

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

Staff of the Missouri Public Service
Commission,

Complainant,

v.

The Empire District Electric
Company,

Respondent.

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Case No. EC-2009-0288

MOTION TO DEFER DATE FOR FILING ANSWER TO STAFF'S COMPLAINT

The Empire District Electric Company ("Empire" or the "Company"), by and through its undersigned attorneys, hereby moves the Missouri Public Service Commission ("Commission") for an order authorizing the Company to defer filing its answer to the complaint filed by the Commission Staff ("Staff") in this case until after the Commission rules on Empire's pending Motion to Dismiss Staff's Complaint for Failure to State a Claim for Which Relief Can Be Granted.

In support of its motion, Empire states as follows:

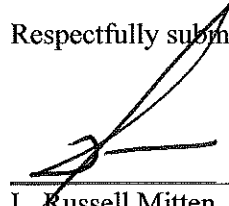
1. On February 6, 2009, the Staff filed a complaint against Empire. Notice of that complaint was issued by the Secretary of the Commission on February 10, 2009, and was duly served on the Company that same date. Under 4 CSR 240-2.070, Empire has 30 days from the date of notice to answer the complaint, which means the Company's answer currently is due to be filed on March 12, 2009.

2. On February 20, 2009, Empire filed with the Commission its Motion to Dismiss Staff's Complaint for Failure to State a Claim for Which Relief Can Be Granted, which is pending. If the Commission grants Empire's motion and issues an order dismissing Staff's complaint, no answer will be required; but it will not be known if an answer is required until the

Commission has ruled on that motion. It will, therefore, be in the interests of all involved in this case if Empire's obligation to file an answer to Staff's complaint is deferred until after the Commission has ruled on the Company's motion to dismiss. If that motion is denied, Empire would be willing to file its answer within ten (10) days of the order denying the motion.

WHEREFORE, for the reasons stated herein, Empire requests the Commission to issue an order granting the Company's motion to defer the date for its answer to Staff's complaint until after the Commission has ruled on Empire's motion to dismiss that complaint.

Respectfully submitted,



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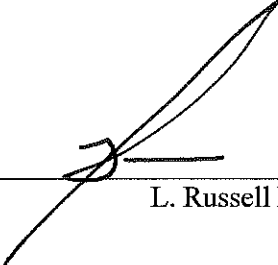
CERTIFICATE OF SERVICE

I hereby certify that on February 20, 2009,, a copy of the Motion to Defer Date for Filing Answer to Staff's Complaint of The Empire District Electric Company was sent, via regular United States Mail or e-mail, to the following parties:

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