

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

In the Matter of the Joint Application of)	
The Empire District Electric Company and)	
White River Valley Electric Cooperative for)	File No. _____
Approval Of a Change in Electric Supplier for a)	
Certain Customer for Reasons in the Public Interest.)	

JOINT APPLICATION

COME NOW The Empire District Electric Company (Empire) and White River Valley Electric Cooperative (White River), hereinafter referred to collectively as "Applicants," and for their Joint Application, pursuant to Section 394.315, RSMo (2000), 4 CSR 240-2.060 and 4 CSR 240-3.140, respectfully state as follows:

APPLICANTS

1. Empire is a Kansas corporation with its principal office and place of business at 602 Joplin Street, Joplin, Missouri 64801. Empire is engaged in the business of providing electrical and water utility services in Missouri to customers in its service areas. Empire is an “electrical corporation,” a “water corporation,” and a “public utility” as those terms are defined in § 386.020 RSMo. 2000, and is subject to the jurisdiction and supervision of the Commission as provided by law. Empire also provides natural gas service in Missouri through a wholly-owned subsidiary. A subsidiary of the Company also provides fiber optic services.

2. Empire has no pending or final unsatisfied judgments or decisions against it from any state or federal agency or court which involve customer service or its rates, which have occurred within the three years immediately preceding the filing of this Joint Application, except the appeal of its Missouri electric rate case which was the subject of Case No. ER-2008-0093 and is now pending in the Missouri Court of Appeals, Western District. Empire has no overdue Commission annual reports or assessment fees. Empire’s documents of incorporation have been

previously filed with the Commission in Case No. EF-94-39, and said documents are incorporated herein by reference in accordance with 4 CSR 240-2.060(1)(G). A Certificate of Authority from the Missouri Secretary of State to the effect that Empire, a foreign corporation, is duly authorized to do business in the State of Missouri was filed with the Commission in Case No. EM-2000-369, and is incorporated herein by reference.

3. White River is a rural electric cooperative organized and existing pursuant to the laws of the State of Missouri and has its principal office on East Highway 76, Branson, Missouri. It is a Chapter 394 rural electric cooperative corporation engaged in the distribution of electric energy and service to its members within certain Missouri Counties.

4. White River has no pending or final judgments or decisions against it from any state or federal agency or court which involve its customer service or rates within the three years immediately preceding the filing of this Application. A copy of a Certificate of Good Standing from the Office of the Missouri Secretary of State for White River was filed in Commission Case No. EO-2004-0246 and is incorporated herein by reference.

5. Correspondence, communications, and orders in regard to this Joint Application should be directed to the undersigned counsel.

FACTS

6. Sparta is a city in Christian County, Missouri. The population was 1,756 at the 2010 census. White River has historically provided electric service to areas within the city limits of Sparta. However, with Sparta's population growth, Empire now has the exclusive right to serve new customers within the city limits of Sparta.

7. The Sparta School District recently constructed a new high school located at 8520 St. Hwy. 14 E, Sparta, Missouri. The new high school has a White River meter that was set prior to the census announcement.

8. The Sparta School District is in the process of constructing a sewer lift station just down Division Road from the new high school. The Sparta School District plans to have this lift station operational by September, 2011.

9. Because White River already has electric lines in the area of the lift station, it is much more efficient for White River to provide service to the lift station. Empire would be required to make an additional investment of approximately \$50,000, in order to provide the same service.

10. White River plans to service the sewer lift station with underground lines that will have three phase wire. A pad mounted transformer will be installed for the connection point, and the lines will run approximately 1,200 feet from the point of connection to the sewer lift station.

11. A diagram of the property/project, to include White River's existing lines is attached hereto and marked **Appendix A**. Empire does not currently have lines in the vicinity of the project.

12. The customer identified above has consented to the proposed change of supplier from Empire to White River. Its verified, written consent is attached hereto as **Appendix B**.

STATUTE

13. Section 394.315.2, RSMo provides in relevant part that [t]he public service commission, upon application made by an affected party, may order a change of suppliers on the basis that it is in the public interest for a reason other than rate differential, and the commission is hereby given jurisdiction over municipal utilities to accomplish the purpose of this section.

PUBLIC INTEREST

14. The proposed change of supplier is in the public interest because it will allow the provision of electric service to the identified customer without the need to make significant investment in electric lines. Thus, the proposed change of supplier is in the public interest for a

reason other than a rate differential.

