Exhibit No.:	
Issues:	*Regulatory Plan Amortizations*
Witness:	*Mark L. Oligschlaeger*
Sponsoring Party:	*MoPSC Staff*
Type of Exhibit:	*Responsive Testimony*
Case No.:	*ER-2008-0093*
Date Testimony Prepared:	*May 9, 2008*

MISSOURI PUBLIC SERVICE COMMISSION

UTILITY SERVICES DIVISION

RESPONSIVE TESTIMONY

OF

MARK L. OLIGSCHLAEGER

THE EMPIRE DISTRICT ELECTRIC COMPANY

CASE NO. ER-2008-0093

Jefferson City, Missouri
May, 2008

RESPONSIVE TESTIMONY

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THE EMPIRE DISTRICT ELECTRIC COMPANY

CASE NO. ER-2008-0093

Q. Please state your name and business address.

A. Mark L. Oligschlaeger, P.O. Box 360, Suite 440, Jefferson City, MO 65102.

Q. Are you the same Mark L. Oligschlaeger who has previously filed direct, rebuttal and surrebuttal testimony in this proceeding?

A. Yes, I am.

Q. What is the purpose of this testimony?

A. The purpose of this testimony is to respond to the surrebuttal testimony of Robert W. Sager, filed on behalf of The Empire District Electric Company (Empire or Company), on the issue of regulatory plan amortizations (RPAs). In Mr. Sager's surrebuttal testimony, Empire opposes for the first time the inclusion of ice storm recovery cost amortizations in the Staff's RPA calculation. Since ice storm amortizations were included in the Staff's RPA calculation in its direct filing, the position of Empire opposing this treatment should have been filed in the Company's rebuttal testimony. (The Staff direct RPA calculation was included in the Staff's Revenue Requirement Cost of Service Report (COSR) as Appendix 6.) If that course of action had been taken by Empire, then the Staff could have addressed the Company's arguments in the Staff's surrebuttal filing. Since Empire, for whatever reason, improperly did nothing until its surrebuttal filing to take its position on this issue, the Staff is filing this responsive testimony in order to have an opportunity to address the Company's arguments in prefiled testimony.

Q. What ice storm costs are at issue in the context of the Staff's RPA calculation?

A. The costs at issue here are recovery and repair costs associated with two different ice storm events that struck Empire's service territory, the first in January 2007 and the second in December 2007.

Q. Did Empire seek recovery of these ice storm costs in its direct filing?

A. Empire sought a five-year amortization to expense of the January 2007 ice storm costs, with rate base treatment given to the unamortized balance of costs. Since the Company filed this rate case on October 1, 2007, the December 2007 additional ice storm costs were not anticipated in its direct filing. Although Empire proposed an amortization of the January 2007 ice storm costs, Empire did not reflect its requested amortization of January 2007 ice storm costs as additional cash flow in the RPA calculation attached to the direct testimony of Empire witness, Robert W. Sager.

Q. Please describe what ice storm costs are included in the Staff's direct case and in its direct case RPA calculations.

A. The Company's January 2007 ice storm is reflected in the Staff's direct filing revenue requirement recommendation through a five-year amortization to expense, with no rate base treatment for the unamortized balance. This amortization is also reflected in the Staff's direct case RPA calculation. No December 2007 ice storm costs were recognized in the Staff's direct filing.

Q. Where are the January 2007 ice storm costs reflected in the RPA calculation attached to Appendix 6 to the Staff's COSR?

A. These costs are included in Line 35 of Appendix 6, "Amortization." The amount shown on Line 35 includes other elements of what Staff believes is proper recognition of Empire's amortization expense besides the January 2007 ice storm amortization, including amortizations associated with equity issuance costs and customer demand programs.

