

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of the Application of The)
Empire District Electric Company for)
Authority to Sell and Transfer Part of its) Case No. EO-2009-0159
Works or System to the City of Monett,)
Missouri)

NOTICE OF RESERVATION OF RIGHTS

COMES NOW The Empire District Electric Company (hereinafter referred to as "Empire" or the "Company") and states the following:

1. On October 28, 2008, Empire filed an Application for authority to sell and transfer to the City of Monett (the "City") specified parts of its works or system located within the municipal boundaries of the City.

2. On October 29, 2008, the Commission issued an Order Directing Notice and Order Directing Filing pursuant to which it directed that requests for an evidentiary hearing be filed no later than November 18, 2008. The Commission also directed its Staff to file a recommendation regarding the approval of the Application, or a status report, by December 2, 2008.

3. Until Staff files its recommendation, Empire will not be able to make a meaningful assessment of whether an evidentiary hearing is required to address unresolved issues, if any. Empire does not presently anticipate that an evidentiary hearing will be needed. This Notice is being filed, however, to preserve the Company's due process rights by conditionally reserving the right to a hearing. Empire will promptly notify the Commission of its waiver of the right to present evidence if the Company has no objections to the Staff's recommendation in this case.

WHEREFORE, Empire reserves its right to an evidentiary hearing pending an assessment of Staff's recommendation in this case.

Respectfully submitted,

/s/ Paul A. Boudreau

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Certificate of Service

I hereby certify that a true and correct copy of the above and foregoing document was sent by U.S. Mail, postage prepaid, e-mailed, or hand-delivered, on this 18th day of November, 2008, to:

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/s/ Paul A. Boudreau

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