

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

In the Matter of The Empire District Electric	)	
Company's Amendment of its P.S.C. Mo. No.	)	Case No. ET-2008-0223
12-16c (Net Metering Rider)	)	

**EMPIRE'S RESPONSE TO  
ORDER DIRECTING FILING**

COMES NOW The Empire District Electric Company (Empire or Company), and, in response to the Missouri Public Service Commission's (Commission) Order Directing Filing issued January 9, 2008, states as follows:

1. On January 3, 2008, Empire filed revised tariff sheets for the purpose of satisfying the Net Metering and Easy Connection Act (Section 386.890, RSMo) ("Act"). The Act became effective on January 1, 2008, and requires a retail electric supplier (to include an electrical corporation) to make net metering available to its customers under certain conditions, make a tariff available setting forth the rate available to customers and disclose the availability of such program to its customers.

2. The Office of the Public Counsel (OPC) filed, on January 9, 2008, a Motion to Suspend the subject tariff sheets. Also on January 9, 2008, the Commission issued its Order Directing Filing in which the Commission directed Empire to respond to the OPC Motion by January 11, 2008.

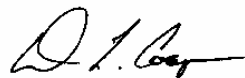
3. The OPC alleges that the numbering of the proposed tariff sheets is inappropriate because of the Missouri Supreme Court's decision in Case No. SC88390, an extraordinary writ proceeding associated with Commission Case No. ER-2006-0315. Empire believes that the numbering of the proposed tariff sheets is consistent with the orders that have been issued by this Commission. The numbering of the proposed tariff sheets is further consistent with Empire's

tariff sheets maintained by the Commission, which can be accessed by the public through the Commission's Electronic Filing Information System. Empire does not know what other numbering system it should use, nor does the OPC suggest what other numbering system would be appropriate.

4. This being said, Empire's only goal in the filing of these tariff sheets is to comply with the Net Metering and Easy Connection Act, which was enacted by the Missouri General Assembly and which became law on January 1, 2008. Empire assumes that the Missouri General Assembly has determined that the provisions of this Act are of benefit to the public. Empire has thus taken what actions it can to make those provisions available to its customers. Accordingly, if the Commission believes that the issues raised by the OPC are sufficient to justify a delay in the implementation of the Act's provisions, Empire will suffer no prejudice.

WHEREFORE, Empire respectfully requests the Commission consider this pleading to comply with the Commission's Order Directing Filing and, thereafter, issue such orders as the Commission shall believe to be reasonable and just.

Respectfully submitted,



---

Dean L. Cooper MBE #36592  
BRYDON, SWEARENGEN & ENGLAND P.C.  
312 E. Capitol Avenue  
P. O. Box 456  
Jefferson City, MO 65102  
(573) 635-7166 voice  
(573) 635-3847 facsimile  
Email: dcooper@brydonlaw.com

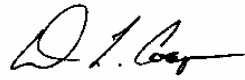
ATTORNEYS FOR THE EMPIRE DISTRICT  
ELECTRIC COMPANY

## **CERTIFICATE OF SERVICE**

The undersigned certifies that a true and correct copy of the foregoing document was sent by electronic mail, on January 11, 2008, to the following:

Nathan Williams  
Office of the General Counsel  
Governor Office Building, 8<sup>th</sup> Floor  
Jefferson City, Mo 65101  
[nathan.williams@psc.mo.gov](mailto:nathan.williams@psc.mo.gov)

Lewis Mills  
Office of the Public Counsel  
Governor Office Building, 6<sup>th</sup> Floor  
Jefferson City, MO 65101  
[lewis.mills@ded.mo.gov](mailto:lewis.mills@ded.mo.gov)



---