

**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) Case No. ER-2010-0130
Rates for Electric Service Provided to)
Customers in the Missouri Service Area)
of the Company.)

**MOTION FOR EXPEDITED TREATMENT AND APPROVAL OF
TARIFF SHEETS TO BE FILED IN COMPLIANCE WITH
COMMISSION ORDER AND PURSUANT TO AGREEMENT**

The Empire District Electric Company (“Empire” or “the Company”), by and through its undersigned counsel, and in accordance with 4 CSR 240-2.080(16), hereby files this motion asking the Missouri Public Service Commission (“Commission”) for expedited consideration and approval of tariff sheets to be filed by Empire with the Commission on August 30, 2010. In support of its motion, the Company respectfully states as follows:

1. On May 12, 2010, Empire, the Staff of the Commission (“Staff”), the Missouri Department of Natural Resources, and the City of Joplin submitted a Non-Unanimous Stipulation and Agreement to the Commission. This Stipulation and Agreement settled all issues among the parties for purposes of this Case No. ER-2010-0130, except the issue of the in-service date of the Plum Point Generating Unit, and provided, in part, as follows:

In the event it is later determined by the Commission in this case, after hearing or agreement among the parties, that the Plum Point generating unit is, on or before August 15, 2010, “fully operational and used for service”, then, under those circumstances, the Parties request that the Commission order Empire to file revised tariff sheets containing rate schedules designed to produce an increase in the Company’s Missouri jurisdictional gross annual electric revenues in the amount of \$36,800,000 (plus the level of regulatory plan amortizations specified herein), exclusive of any applicable license, occupation, franchise, gross receipts taxes, or similar fees or taxes. . . . Revised specimen tariff sheets designed to implement the revenue increase provided for in this paragraph 4.A. as well as the other terms and conditions of this Stipulation are attached hereto as Appendix A.

The Stipulation and Agreement also provided that the parties “will use their best efforts to reach a resolution of the question of whether Plum Point is ‘fully operational and used for service’ in time so that the revised tariff sheets agreed to herein will become effective for service rendered on and after September 10, 2010.” The non-signatory parties to the case did not object to the terms of the Stipulation and Agreement and did not request a hearing. The Commission approved the Stipulation and Agreement by its order issued May 19, 2010, and directed Empire to file tariff sheets that reflect the specific terms of the Stipulation and Agreement.

2. On August 16, 2010, Empire, Staff, and the Office of the Public Counsel (“OPC”) submitted to the Commission a Stipulation and Joint Requests Regarding Plum Point. The parties to that pleading requested that the Commission determine that Plum Point is Fully Operational and Used for Service as of August 13, 2010. The Stipulation and Joint Requests also provided as follows:

The Signatory Parties request that the Commission order Empire to file revised tariff sheets containing rate schedules in conformance with Appendix A to the May 12, 2010, *Non-Unanimous Stipulation and Agreement*, approved by order of the Commission May 19, 2010. The Signatory Parties will support a reasonable request by Empire for expedited treatment such that the tariffs become effective on September 10, 2010.

The non-signatory parties to the case did not object to the terms of the August 16, 2010 Stipulation and Joint Requests and did not request a hearing. On August 18, 2010, the Commission issued its *Order Approving Stipulation and Agreement and Cancelling Hearing*, to be effective August 28, 2010. This order approved the stipulation regarding the in-service date of Plum Point and directed Empire to file tariff sheets containing the rate schedules in conformance with Appendix A to the May 12, 2010 Stipulation and Agreement.

3. On August 30, 2010, after the effective date of the Commission’s *Order Approving Stipulation and Agreement and Cancelling Hearing*, Empire will file with the

Commission the compliance tariff sheets as directed. The tariff sheets will bear an issue date of August 30, 2010, and a stated effective date 30 days thereafter – September 29, 2010. The exact tariff sheets which Empire will file, with the stated issue and effective dates, are attached hereto as Appendix 1. These are the same tariff sheets, absent the issue and effective dates, that were attached as Appendix A to the May 12, 2010 Stipulation and Agreement.

4. The tariff sheets attached hereto as Appendix 1 and to be filed by Empire on August 30, 2010, vary from those attached as Appendix A to the May 12, 2010 Stipulation and Agreement in one other respect. The fuel adjustment clause (FAC) tariffs included in Appendix A to the May 12, 2010 Stipulation and Agreement (sheet nos. 17 – 17g) contained place-holder language regarding the effective date of the tariffs and the FAC accumulation periods. The tariffs attached hereto and to be filed by Empire on August 30, 2010, contain “September 10, 2010” in lieu of the place-holder language. In the event the Commission does not grant this Motion for Expedited Treatment and approve Empire’s new tariffs for service rendered on and after September 10, 2010, the FAC tariff sheets will need to be corrected accordingly.

5. Empire does not believe that thirty days’ notice for the compliance tariffs to become effective is necessary or appropriate under the circumstances. Although §393.140(11) indicates that thirty days’ notice is generally required before any rate filed by an electrical corporation can become effective, Empire believes that the purpose of that requirement has been fully satisfied in this case, and §393.140(11) specifically provides that, for good cause shown, the Commission may allow changes without requiring thirty days’ notice.

6. The Company initiated this rate case on October 29, 2009, by the filing of tariff sheets that bore a proposed effective date of November 28, 2009. Further, the exact tariff sheets

for which Empire will request approval were a part of the May 12, 2010 Stipulation and Agreement, which has been approved by the Commission's order of May 19, 2010.

7. If the Commission believes that further good cause must be shown in order to grant Empire's request, the Company states that sufficient good cause exists in that: (a) the tariff sheets are being filed in compliance with the Commission's orders and the stipulations; (b) the Commission and the public have been aware of Empire's request for a rate increase for approximately ten months; (c) the Commission and the parties, through the rate case process, have been able to consider all aspects of the Company's request and the possible impact of a rate increase on Empire's customers; and (d) the signatory parties to the August 16, 2010 Stipulation and Agreement have indicated support for a reasonable request by Empire that the tariffs become effective on September 10, 2010.

8. With its approval of the May 12, 2010 Stipulation and Agreement and further by its approval of the August 16, 2010 Stipulation, the Commission has determined that the rates, as reflected in the tariffs included in the May 12, 2010 Stipulation and Agreement, and attached hereto as Appendix 1, should be filed by Empire and allowed to become effective. As such, pursuant to 4 CSR 240-2.080(16)(B), Empire states that harm from the continuation of the current rates will be avoided and the benefits from the agreements of the parties and orders of the Commission will accrue if this motion is granted, and that the granting of this motion will not have a negative effect on Empire's customers or the public in general.

9. Pursuant to 4 CSR 240-2.080(16)(A), Empire requests that the Commission act on this motion on or before **Wednesday, September 1, 2010**, and issue its order approving Empire's compliance tariffs, said order to be effective **September 10, 2010**.

