

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

In the Matter of the tariff filing of The)	
Empire District Electric Company)	
to implement a general rate increase for)	Case No. ER-2006-0315
retail electric service provided to customers)	
in its Missouri service area)	

**EMPIRE’S MOTION TO STRIKE OR,
IN THE ALTERNATIVE, REQUEST FOR TIME TO RESPOND**

Comes now The Empire District Electric Company (“Empire” or the “Company”),
and, for its Motion to Strike or, in the alternative, Request for Time to Respond,
respectfully states as follows to the Missouri Public Service Commission
(“Commission”):

BACKGROUND

1. On May 26, 2006, Praxair and Explorer filed their Motion to Reject Specified Tariff Sheets and Strike Testimony. This Motion sought the Commission’s Order rejecting certain tariff sheets and striking certain parts of Empire’s unoffered testimony and directing Empire to revise certain schedules.
2. On June 1, 2006, Empire filed its Response to Motion to Reject and Strike.
3. On June 14, 2006, at approximately 4:04 p.m., Praxair and Explorer filed their “Reply to Empire’s Response to Motion to Reject Specified Tariff Sheets and Strike Testimony” (Reply). This Reply raises for the first time new arguments related to the Commission’s Order Clarifying Continued Applicability of the Interim Energy Charge (“Clarifying Order”), issued on May 2, 2006.

MOTION TO STRIKE

4. Commission Rule 4 CSR 240-2.080(15) states that “parties shall be allowed not more than ten (10) days from the date of filing in which to respond to any pleading unless ordered by the commission.”

5. The Reply has been filed more than ten days after the filing of Empire’s response and no Commission order has provided for a greater time period. Therefore, the Reply is in violation of Commission Rule 4 CSR 240-2.080(15) and on that basis Empire moves that it be stricken.

IN THE ALTERNATIVE, REQUEST FOR TIME TO RESPOND

6. Should the Commission decide to not strike the Reply, Empire hereby requests that it be given time to respond to this pleading. As stated above, the Reply raises new arguments related to a several subjects. It would be fundamentally unjust for the Commission to consider these arguments without Empire, or any other party, having had a chance to respond. If the pleading is not stricken, Empire asks that it be provided the ten days identified by Commission Rule 4 CSR 240-2.080(15) to address the arguments raised in the Reply.

WHEREFORE, Empire moves the Commission to strike the Praxair/Explorer Reply to Empire’s Response to Motion to Reject Specified Tariff Sheets and Strike Testimony or, in the alternative, to provide Empire with an opportunity to respond to that pleading.

Respectfully submitted,

/s/ Dean L. Cooper

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Certificate of Service

I hereby certify that a true and correct copy of the above and foregoing document was sent by U.S. Mail, postage prepaid, or hand-delivered, on this 14th day of June, 2006, to:

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