

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

In the Matter of the Application of The Empire)	
District Electric Company for an Accounting)	Case No. EO-2009-0233
Order Concerning Reclassification of Certain)	
Transmission and Distribution Facilities.)	

NOTICE OF FERC APPROVAL

COMES NOW The Empire District Electric Company (Empire) and states as follows to the Missouri Public Service Commission (Commission) as Empire's Notice of FERC Approval:

1. On December 1, 2008, Empire filed an application with the Commission seeking an order from the Commission addressing the classification of investment in transmission and distribution facilities in light of certain Federal Energy Regulatory Commission (FERC) action.

2. The Southwest Power Pool (SPP) exercises functional control over all of Empire's transmission assets. Certain SPP tariff changes modified the definition of Transmission Facilities to be used by SPP to provide transmission service under its tariff. (Docket No. ER05-1285-000 (112 FERC P61,355)).

3. The SPP tariffs further directed Transmission Owners to file requests based on the new definitions with appropriate regulatory authorities (the state commission) for a determination as to which facilities are Transmission Facilities. Empire's application in this case asked for such a determination.

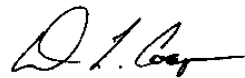
4. On June 13, 2009, the Commission issued its Order Granting Application Concerning Reclassification of Certain Transmission and Distribution Facilities, therein approving Empire's proposed treatment of its transmission and distribution facilities. Empire received similar approval from the other three states in which it operates (Arkansas – Docket No.

08-162-U; Kansas – Docket No. 09-EPDE-457-MIS; and, Oklahoma – Cause No. PUD 200800383).

5. After review of the state commission orders, on December 8, 2009, the Federal Energy Regulatory Commission (FERC) issued its order accepting Empire's proposed transmission/distribution determinations. A copy of that order is attached as **Appendix A** and filed with this Commission for the purpose of completing the Commission's record.

WHEREFORE, Empire respectfully requests the Commission take notice of the attached FERC decision and issue such orders as it shall find to be reasonable and just.

Respectfully submitted,



Dean L. Cooper MoBar #36592
Brydon, Swearngen & England P.C.
312 East Capitol Avenue
P.O. Box 456
Jefferson City, MO 65102-0456
573-635-7166 (telephone)
573-635-3847 (fax)
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 served by electronic mail this 21st day of January, 2010, upon the following:

Mr. Nathan Williams
Office of the Public Counsel
Governor State Office Building, 6th Floor
Jefferson City, Missouri 65101
gencounsel@psc.mo.gov
Nathan.williams@psc.mo.gov

Mr. Lewis Mills
Office of the General Counsel.
Missouri Public Service Commission
Governor State Office Building, 8th Floor
Jefferson City, Missouri 65101
opcservice@ded.mo.gov
Lewis.mills@ded.mo.gov