CONTINGENT REQUEST FOR WAIVER

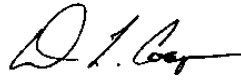
15. In the past, change of supplier applications have quite often been processed based on a company filing and a Commission Staff and/or The Office of the Public Counsel written recommendation. Empire does not believe this filing will become a contested case subject to the notice of filing requirement of 4 CSR 240-4.020(2). In any case, this application has been filed as soon as possible after Empire has become aware of the need for electrical service and it would serve no purpose to wait additional time before filing the application for Commission approval of the described change of supplier. Accordingly, should the Commission conclude that the filing of this application is likely to be a contested case and subject to the notice of filing requirement of 4 CSR 240-4.020(2), Applicants request a waiver of the sixty (60) day notice requirement for good cause shown pursuant to 4 CSR 240-4.020(2)(B).

WHEREFORE, Applicants respectfully request that the Commission issue its order:

- (a) Finding that the change of electric supplier proposed herein is in the public interest and approving the proposed change of electric supplier; and
- (b) Granting such other relief as is deemed necessary to accomplish the purposes of this

Joint Application.

Respectfully submitted,



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ATTORNEYS FOR THE
EMPIRE DISTRICT ELECTRIC COMPANY

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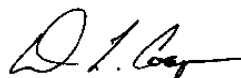
ATTORNEYS FOR WHITE RIVER VALLEY
ELECTRIC COOPERATIVE:

Certificate of Service

The undersigned certifies that a true and correct copy of the foregoing Joint Application was served by electronic mail or U.S. Mail, postage prepaid, this 23rd day of August, 2011, upon the following:

Office of the Public Counsel
Governor State Office Building, 6th Floor
Jefferson City, Missouri 65101
opcservice@ded.mo.gov

Office of the General Counsel.
Missouri Public Service Commission
Governor State Office Building, 8th Floor
Jefferson City, Missouri 65101
gencounsel@psc.mo.gov



VERIFICATION

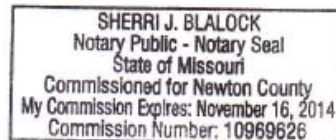
STATE OF MISSOURI)
)ss
COUNTY OF Newton)

I, Martin Penning, state that I am employed by The Empire District Electric Company (Empire) as Vice President - Commercial Operations; that I have read the above and foregoing document; that the statements contained therein are true and correct to the best of my information, knowledge and belief; and, that I am authorized to make this statement on behalf of Empire.

Martin Penning

Subscribed and sworn to before me this 18 th day of AUGUST, 2011.

Sherrri J. Blalock Notary Public



VERIFICATION

STATE OF MISSOURI)
)ss
COUNTY OF TANEY)

I, John R. Bruns, state that I am employed by White River Valley Electric Cooperative (White River), as Manager of Engineering and Technology; I have read the above and foregoing document; that the statements contained therein are true and correct to the best of my information, knowledge and belief; and, that I am authorized to make this statement on behalf of White River.



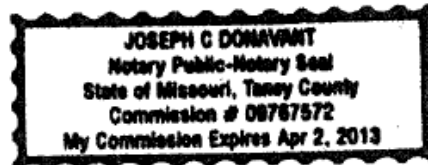
John R. Bruns

Subscribed and sworn to before me this 10 day of Aug, 2011.



Notary Public

[Stamp]



APPENDIX B

CONSENT

STATE OF MISSOURI)
)ss
COUNTY OF Christian)

I, Dr. Jeffrey L. Hyatt, state that I am the Superintendent of Sparta Schools, that the Sparta R-III School District is the owner of the lift station to be located on Division Street near the Highway 14 junction in Sparta, Missouri, and that I am authorized to provide this Consent on behalf of Sparta Schools. By my signature below, Sparta Schools hereby consents and agrees to the transfer of the electric utility service at the above address from THE EMPIRE DISTRICT ELECTRIC COMPANY to WHITE RIVER VALLEY ELECTRIC COOPERATIVE.

SPARTA R-III SCHOOL DISTRICT

Dr. Jeffrey L. Hyatt
Dr. Jeffrey L. Hyatt, Superintendent

Subscribed and sworn to before me this 8 day of August, 2011.

Patricia Loveland
Notary Public

