

FILED<sup>2</sup>

MAY 16 2001

Missouri Public  
Service Commission

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI

In the matter of the Application of )  
The Empire District Electric Compa- )  
ny for authority to file tariffs )  
reflecting increased charges for )  
electric service within its Mis- )  
souri service area )

Case No. ER-2001-299

INTERVENOR PRAXAIR'S MOTION  
FOR LEAVE TO FILE STATEMENT OF POSITIONS ONE DAY OUT OF TIME

COMES NOW Intervenor Praxair Inc. and for its Motion to  
File Statement of Positions one day out of time states:

1. Counsel for Praxair was informally advised that  
parties were to seek a brief extension of time, possibly through  
Monday, to file position statements in view of the delay in  
formulating the issues statement itself and the continuing  
negotiations between the parties.

2. Counsel for Praxair had agreed to such extension  
and was not advised further by any other party that the extension  
was not being requested.

3. Late this afternoon (May 15), while downloading e-  
mail at roughly 5:30 p.m. Praxair counsel noted that Staff and  
Empire had apparently filed their position statements. There  
appeared to have been no attempt to seek the extension.

4. Accordingly, Praxair counsel is transmitting its  
Statement of Positions via overnight delivery and mailing copies  
to the other parties today to avoid any prejudice to the other  
parties.

5. This filing one day out of time will not prejudice other parties.

WHEREFORE leave to file its Position Statements one day out of time is requested.

Respectfully submitted,

FINNEGAN, CONRAD & PETERSON, L.C.



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ATTORNEYS FOR PRAXAIR, INC.

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document upon each person designated on the official service list compiled by the Secretary in this proceeding.

Dated: May 15, 2001.



Stuart W. Conrad, Esq.  
An attorney for Praxair Inc.