

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

In The Matter of The Empire District	)	
Electric Company of Joplin, Missouri for	)	
Authority to File Tariff Increasing Rates	)	Case No. ER-2008-0093
For Electric Service to Customers in the	)	
Missouri Service Area of the Company	)	

**MISSOURI DEPARTMENT OF NATURAL RESOURCES' PRE-HEARING BRIEF**

COMES NOW Missouri Department of Natural Resources (MDNR) and submits its Pre-Hearing Brief in the above-styled matter.

The MDNR takes a position on two of the issues raised in this case as follows.

**NON-REVENUE REQUIREMENT**

1. Energy Efficiency Programs: Should the Missouri Department of Natural Resources' recommendations concerning Empire's interaction and involvement with the Customer Program Collaborative be adopted?

Yes. This case has demonstrated that the Commission should direct Empire to report more frequently to the CPC and provide more information to the CPC outlining how the DSM programs selected by the CPC are being implemented. During this case, MDNR realized Empire was further along and had additional information on program implementation, but MDNR only found out the actual status of program implementation through a series of data requests. Further, while the Stipulation and Agreement in Case No. EO-2005-0263 establishes a procedure for addressing disagreements among the parties to the CPC if there is a dispute regarding program selection, the procedure is not designed to address a dispute or problem regarding program implementation. This rate case is the logical avenue

to add to the process initially established in Case No. EO-2005-0263. MDNR is not asking the Commission to change a Stipulation and Agreement it has already approved. MDNR is asking the Commission to add to the CPC process established in that earlier case to make the CPC more effective.

3. Low Income Assistance Program: Should Empire's Experimental Low-Income Program (ELIP) be continued with changes? If so, what should those changes be? What should be done with unspent ELIP funds? Should interest be paid to customers on the unspent funds? If yes, how should the interest be calculated?

MDNR was not one of the parties who participated in the original design of the ELIP. However, in Case No. ER-2006-0315, this Commission directed the members of the Empire CPC to review the ELIP and make recommendations on what to do with the unspent ELIP funds. As a member of the CPC, MDNR has participated in the discussions on the unspent ELIP monies. Unfortunately, the CPC parties were not able to agree on how the monies should be spent before Empire filed the above-styled rate case. In general, MDNR's position is that it is premature to decide what to do with the funds absent more information from Empire justifying its proposals. In addition, MDNR also recommends that Empire assess why its customers are not using the program and contact other utilities with similar programs to learn from their experience.

WHEREFORE, the MDNR submits its Pre-Hearing Brief summarizing its position on the two issues for which it has offered testimony.

Respectfully submitted,

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### CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or e-mailed to all counsel of record this 6th day of May, 2008.

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