Q. Is the Staff now recognizing December 2007 ice storm costs in its case?

A. Yes. A *Partial Stipulation and Agreement* filed with the Commission on April 4, 2008, called in concept for inclusion in Empire's revenue requirement of a five-year amortization with no rate base treatment for the recovery costs for the December 2007 ice storm as well. Since that agreement was filed, the amount of the five-year amortization to expense has been quantified and agreed to by the Staff, and Empire, and included in their respective revenue requirement recommendations. Consistent with its treatment of the January 2007 ice storm amortization within the RPA calculation, the Staff has also reflected the December 2007 ice storm amortization in its current RPA calculation.

Q. Is the Staff's current RPA calculation included in this testimony?

A. Yes, as Schedule 1. The amount shown in Schedule 1 at Line 35, "Amortization," includes both the January 2007 and December 2007 ice storm amortizations.

Q. Why are the ice storm amortizations properly includable in the RPA calculation?

A. They should be included because they affect the Company's cash flow. As previously discussed in Staff testimony filed in this case, the RPA mechanism's basic purpose is to safeguard Empire's current investment grade credit ratings by attempting to ensure that the Company's cash flow, resulting from the ratemaking process, is sufficient to sustain its current investment grade credit ratings.

Q. How does the RPA calculation measure the Company's cash flow?

A. One of the key components of Empire's RPA calculation is a measurement of its "funds from operations" (FFO), another term for cash flow. Like all cash flow measurements involving regulated utilities that I am aware of, the FFO calculation within the RPA uses as a starting point the Company's operating income result, shown on Line 31 of Schedule 1, assuming full traditional rate relief. (What is entitled "operating income" in the RPA calculation on Schedule 1 is sometimes referred to as "net operating income," or NOI, in utility ratemaking. I will refer to it in this testimony as operating income.) Then, interest expense (Line 33) is subtracted from operating income, as interest payments are a cash outlay by a utility that are not recognized as an expense to derive the operating income amount. Finally, depreciation expense, amortization expense and deferred income tax expense (Lines 34-36) are all added to operating income as these items are reflected as a reduction to income in the operating income calculation, but these charges do not require an associated cash outlay. The net result is Empire's FFO amount, shown on Line 37 of Schedule 1.

Q. Why is amortization expense considered to increase cash flow, or FFO, in the RPA calculation?

A. Amortization expense is a ratable charging to expense of a past cost over a period of time. In the ratemaking context, amortizations occur when a utility incurs a cost in one year, and then is allowed to recover those costs in rates in equal annual amounts over a subsequent multi-year period. During the period of rate recovery, amortizations will mean increased cash flow to a utility, as its cash revenues will grow on account of the inclusion of amortization expense in rates, but it will incur no cash outlay in relation to its booked amortization expense.

Q. Was Empire's amortization expense reflected in the Staff's RPA calculation in its last rate proceeding, Case No. ER-2006-0315?

A. Yes. This included amortization expense recorded by Empire in relation to equity issuance costs, prior Asbury station "relocation" costs, and customer demand program costs. Empire did not challenge in any way the Staff's treatment of amortization costs in the RPA calculation in the 2006 rate case. Amortization expense has also been included in the RPA calculations for the last two KCPL rate proceedings, Case Nos. ER-2007-0291 and ER-2006-0314.

Q. In his surrebuttal testimony, Mr. Sager objects to inclusion of ice storm amortization costs in the RPA calculation on the grounds that the unamortized portion of ice storm costs are not included in rate base. Do you agree with this criticism?

A. No. The RPA mechanism is intended as a measure of cash flow, and recovery of amortization expenses in rates is a positive impact on utility cash flow, whether the costs that give rise to the amortization are included in rate base or not. Moreover, Mr. Sager is not consistent in his criticism with other components of amortization expense included in the RPA calculation. For example, the Staff has reflected amortization expense in this case and in the Company's prior rate case (Case No. ER-2006-0315) relating to Empire's past equity issuance costs, and has included that amortization expense in the Company's RPA calculations in both cases. Notwithstanding the fact that the Staff did not include the unamortized balance of debt issuance costs in its rate base in either case, Empire did not object to the inclusion of amortization expense associated with the debt issuances component in the RPA calculations in this case or the 2006 rate case.

