

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

In the Matter of the Joint Application of)	
The Empire District Electric Company and)	
Ozark Electric Cooperative for Approval)	Case No. _____
Of a Change in Electric Supplier for Certain)	
Customers for Reasons in the Public Interest.)	

JOINT APPLICATION

COME NOW The Empire District Electric Company (Empire) and Ozark Electric Cooperative (Ozark), 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 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. 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.

2. Ozark is a rural electric cooperative organized and existing under the laws of Missouri with its principal office at 10943 North Highway 39, Mount Vernon, Missouri 65712. 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. Ozark has no pending or final judgments or decisions against it from any state or federal agency or court that involve its customer service or rates within the three years immediately preceding the filing of this Joint Application. A copy of a Certificate of Good Standing from the Office of the Missouri Secretary of State for Ozark is attached hereto and marked **Appendix A**.

3. Correspondence, communications, and orders in regard to this Joint Application should be directed to:

Dean L. Cooper
Brydon, Swearengen & England, P.C.
312 E. Capitol Avenue
P.O. Box 456
Jefferson City, MO 65102
573-635-7166 (telephone)
573-635-3847 (fax)
e-mail: dcooper@brydonlaw.com

Rodric A. Widger
Andereck, Evans, Milne, Peace & Widger, LLC
1111 S. Glenstone
P.O. Box 4929
Springfield, MO 65808
417-864-6401 (telephone)
417-864-4967 (fax)
e-mail: rwidger@lawofficemo.com

FACTS

4. Ozark currently provides electrical service to Rick and Debra Tucker, located at 5055 North Highway NN, Ozark, Missouri 65721, and to Willard Kissea at 5053 and 5075 North Highway NN, Ozark, Missouri 65721. These properties are served through four meters and consist of one residential dwelling, a closed restaurant and a car sales lot. Ozark serves the properties through a single-phase overhead line that extends from the properties to the intersection of Highway NN and Highway J.

5. A developer has requested that Ozark relocate the existing line that provides

service to the Tucker and Kissee properties in order to facilitate development of adjacent property. The structures now served by Ozark are located within an area that has been annexed into the City of Ozark. Pursuant to Missouri law, Ozark may not provide service to new structures within the annexed area. Rather than pay the cost of relocation to enable development, one of the customers (Kissee) and the developer (Sheer) have agreed to pay Ozark the reasonable cost of retirement of the existing facilities in favor of new service by Empire. Ozark has determined that it is acceptable and prudent to agree to retire and remove its segment of distribution line that hinders development and that has no potential for gaining additional utilization. In order to provide service to the existing structures, Empire will be required to construct a 7.2 kV overhead electric line extension that will be 460 feet in length. It is therefore proposed that the Commission approve a change of supplier for the Tucker and Kissee properties that will allow Ozark to discontinue service and allow Empire to provide service to those properties.

6. A diagram of the properties, Ozark's existing line and Empire's proposed line is attached hereto and marked **Appendix B**. All relevant properties are located within the city limits of the City of Ozark, Missouri. Empire is authorized to serve the City of Ozark, Missouri.

7. Mr. Kissee and Mr. and Mrs. Tucker have consented to the proposed change of supplier from Ozark to Empire. Their written consents are attached hereto as **Appendix C** and **Appendix D**, respectively.

STATUTE

8. 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 rural electric cooperatives to accomplish the purpose of this section.”

PUBLIC INTEREST

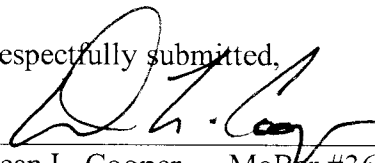
9. The proposed change of supplier is in the public interest because it will allow Ozark to remove an existing power line in order to aid development within the City of Ozark. There will be no need to reconstruct that same line, because Empire has available facilities in reasonably close proximity to the subject customers. Development will be aided in the most efficient manner possible by allowing this proposed change of electric supplier. The change also achieves operational efficiencies for the electric suppliers and reduces utility duplication. Thus, the proposed change of supplier is in the public interest for a reason other than a rate differential.

