

FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, D.C. 20426

OFFICE OF ENERGY MARKET REGULATION

In Reply Refer To:
The Empire District Electric
Company
Docket No. ER10-89-000

December 8, 2009

Winston & Strawn LLP
Attention: Donald K. Dankner
1700 K Street N.W.
Washington, D.C. 20006-3817

Reference: Empire District Attachment AI Compliance Filing

Dear Mr. Dankner:

On October 19, 2009, you submitted, on behalf of The Empire District Electric Company (Empire District), a compliance filing in accordance with Attachment AI of the Southwest Power Pool, Inc. (SPP) Open Access Transmission Tariff (Tariff), which provided the definition of transmission facilities under the SPP Tariff. Empire District previously submitted its determinations as to which of its facilities were transmission facilities, as defined in Attachment AI, to four state public utility commissions, which unanimously approved Empire District's determinations. In this proceeding, Empire District requested final Commission approval as to which of its facilities were transmission facilities. Pursuant to authority delegated to the Director, Division of Electric Power Regulation - Central, under 18 C.F.R. § 375.307, Empire District's transmission facilities determinations are accepted.

Protests, comments, or motions to intervene were due on or before November 9, 2009. Under 18 C.F.R. § 385.210, motions to intervene are timely if made within the time prescribed by the Secretary. Under 18 C.F.R. § 385.214, the filing of a timely motion to intervene makes the movant a party to the proceeding, if no answer in opposition is filed within fifteen days. No comments or protests were received.

This action does not constitute approval of any service, rate, charge, classification, or any rule, regulation, contract, or practice affecting such rate or service provided for in the filed documents; nor shall such action be deemed as recognition of any claimed contractual right or obligation affecting or relating to such service or rate; and such action

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is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceeding now pending or hereafter instituted by or against any of the applicant(s).

This order constitutes final agency action. Requests for rehearing by the Commission may be filed within 30 days of the date of issuance of this order, pursuant to 18 C.F.R. § 385.713.

Sincerely,

Penny S. Murrell, Director
Division of Electric Power
Regulation-Central

Cc: Public File
All Parties

Document Content(s)

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