Q. Has Mr. Sager presented any evidence that Standard & Poors' and other credit rating agencies do not analyze Empire's cash flow in the same manner as depicted in the Staff's RPA calculations, including its treatment of the ice storm amortizations?

A. No, he has not. To the best of the Staff's knowledge, the Staff's position of including ice storm amortizations in the RPA calculations as an enhancement to cash flow would be consistent with how the credit rating agencies would view this matter.

Q. Does this conclude your responsive testimony?

A. Yes, it does.

BEFORE THE PUBLIC SERVICE COMMISSION

OF THE STATE OF MISSOURI

In the Matter of The Empire District Electric Company of Joplin, Missouri's Application for Authority to File Tariffs Increasing Rates for Electric Service Provided to Customers in the Missouri Service Area of the Company	)))))	Case No. ER-2008-0093

AFFIDAVIT OF MARK L. OLIGSCHLAEGER

STATE OF MISSOURI)
) ss.
COUNTY OF COLE)

Mark L. Oligschlaeger, of lawful age, on his oath states: that he has participated in the preparation of the foregoing Responsive Testimony in question and answer form, consisting of 6 pages to be presented in the above case; that the answers in the foregoing Responsive Testimony were given by him; that he has knowledge of the matters set forth in such answers; and that such matters are true and correct to the best of his knowledge and belief.

Mark L. Oligschlaeger

Mark L. Oligschlaeger

Subscribed and sworn to before me this 9th day of May, 2008.

D. SUZIE MANKIN
Notary Public - Notary Seal
State of Missouri
County of Cole
My Commission Exp. 07/01/2008

D Suzie Mankin

Notary Public

Line	Item	Source	Total Company	Juris Alloc
1	Calculation of Amortization to meet Financial Ratio Targets			5/6/2008
2	Case No. ER-2008-0093, Empire District Electric			
3			Total	Juris
4			Company	Alloc
5	Additional Net Balance Sheet Investment	(numeric value for this case only)		94,500,000
6	Rate Base	Staff Acct. Schedule 2 *		680,270,235
7	Jurisdictional Allocation for Capital			0.837404
8				
9	Total Capital	L5+L6		774,770,235
10	Equity	Barnes Workpapers	0.5082	393,738,233
11	Trust Preferred	Barnes Workpapers	0.0458	35,484,477
12	Long-term Debt	Barnes Workpapers	0.4461	345,625,002
13	Cost of Debt	Barnes Workpapers		6.80%
14	Interest Expense	L12 * L13 (+$2,125,000 (TOPRs))		25,627,500
15				
16	Electric Sales Revenue	Staff Acct. Schedule 9, L.1-2, + Rate Increase		363,022,485
17	Other Electric Operating Revenue	Staff Acct. Schedule 9, L.3		3,010,138
18	Water Revenue			
19	Operating Revenue	L16 + L17		366,032,623
20				
21	Operating and Maintenance Expense	Staff Acct. Schedule 9, L.94 (less cust. deposits)		220,775,963
22	Depreciation	Staff Acct. Schedule 9, L.97		34,764,791
23	Amortization	Staff Acct. Schedule 9, L.99-100		15,619,601
24	Interest on Customer Deposits	Staff Acct. Schedule 10, Adj. S-82.1		527,165
25	Taxes Other than Income Taxes	Staff Acct. Schedule 9, L.101		12,477,212
26	Federal and State Income Taxes	Staff Acct. Schedule 9, L.112 (plus rate incr. impact)		23,024,516
27	Gains on Disposition of Plant			
28	Total Water Operating Expenses			
29	Total Electric/Water Operating Exp	Sum of L. 21-28		307,189,248
30				
31	Operating Income - Electric	L19 - L29		58,843,375
32	Operating Income - Water			
33	less: Interest Expense	L14		-25,627,500
34	Depreciation	L22		34,764,791
35	Amortization			15,619,601
36	Deferred Taxes	Staff Acct. Schedule 9, L111		-2,884,453
37	Funds from Operations (FFO)	Sum of L31-36		80,715,814
38				
39				
40				
41				
42				
43	Additional Financial Information Needed for Calculation of Ratios			
44	Capitalized Lease Obligations	EDE Accounts 227 + 243	479,951	401,913
45	Short-term Debt Balance	EDE Form 10-Q, p. 8	33,040,000	27,667,828
46	Short-term Debt Interest	EDE Accounts 417.891 + 431.400	2,940,317	2,462,233
47	Cash Interest Paid	Information Supplied by EDE	31,049,437	26,000,923
48	AFUDC Debt (capitalized interest)	EDE Form 10-Q, p. 4	550,469	460,965
49	Imputed PPA Debt Amortization		4,679,375	3,918,527
50	Adjustments Made by Rating Agencies for Off-Balance Sheet Obligations			
51	Debt Adj for Off-Balance Sheet Obligs			
52	Operating Lease Debt Equivalent	Information Supplied by EDE	2,937,000	2,459,456
53	Purchase Power Debt Equivalent	Information Supplied by EDE	63,373,585	53,069,294
54	Total OSB Debt Adjustment	L52 + l53	66,310,585	55,528,749
55				
56	Operating Lease Deprec Adjustment	Information Supplied by EDE	1,255,000	1,050,942
57				
58	Interest Adjustments for Off-Balance Sheet Obligations			
59	Present Value of Operating Leases	L52 * 6.8%	199,716	167,243
60	Purchase Power Debt Equivalent	L53 * 6.8%	4,309,404	3,608,712
61	Total OSB Interest Adjustment	L59 + L60	4,509,120	3,775,955

