

**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-2008-0093
Service Provided to Customers in the	)	
Missouri Service Area of the Company	)	

**OBJECTION TO LATE-FILED EXHIBIT 32**

The Empire District Electric Company ("Empire" or "Company"), by and through its undersigned counsel and pursuant to the *Order Shortening Deadline and Establishing Deadline to Respond to Objections*, which was issued on June 4, 2008, hereby objects to late-filed Exhibit 32, which was submitted by the Industrial Intervenors (Explorer Pipeline Company, General Mills, and Praxair, Inc.) on June 2, 2008. Simply stated, the Industrial Intervenors' submission is not the information that Empire's counsel requested as late-filed Exhibit 32. Accordingly, Empire objects to the Industrial Intervenors' submission and requests the Missouri Public Service Commission ("Commission") to order the Industrial Intervenors to submit information that complies with counsel's request for a late-filed exhibit or, in the alternative, to state that, to the best of the Industrial Intervenors' knowledge, no information exists that is responsive to Empire's counsel's request.

1. The request by Empire's counsel for late-filed Exhibit 32 can be found at pages 786-87 of the transcript, which states in relevant part as follows:

Q. Okay. You also indicated that you were aware of several commissions that had imposed a requirement that companies collect less than 100 percent of their fuel and purchased power costs through their fuel adjustment clause?

A. That there was sharing, yes.

Q. Would you be willing to provide a list of those utilities that you are aware of?

A. Sure.

Q. And could you give me case numbers where the fuel adjustment clause was adopted for those companies?

A. If we have that, yes.

2. Based on the exchange quoted above, late-filed Exhibit 32, as requested by Empire's counsel, was to consist of two things: i) a list of utilities for which a regulatory commission had *imposed* a requirement that those utilities collect less than 100 percent of their fuel and purchased power costs, and ii) the docket numbers of the cases in which that requirement was imposed. That is all that was requested, and that is what that the Industrial Intervenors should be required to submit through their late-filed exhibit – nothing more.

3. But the information that the Industrial Intervenors have submitted does not comply with Empire's counsel's request. Although the Industrial Intervenors submission contains a list of companies, there is no information to establish – or even suggest – that the a regulatory commission *imposed* on any or all of the those companies a fuel adjustment clause that requires the utility to collect less than 100 percent of its fuel and purchased power costs. Indeed, it is clear from some of the information submitted that the so-called “sharing” mechanism that is place for at least two of the listed companies was not imposed but was, instead, the result of a stipulated settlement. As for the other companies on the Industrial Intervenors' list, there is no way to tell under what circumstances their so-called “sharing” mechanisms were adopted because no docket numbers – which were specifically requested by Empire's counsel – were included as part of the Industrial Intervenors' submission. And the tariff sheets for the various companies listed by the Industrial Intervenors, which comprise the largest part of the Industrial Intervenors' submission, were never requested by Empire's counsel.

4. The Industrial Intervenors should not be allowed to supplement the record with ambiguous information that is not responsive to the specific request made by Empire's counsel. Yet, unless the Company's objection to late-filed Exhibit 32 is sustained, that is precisely what will occur.

WHEREFORE, for the reasons stated herein, Empire asks the Commission to sustain the Company's objection to the information submitted by the Industrial Intervenors. Empire further requests the Commission to order the Industrial Intervenors to submit a revised late-filed exhibit that complies with the request made by Empire's counsel or, in the alternative, to specifically state that the Industrial Intervenors are unable to identify any information that responds to that request.

Respectfully submitted,



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ATTORNEYS FOR THE EMPIRE DISTRICT  
ELECTRIC COMPANY

**Certificate of Service**

I hereby certify that the foregoing has been sent by United States mail, hand-delivered, or transmitted by facsimile or electronic mail to all counsel of record on the 10<sup>th</sup> day of June, 2008.

/s/ L. Russell Mitten