

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

In the Matter of the tariff filing of The)	
Empire District Electric Company)	
to implement a general rate increase for)	<u>Case No. ER-2006-0315</u>
retail electric service provided to customers)	
in its Missouri service area.)	

MOTION FOR ORAL ARGUMENT

COMES NOW, Praxair, Inc. (“Praxair”) and Explorer Pipeline, Inc. (“Explorer”), and in support of their Request for Oral Argument respectfully states as follows:

1. On October 16, 2006, Praxair / Explorer filed its Posthearing Brief in the above captioned matter. The primary focus of that brief involved Empire’s request to terminate the IEC contract implemented in Case No. ER-2004-0570.

2. As that brief details, the issue of IEC contract termination involves a number of legal issues. As indicated in an earlier Request for Oral Argument, the Commission has wrestled with the nature of these legal issues in previous agenda sessions. It became apparent in the context of those agenda sessions that individual Commissioners had questions regarding the nature of the IEC contract, the relief requested by Empire, the positions advanced by Praxair / Explorer in opposition to Empire’s request, and whether alternative relief was available.

3. Commission Rule 4 CSR 240-2.140 provides for the possibility of oral arguments. The Commission’s Rule providing for oral arguments is consistent with Section 536.080 RSMo which provides for oral arguments after the hearing.

4. In light of the nature of the issues involved as well as the previous Commission questions advanced in public agenda sessions, it seems apparent that the

Commission may benefit from the opportunity to ask the parties questions regarding its concerns with Empire's request to terminate the IEC contract. As such, Praxair / Explorer formally request that the Commission schedule an oral argument on the issue of Empire's request to terminate the IEC contract.

WHEREFORE, Praxair and Explorer respectfully request that the Commission issue its Order scheduling an oral argument in this matter.

Respectfully submitted,

/s/ David L. Woodsmall
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Explorer Pipeline, Inc.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this day served the foregoing pleading by email, facsimile or First Class United States Mail to all parties by their attorneys of record as provided by the Secretary of the Commission.

/s/ David L. Woodsmall
David L. Woodsmall

Dated: October 17, 2006