

**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.	)	

**RESPONSE TO STAFF RECOMMENDATION**

COMES NOW The Empire District Electric Company (Empire) and, in response to the Staff Recommendation to Provisionally Grant Accounting Authority, respectfully states as follows to the Missouri Public Service Commission (Commission):

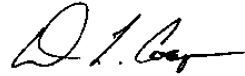
1. On December 1, 2008, Empire filed an application with the Commission seeking an order from the Commission addressing the classification of investment in transmission and distribution facilities in light of certain Federal Energy Regulatory Commission (FERC) action.

2. On February 20, 2009, the Staff of the Commission filed its Recommendation to Provisionally Grant Accounting Authority (Staff Recommendation). The Staff Recommendation suggested that Empire's application be granted "provisionally" "until the effective date of new rates in Empire's next general electric rate proceeding." Staff indicated that it took this position because it is "unsure of the possible impacts of (1) transmission/distribution plant reclassification on the amount of net payments Empire receives from or pays to SPP related to SPP transmission service and (2) actions on Empire's similar requests to regulatory authorities in Arkansas, Kansas and Oklahoma."

3. Empire has since entered into discussions with Staff in an attempt to address these issues. However, for purposes of its response, Empire must take the position that it does not agree with the Staff recommendation that the approval be provisional in nature and, therefore, Empire opposes the Staff Recommendation.

WHEREFORE, Empire respectfully requests the Commission consider this response to the Staff Recommendation and issue such orders as it shall find to be reasonable and just.

Respectfully submitted,



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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 2<sup>nd</sup> day of March, 2009, upon the following:

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