEIVED: _____

SIGNED BY: _____

TITLE _____

Empire District Electric Company Data Request
Empire District Electric Company
Case # ER-2004-0570



Requested From: Travis Allen
 Date Requested: October 26, 2004
 Requested By: Angela Cloven
 Brief Description Teaching Experience

Description State whether you have taught any courses, classes, or seminars – at any level – in the field of regulatory finance. If so, state the name and address of the educational institution at which you taught and provide a description of each course, class, or seminar.

Due Date 11/15/2004

Response: Witness Allen has not taught any courses in the field of regulatory finance as of yet.

This Response Includes:

 Printed Materials	___ Total Pages	 Magnetic Media	___ Number of
disks			or
tapes			

Please number each section of multiple pages as:

File formats for data: _____

of Total

LIST PRINTED MATERIALS AND/OR FILES INCLUDED:

The information provided to The Empire District Electric Company in response to the above information request is accurate and complete, and contains no material misrepresentations or omissions based upon present facts known to the undersigned. The undersigned agrees to immediately inform the The Empire District Electric Company if any matters are discovered which would materially affect the accuracy or completeness of the information provided in response to the above information.

DATE RECEIVED: _____

SIGNED BY: _____

TITLE _____

Empire District Electric Company Data Request
Empire District Electric Company
Case # ER-2004-0570

Requested From: Travis Allen

Date Requested: October 26, 2004

Requested By: Angela Cloven

Brief Description Teaching Experience

Description State whether you have taught any courses, classes, or seminars – at any level – on the issues of rate of return and/or cost of capital. If so, state the name and address of the educational institution at which you taught and provide a description of each course, class, or seminar.

Due Date 11/15/2004

Response: Witness Allen has not taught any cost of capital or rate of return courses as of yet.

This Response Includes:

<input type="checkbox"/> Printed Materials disks tapes	___ Total Pages	<input type="checkbox"/> Magnetic Media ___ Number of or
--	-----------------	--

Please number each section of multiple pages as: File formats for data: _____

of Total

LIST PRINTED MATERIALS AND/OR FILES INCLUDED:

The information provided to The Empire District Electric Company in response to the above information request is accurate and complete, and contains no material misrepresentations or omissions based upon present facts known to the undersigned. The undersigned agrees to immediately inform the The Empire District Electric Company if any matters are discovered which would materially affect the accuracy or completeness of the information provided in response to the above information.

DATE RECEIVED: _____ SIGNED BY: _____

TITLE _____

Empire District Electric Company Data Request
Empire District Electric Company
Case # ER-2004-0570

Requested From: Travis Allen
Date Requested: October 26, 2004
Requested By: Angela Cloven
Brief Description Works Published

Description State whether you have written or co-written any textbooks on any topic. If so, state the title, the name of the publisher, and the date of publication for each.
Due Date 11/15/2004

Response: Witness Allen has not written any textbooks.

This Response Includes:

Printed Materials disks tapes	Total Pages	Magnetic Media	Number of or
-------------------------------------	-------------	----------------	-----------------

Please number each section of multiple pages as: File formats for data: _____

of Total

LIST PRINTED MATERIALS AND/OR FILES INCLUDED:

The information provided to The Empire District Electric Company in response to the above information request is accurate and complete, and contains no material misrepresentations or omissions based upon present facts known to the undersigned. The undersigned agrees to immediately inform the The Empire District Electric Company if any matters are discovered which would materially affect the accuracy or completeness of the information provided in response to the above information.

DATE RECEIVED: _____ SIGNED BY: _____

TITLE _____

Empire District Electric Company Data Request
Empire District Electric Company
Case # ER-2004-0570

Requested From: Travis Allen

Date Requested: October 26, 2004

Requested By: Angela Cloven

Brief Description Works Published

Description State whether you have written or co-written any books, treatises, or other works on the subject of regulatory finance. If so, state the title, the name of the publisher, and the date of publication for each.

Due Date 11/15/2004

Response: Witness Allen has not written or co-written any books, treatises, or other works on the subject of regulatory finance as of yet.