WHEREFORE, Joint 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,



Dean L. Cooper MoBar #36592
Brydon, Swearngen & England, P.C.
312 East Capitol Avenue
P.O. Box 456
Jefferson City, MO 65102-0456
573-635-7166 (telephone)
573-635-3847 (fax)
Email: dcooper@brydonlaw.com
ATTORNEYS FOR THE
EMPIRE DISTRICT ELECTRIC COMPANY


Rodric A. Widger MoBar #31458
Andereck, Evans, Milne, Peace & Widger, LLC
1111 S. Glenstone
P.O. Box 4929
Springfield, MO 65808-4929
(417) 864-6401 (telephone)
(417) 864-4967 (fax)
Email: rwidger@lawofficemo.com
ATTORNEYS FOR OZARK
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 17th day of November, 2005 upon the following:

Office of the Public Counsel
Governor State Office Building, 6th Floor
Jefferson City, Missouri 65101

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

Rick and Debra Tucker
5055 North Highway NN
Ozark, Missouri 65721

Willard Kisse
5051 North Highway NN
Ozark, Missouri 65721



Dean L. Cooper

VERIFICATION

STATE OF MISSOURI)
)ss
COUNTY OF CHRISTIAN)

I, Michael Palmer, 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.

Michael Palmer

Subscribed and sworn to before me this 8 th day of NOVEMBER, 2005.

Erik L. Ponder
ERIK L. PONDER, Notary Public




ERIK L. PONDER
Christian County
My Commission Expires
January 28, 2008

VERIFICATION

STATE OF MISSOURI)
)ss
COUNTY OF Greene)

Being first duly sworn, Rodric A. Widger states as follows: that he has read the foregoing application and the facts and allegations contained therein are true and correct to the best of his knowledge, information and belief and that the law firm of Andereck, Evans, Milne, Peace & Widger, LLC is authorized by Ozark Electric Cooperative, Inc. to make this filing and represent it in this matter.

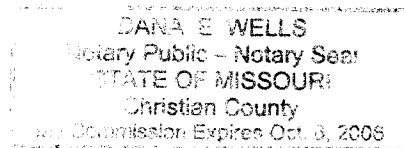


Rodric A. Widger

Subscribed and sworn to before me this 10th day of November, 2005.



Notary Public



STATE OF MISSOURI



Robin Carnahan
Secretary of State

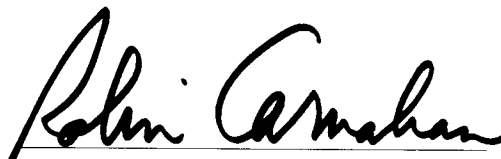
CORPORATION DIVISION CERTIFICATE OF GOOD STANDING

I, ROBIN CARNAHAN, Secretary of the State of Missouri, do hereby certify that the records in my office and in my care and custody reveal that

