

**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 Rates for Electric ) Case No. ER-2011-0004  
Service Provided to Customers in the )  
Missouri Service Area of the Company )

**EMPIRE’S NOTICE OF INTENDED CASE FILING AND REQUEST FOR WAIVER**

COMES NOW The Empire District Electric Company (“Empire”), by and through counsel, and, pursuant to Commission Rule 4 CSR 240-4.020, and to the extent said rule is deemed applicable to Empire and its intended case filing, Empire files this Notice of Intended Case Filing and Request for Waiver. For its Notice of Intended Case Filing and in support of its Request for Waiver, Empire respectfully states as follows to the Missouri Public Service Commission (the “Commission”):

1. Empire is a Kansas corporation with its principal office and place of business at 602 Joplin Street, Joplin, Missouri, 64802. Empire is qualified to conduct business and is conducting business in Kansas as well as in the states of Missouri, Arkansas and Oklahoma. Empire is engaged, generally, in the business of generating, purchasing, transmitting, distributing and selling electric energy in portions of said states. Empire also provides water service and, through its subsidiary, natural gas distribution service in Missouri. Empire's Missouri operations are subject to the jurisdiction of the Commission as provided by law.

2. Commission Rule 4 CSR 240-4.020(2), published in the Code of State Regulations on June 30, 2010, and effective July 30, 2010, provides, in part, as follows:

Any regulated entity that intends to file a case likely to be a contested case shall file a notice with the secretary of the commission a minimum of sixty (60) days prior to filing such case. Such notice shall detail the type of case and issues likely to be before the commission.

3. On July 7, 2010, prior to the effective date of Commission Rule 4 CSR 240-4.020, Empire filed its first Notice of Intended Case Filing in order to allow for a full 60 days' notice prior to the filing of the intended case. As noted in said prior filing, it is Empire's intent to file revised tariffs designed to increase its rates for electric service provided to its Missouri customers as early as mid-September of 2010, after the implementation of the revised tariffs that are the subject of Empire's pending electric rate case, Case No. ER-2010-0130.

4. It is likely that the revised tariff sheets to be filed by Empire in mid-September will be suspended by the Commission and that a contested case before the Commission will result which will address all factors concerning the rates for electric service to be charged by Empire. This tariff filing will be the Iatan 2 rate case filing contemplated by section III.D.7 of the Stipulation and Agreement that was approved by the Commission in Case No. EO-2005-0263 (Empire's Regulatory Plan).

5. Empire files this second Notice of Intended Case Filing at this time because Commission Rule 4 CSR 240-4.020 is now in effect. The rule provides for filing of such a notice at least 60 days prior to the intended contested case filing. As the rule did not take effect until July 30, 2010, and as Empire intends to file its next electric rate case as early as mid-September of this year, it was not possible for Empire to file this notice pursuant to the new rule 60 days prior to the intended filing. Accordingly, and in the event the Commission or another interested party deems it necessary or proper, Empire requests a waiver of the 60-day notice requirement.

6. Commission Rule 4 CSR 240-4.020(2)(B) provides that a party may request a waiver of the notice requirement for good cause. Empire submits that good cause exists for the granting of the requested waiver, in that: (1) Empire filed its first notice on July 7, 2010 – 60 days prior to the intended case filing – thereby complying with the letter and spirit of the rule;

