

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

In the Matter of the Application of The Empire)
District Electric Company and Ozark Electric)
Cooperative for Approval of a Written Territorial)
Agreement Designating the Boundaries of)
Exclusive Service Areas for Each within Two)
Tracts of Land in Greene County and Christian)
County, Missouri)

Case No. EO-2007-0029

PUBLIC COUNSEL’S RESPONSE TO ORDER DIRECTING FILING

COMES NOW The Office of the Public Counsel and for its Response to Order Directing Filing states as follows:

1. On July 18, 2006, The Empire District Electric Company and Ozark Electric Cooperative filed a joint application for approval of a territorial agreement. Concurrently, Empire filed a request for variance. On October 10, Staff filed its recommendation in which it recommended that the Commission deny both the request for variance and the application for approval of a territorial agreement.

2. On October 4, the Commission issued an order in which it set October 12 as the deadline for responses to Staff’s recommendation. On October 12, the Commission issued an order that provided that “The Empire District Company, Ozark Electric Cooperative, and the Office of the Public Counsel may also respond to the Staff Recommendation no later than October 17, 2006.”

3. In response to the Commission’s October 12 order, Public Counsel states that it supports the Staff’s October 10 recommendation to deny the request for variance. Public Counsel does not oppose the territorial agreement, except to the extent that it is dependent on the granting of the variance request.

WHEREFORE Public Counsel respectfully submits this response to the Commission's October 4 and October 12 orders.

Respectfully submitted,

OFFICE OF THE Public Counsel

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been emailed to all parties this 17th day of October 2006.

By: _____