OZARK ELECTRIC COOPERATIVE
Q00060975B

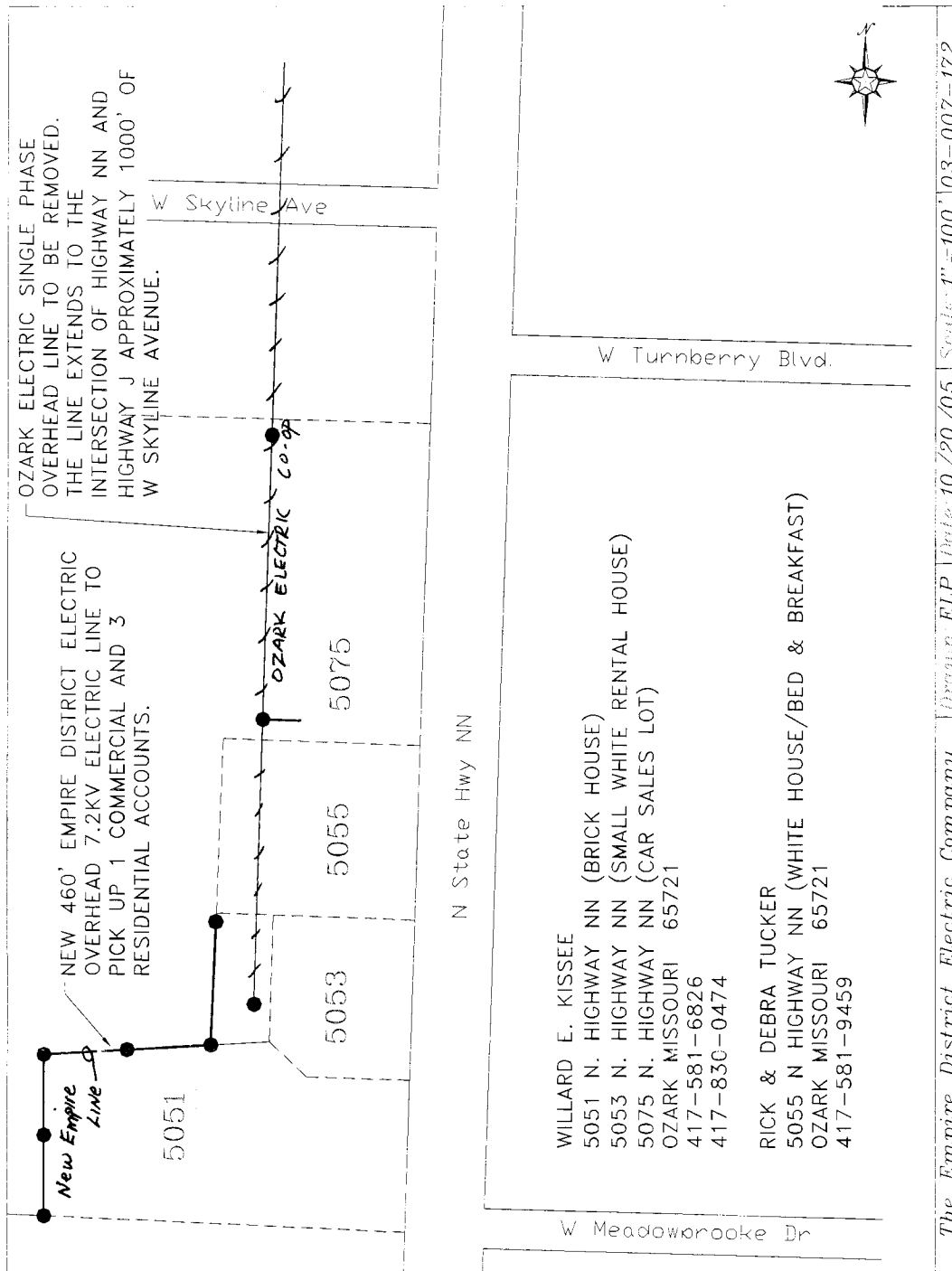
was created under the laws of this State on the 21st day of October, 1937, and is in good standing, having fully complied with all requirements of this office.

IN TESTIMONY WHEREOF, I have set my hand and imprinted the GREAT SEAL of the State of Missouri, on this, the 16th day of November, 2005


Secretary of State



Certification Number: 8182771-1 Reference:
Verify this certificate online at <http://www.sos.mo.gov/businessentity/verification>



Date: 9/19/05

I, Willard E + Mary Kisse, legal owner or tenant of the property located at (address) 5051 + 5075 N. HWY NN, by signing below do hereby agree to transfer my electric utility service from OZARK ELECTRIC COOPERATIVE to THE EMPIRE DISTRICT ELECTRIC COMPANY to facilitate the removal of an overhead electric line across development property north of the above mentioned address.

x Willard E Kisse

Date: 9-19-05

I, Rick & Debra Tucker, legal owner or tenant of the property located at (address) 5055 W Hwy NN Ozark Mo by signing below do hereby agree to transfer my electric utility service from OZARK ELECTRIC COOPERATIVE to THE EMPIRE DISTRICT ELECTRIC COMPANY to facilitate the removal of an overhead electric line across development property north of the above mentioned address.

Rick Tucker
& Debra Tucker