62			
63	Ratio Calculations		
64	Adjusted Interest Expense	L14 + L46 + L61	31,865,688
65	Adjusted Total Debt 12/31/07	(L11/2) + L12 + L44 + L45 +L54	446,965,730
66	Adjusted Total Debt 12/31/06	Same as L65, but for prior year	443,934,000
67	Adjusted Total Capital	L9 + L44 + L45 + L54	858,368,725
68			
69	Adj. FFO Interest Coverage	(L37 + L56 + L64 + L49)/L64	3.69
70	Adj. FFO as a % of Average Total Debt	(L37 + L56 + L49)/L65	0.1917
71	Adj. Total Debt to Total Capital	L65/L67	0.5207
72			
73	Changes Required to Meet Ratio Targets		
74	Adj. FFO Interest Coverage Target		3.20
75	FFO Adjustment to Meet Target	(L74 - L69) * L64	-15,580,769
76	Interest Adjustment to Meet Target	L37 * (1/L74 - 1) - 1/L69 - 1)	6,671,425
77			
78	Adj. FFO as a % of Average Total Debt		0.195
79	FFO Adjustment to Meet Target	(L78 - L70) * L65	1,473,034
80	Debt Adjustment to Meet Target	L37 * (1/L78 - 1/L70)	-7,115,913
81			
82	Adj. Total Debt to Total Capital Target		56.50%
83	Debt Adjustment to Meet Target	(L82 - L71) * L67	38,012,599
84	Total Capital Adjustment to Meet Target	L65/L82 - L67	-67,278,937
85			
86	Amortization and Revenue Needed to Meet Targeted Ratios		
87	FFO Adj Needed to Meet Target Ratios	Maximum of L75, L79 or zero	1,473,034
88	Effective Income Tax Rate		0.3839
89	Deferred Income Taxes	L87 * L88/(1 - L88)	-917,867
90	Total Amortization Req for FFO Adj	L87 - L89	2,390,901
91			
92	* All references to Staff Acct. Schedules tie to schedules supporting amounts reflected in the		
93	Accounting Schedules dated 5/5/08		