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May 22, 2001

**FILED**<sup>3</sup>  
MAY 22 2001  
Missouri Public  
Service Commission

Mr. Dale Hardy Roberts  
Executive Secretary  
Public Service Commission  
P. O. Box 360  
Jefferson City, MO 65102

**RE: Case No. ER-2001-299**

Dear Mr. Roberts:

Enclosed for filing in the above-referenced proceeding please find an original and eight copies of a Motion to Schedule Hearing on Fuel and Purchased Power Issues.

If you have any questions, please give me a call.

Sincerely yours,

  
Gary W. Duffy

/gwd  
Enclosures  
cc w/encl:

John Coffman, Office of Public Counsel  
Denny Frey, Office of the General Counsel  
Stuart W. Conrad

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

**FILED<sup>3</sup>**

MAY 22 2001

Missouri Public  
Service Commission

In the matter of The Empire District Electric )  
Company's Tariff Sheets Designed to )  
Implement a General Rate Increase for )  
Retail Electric Service Provided to Customers )  
in the Missouri Service Area of the Company )

Case No. ER-2001-299

**MOTION TO SCHEDULE HEARING  
ON FUEL AND PURCHASED POWER ISSUES**

**COME NOW** The Empire District Electric Company ("Empire") and the Office of the Public Counsel ("Public Counsel"), and for their motion respectfully state as follows:

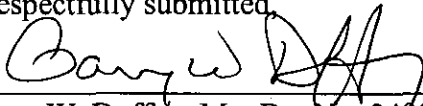
1. On May 14, 2001, Empire, Staff and Public Counsel filed a "Stipulation and Agreement Regarding Fuel and Purchased Power Expense" in this case.
2. On May 18, 2001, counsel for Praxair, Inc., who was not a party to the May 14 Stipulation and Agreement on Fuel and Purchased Power Issues, sent a letter to the parties and the Commission in which it says that Praxair opposes the Stipulation and requests a hearing on all issues comprehended under it.
3. The "Proposed List of Issues, List of Witnesses and Order of Cross Examination" filed in this case on May 14, 2001, contemplated the possibility of Praxair requesting such a hearing. The parties indicated that Wednesday, June 6, 2001, was "reserved" for that and other potential purposes.
4. Empire and Public Counsel therefore request that the Commission issue an order which indicates that the Commission will hear the issues involved with fuel and purchased power, including the Stipulation and Agreement, beginning at 8:30 a.m. on Wednesday, June 6,

2001. Under that procedure, Empire, the Staff, and Public Counsel intend to call their witnesses to stand cross examination on their pre-filed testimony. In addition, there will be additional witnesses called for parties who chose to file prepared testimony in support of the Stipulation and Agreement, and they will be available for cross-examination also. The granting of this motion will provide some certainty to the parties as to when to make their witnesses available.

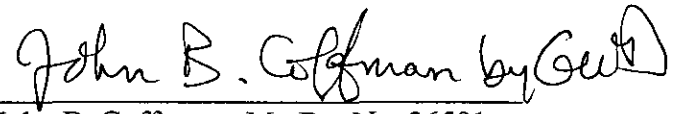
5. The Staff was consulted prior to the filing of this motion and has no objection to this motion.

**WHEREFORE**, Empire and Public Counsel request that the Commission issue an order which designates Wednesday, June 6, 2001, beginning at 8:30 a.m., as the time for the Commission to consider the fuel and purchased power issues and the Stipulation and Agreement on those issues.

Respectfully submitted,

  
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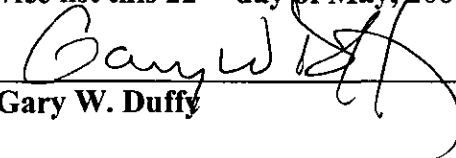
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Electric Company

  
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Attorneys for the Office of the  
Public Counsel

**Certificate of Service**

I hereby certify that copies of the foregoing have been mailed or hand-delivered to all counsel of record as shown on the attached service list this 22<sup>nd</sup> day of May, 2001.

  
Gary W. Duffy