

FINNEGAN, CONRAD & PETERSON, L.C.

ATTORNEYS AND COUNSELORS AT LAW

**1209 PENNTOWER OFFICE CENTER
3100 BROADWAY
KANSAS CITY, MISSOURI 64111**

**(816) 753-1122
TELECOPIER (816) 756-0373**

Internet: stucon@fcplaw.com

**JEREMIAH FINNEGAN, P.C.
STUART W. CONRAD
C. EDWARD PETERSON***

***ALSO ADMITTED IN
KANSAS AND MASSACHUSETTS**

Writer's 24-Hour Number:
(888)266-7934

November 2, 2001

~~FEDERAL EXPRESS~~

Mr. Dale H. Roberts
Secretary/Chief Regulatory Law Judge
Missouri Public Service Commission
200 Madison Street, Suite 100
Jefferson City, Missouri 65101

Re: Empire District Electric
MoPSC Case Nos. ER-2001-299
ET-2002-210

Dear Mr. Roberts:

Earlier today we submitted the original and eight copies of Praxair's Comments on a recent motion by Empire. Subsequently I noted that we had captioned the pleading with the original rate case number rather than the number that was newly-assigned to the tariff filing.

Enclosed please find nine copies of the initial page of that pleading, to which I have added the additional new case number. If needed, these should be substituted for the corresponding page of the original filing.

Thank you for your attention to this important matter. If you have any questions, please call.

Sincerely yours,

FINNEGAN, CONRAD & PETERSON, L.C.

By:


Stuart W. Conrad

SWC:s
Enclosures
cc: All Parties
44983.1

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the matter of the Application of)	
The Empire District Electric Compa-)	
ny for authority to file tariffs)	Case No. ER-2001-299
reflecting increased charges for)	Case No. ET-2002-210
electric service within its Mis-)	
souri service area)	

INTERVENOR PRAXAIR'S COMMENTS
ON EMPIRE MOTION REGARDING TARIFFS

I. INTRODUCTION.

Pursuant to the direction of the Commission, Praxair offers its comments on the Tariff Filing and Motion for Expedited Treatment filed by Empire on October 26, 2001.

II. COMMENTS.

The situation described by Empire in its motion is troubling to Praxair in several particulars.

A. Nature of Asserted Error.

Empire states that the Commission did not approve a specific revenue requirement. This is true. As it happens, counsel for Praxair was engaged in the hearing in another matter, GR-96-450, before the Commission on the day that the Commission finally voted on this matter in its agenda session. As there was a break in the hearing, Praxair counsel sat in the public agenda session on September 20.