This Response Includes:

Printed Materials
disks
tapes

____ Total Pages

Magnetic Media

____ Number of
or

Please number each section of multiple pages as:

File formats for data: _____

of Total

LIST PRINTED MATERIALS AND/OR FILES INCLUDED:

The information provided to The Empire District Electric Company in response to the above information request is accurate and complete, and contains no material misrepresentations or omissions based upon present facts known to the undersigned. The undersigned agrees to immediately inform the The Empire District Electric Company if any matters are discovered which would materially affect the accuracy or completeness of the information provided in response to the above information.

DATE RECEIVED: _____

SIGNED BY: _____

TITLE _____

Empire District Electric Company Data Request
Empire District Electric Company
Case # ER-2004-0570

Requested From: Travis Allen
 Date Requested: October 26, 2004
 Requested By: Angela Cloven



Brief Description Works Published

Description State whether you have written or co-written any books, treatises, or other works on the subject of rate of return and/or cost of capital. If so, state the title, the name of the publisher, and the date of publication for each.

Due Date 11/15/2004

Response: Witness Allen has not written or co-written any books, treatises, or other works on the subject of rate of return and/or cost of capital as of yet.

This Response Includes:

 Printed Materials disks tapes	____ Total Pages	 Magnetic Media ____ Number of or
---	------------------	--

Please number each section of multiple pages as: _____ File formats for data: _____

of Total

LIST PRINTED MATERIALS AND/OR FILES INCLUDED:

The information provided to The Empire District Electric Company in response to the above information request is accurate and complete, and contains no material misrepresentations or omissions based upon present facts known to the undersigned. The undersigned agrees to immediately inform the The Empire District Electric Company if any matters are discovered which would materially affect the accuracy or completeness of the information provided in response to the above information.

DATE RECEIVED: _____ SIGNED BY: _____

TITLE _____

Empire District Electric Company Data Request
Empire District Electric Company
Case # ER-2004-0570

Requested From: Travis Allen
 Date Requested: October 26, 2004
 Requested By: Angela Cloven

Brief Description Works Published

Description State whether you have written or co-written any articles on the subject of regulatory finance. If so, state the title, the name of the publisher (if any), and the date of publication for each.

Due Date 11/15/2004

Response: Witness Allen has not written or co-written any articles as of yet.

This Response Includes:

☐ Printed Materials	___ Total Pages	☐ Magnetic Media	___ Number of
disks			or
tapes			

Please number each section of multiple pages as:

File formats for data: _____

of Total

LIST PRINTED MATERIALS AND/OR FILES INCLUDED:

The information provided to The Empire District Electric Company in response to the above information request is accurate and complete, and contains no material misrepresentations or omissions based upon present facts known to the undersigned. The undersigned agrees to immediately inform the The Empire District Electric Company if any matters are discovered which would materially affect the accuracy or completeness of the information provided in response to the above information.

DATE RECEIVED: _____ SIGNED BY: _____

TITLE _____

No. 0504

Empire District Electric Company Data Request
Empire District Electric Company
Case # ER-2004-0570

Requested From: Travis Allen
Date Requested: October 26, 2004
Requested By: Angela Cloven



Brief Description Works Published

Description State whether you have written or co-written any articles on any subject. If so, state the title, the name of the publisher (if any), and the date of publication for each.

Due Date 11/15/2004

Response: See OPC response to Empire data request No. 0503.

This Response Includes:

 Printed Materials	____ Total Pages	 Magnetic Media	____ Number of
disks			or
tapes			

Please number each section of multiple pages as: _____ File formats for data: _____

of Total

LIST PRINTED MATERIALS AND/OR FILES INCLUDED:

The information provided to The Empire District Electric Company in response to the above information request is accurate and complete, and contains no material misrepresentations or omissions based upon present facts known to the undersigned. The undersigned agrees to immediately inform the The Empire District Electric Company if any matters are discovered which would materially affect the accuracy or completeness of the information provided in response to the above information.

DATE RECEIVED: _____ SIGNED BY: _____

TITLE _____

**Empire District Electric Company Data Request
Empire District Electric Company
Case # ER-2004-0570**

Requested From: Travis Allen

Date Requested: October 26, 2004

Requested By: Angela Cloven

Brief Description Prior Testimony and Experience

Description Please state the case caption (name, jurisdictional entity, case number) for each time you have provided expert testimony on a regulatory finance issue.

