

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

In the Matter of The Empire District Electric            )  
Company of Joplin, Missouri for Authority            )  
to File Tariffs Increasing Rates for Electric            )            Case No. ER-2011-0004  
Service Provided to Customers in the                )  
Missouri Service Area of the Company.                )

**EMPIRE’S MOTION FOR LEAVE TO FILE  
SUPPLEMENTAL DIRECT TESTIMONY**

COMES NOW The Empire District Electric Company (“Empire” or “Company”), by and through the undersigned counsel, and, pursuant to Commission Rule 4 CSR 240-2.130(8), hereby requests leave of the Missouri Public Service Commission (“Commission”) to file the Supplemental Direct Testimony of Empire witness Jayna R. Long. In support of this request, Empire respectfully states as follows to the Commission:

1. On September 28, 2010, Empire submitted its tariff sheets proposing to implement a general rate increase for electric service to customers in its Missouri service area, in the amount of \$36,524,680, exclusive of applicable gross receipts, sales, franchise, or occupational fees or taxes. On the same date, Empire filed its direct testimony supporting the requested rate increase.

2. As part of its initial filing herein, Empire proposed certain changes to tariff sheets identified as Schedule SC-P (the “SC-P Tariff”). The SC-P Tariff is applicable only to one of Empire’s customers, Praxair, Inc. (“Praxair”), and is only available to Praxair when and if there is a contract for power service effective and in place between Empire and Praxair.

3. The previous contract for power service between Empire and Praxair expired on October 31, 2010, and a new contract was entered into effective November 1, 2010. At the time Empire initiated this case, the terms of the new contract were unknown.

4. As set forth in the proposed Supplemental Direct Testimony of Jayna R. Long, which is attached hereto as Appendix A, the new contract between Empire and Praxair requires Empire to propose certain changes to the SC-P Tariff, and the new contract requires that Empire make a filing in this regard within 30 days of the effective date of the new contract. The new contract between Empire and Praxair is attached to the proposed Supplemental Direct Testimony as Schedule JRL-1. The proposed tariff sheets, Schedule SC-P, are attached as Schedule JRL-2.

5. As set forth in the Supplemental Direct Testimony attached hereto, the proposed changes to Schedule SC-P do not have any impact on Empire's overall revenue requirement in this case.

6. On November 16, 2010, the Commission issued its Order Setting Procedural Schedule, Establishing Test Year, Establishing Other Procedural Requirements, and Adopting Proposed Customer Notice with Modifications. Pursuant to said order, parties other than Empire are to file their direct testimony on revenue requirement by February 23, 2011, and parties other than Empire are to file their direct testimony on rate design by March 16, 2011.

7. The granting of this request and the filing of the proposed Supplemental Direct Testimony will not result in any harm to any party hereto and will not cause any delay in the processing of this case.

WHEREFORE, as set forth above, Empire seeks leave of the Commission to file the Supplemental Direct Testimony attached hereto. Empire seeks such other and further relief as the Commission deems just and proper under the circumstances.

Respectfully submitted,

BRYDON, SWEARENGEN & ENGLAND P.C.

By:

/s/ Diana C. Carter

James C. Swearengen MBE #21510  
L. Russell Mitten MBE #27881  
Diana C. Carter MBE #50527  
312 East Capitol Avenue  
P.O. Box 456  
Jefferson City, MO 65102  
Phone: (573) 635-7166  
Fax: (573) 635-7431  
E-mail: DCarter@BrydonLaw.com

ATTORNEYS FOR THE EMPIRE DISTRICT  
ELECTRIC COMPANY

**Certificate of Service**

I hereby certify that copies of the foregoing have been mailed, hand-delivered, or transmitted by facsimile or electronic mail to all counsel of record on this 29<sup>th</sup> day of November, 2010.

\_\_\_\_\_/s/ Diana C. Carter