

**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 Service))
Provided to Customers in the Missouri Service)
Area of the Company.)

File No. ER-2010-0130
Tariff File No. Y#-2010-0303

MISSOURI DEPARTMENT OF NATURAL RESOURCES'
MOTION TO FILE OUT OF TIME

COMES NOW Missouri Department of Natural Resources (MDNR) and,
respectfully requests that this Commission grant this Motion to File Out of Time. In support
of its Motion, MDNR states as follows:

1. On October 29, 2009, Empire District Electric Company submitted to the
Missouri Public Service Commission proposed tariff sheets intended to implement a general
rate increase for electric services provided to customers in the company's Missouri service
area. By order dated November 4, 2009, the Commission established an intervention
deadline of November 20, 2009.

2. Due to the Attorney General Offices Agriculture and Environment Division
moving to a new office building, the state holiday, and press of business, MDNR
inadvertently lost track of this case and the intervention filing deadline.

3. This Motion and accompanying Application to Intervene are being filed
shortly after the intervention deadline and will consequently not cause any party to suffer
any prejudice as a result.

WHEREFORE, the Missouri Department of Natural Resources respectfully requests that this Motion to file its Application to Intervene Out of Time be granted.

Respectfully submitted,

CHRIS KOSTER
Attorney General

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or e-mailed to all counsel of record this 8th day of December, 2009.

/s/ Sarah B. Mangelsdorf
Sarah B. Mangelsdorf