Due Date 11/15/2004

Response: Missouri Gas Energy, Missouri PSC, GR-2004-0209.

This Response Includes:

☐ Printed Materials
disks
tapes

____ Total Pages

☐ Magnetic Media

____ Number of
or

Please number each section of multiple pages as:

File formats for data: _____

of Total

LIST PRINTED MATERIALS AND/OR FILES INCLUDED:

The information provided to The Empire District Electric Company in response to the above information request is accurate and complete, and contains no material misrepresentations or omissions based upon present facts known to the undersigned. The undersigned agrees to immediately inform the The Empire District Electric Company if any matters are discovered which would materially affect the accuracy or completeness of the information provided in response to the above information.

DATE RECEIVED: _____

SIGNED BY: _____

TITLE _____

**Empire District Electric Company Data Request
Empire District Electric Company
Case # ER-2004-0570**

Requested From: Travis Allen

Date Requested: October 26, 2004

Requested By: Angela Cloven



Brief Description Prior Testimony and Experience

Description State the case caption (name, jurisdictional entity, case number) for each regulated utility "rate case" in which you have been directly involved and please describe your involvement in each.

Due Date 11/15/2004

Response: Missouri Gas Energy, Missouri PSC, GR-2004-0209, Rate of Return Witness.

This Response Includes:

 Printed Materials	_____ Total Pages	 Magnetic Media	_____ Number of
disks			or
tapes			

Please number each section of multiple pages as: _____ File formats for data: _____

of Total

LIST PRINTED MATERIALS AND/OR FILES INCLUDED:

The information provided to The Empire District Electric Company in response to the above information request is accurate and complete, and contains no material misrepresentations or omissions based upon present facts known to the undersigned. The undersigned agrees to immediately inform the The Empire District Electric Company if any matters are discovered which would materially affect the accuracy or completeness of the information provided in response to the above information.

DATE RECEIVED: _____ SIGNED BY: _____

TITLE _____

Empire District Electric Company Data Request
Empire District Electric Company
Case # ER-2004-0570

Requested From: Travis Allen

Date Requested: October 26, 2004

Requested By: Angela Cloven



Brief Description Prior Testimony and Experience

Description State the case caption (name, jurisdictional entity, case number) for each regulated electric utility "rate case" in which you have been directly involved and please describe your involvement in each.

Due Date 11/15/2004

Response: Empire District Electric Company, Missouri PSC, ER-2004-0570, Rate of Return Witness.

This Response Includes:

 Printed Materials	_____ Total Pages	 Magnetic Media	_____ Number of
disks			or
tapes			

Please number each section of multiple pages as: _____ File formats for data: _____

of Total

LIST PRINTED MATERIALS AND/OR FILES INCLUDED:

The information provided to The Empire District Electric Company in response to the above information request is accurate and complete, and contains no material misrepresentations or omissions based upon present facts known to the undersigned. The undersigned agrees to immediately inform the The Empire District Electric Company if any matters are discovered which would materially affect the accuracy or completeness of the information provided in response to the above information.

DATE RECEIVED: _____ SIGNED BY: _____

TITLE _____

**Empire District Electric Company Data Request
Empire District Electric Company
Case # ER-2004-0570**

Requested From: Travis Allen
Date Requested: October 26, 2004
Requested By: Angela Cloven
Brief Description: Prior Testimony and Experience



Description State the date on which you first provided expert testimony before a state utility commission such as the Missouri Public Service Commission, and state the total number of times you have provided expert testimony before a state utility commission.

Due Date 11/15/2004

Response: April 15, 2004

Witness Allen has filed five pieces of expert testimony before a state utility commission.

This Response Includes:

 Printed Materials	_____ Total Pages	 Magnetic Media	_____ Number of
disks			or
tapes			

Please number each section of multiple pages as: _____ File formats for data: _____

of Total

LIST PRINTED MATERIALS AND/OR FILES INCLUDED:

The information provided to The Empire District Electric Company in response to the above information request is accurate and complete, and contains no material misrepresentations or omissions based upon present facts known to the undersigned. The undersigned agrees to immediately inform the The Empire District Electric Company if any matters are discovered which would materially affect the accuracy or completeness of the information provided in response to the above information.

DATE RECEIVED: _____ SIGNED BY: _____

TITLE _____