

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

In the Matter of the First Prudence Review of	)	
Costs Subject to the Commission-Approved	)	<b>Case No.</b> EO-2010-0084
Fuel Adjustment Clause of The Empire	)	
District Electric Company	)	

**MOTION TO WITHDRAW AND FILE AFFIDAVITS**

COMES NOW the Staff of the Missouri Public Service Commission (“Staff”) and for its *Motion* states as follows:

1. The Staff filed a Report and Recommendation (“Report”) concerning its prudence audit of the costs subject to The Empire District Electric Company’s (“Empire”) commission-approved fuel adjustment clause on February 26, 2010.
2. The affidavits of Leon Bender and Dana Eaves attached to the Report were erroneously dated June 26, 2009, and the affidavit of David Roos was omitted.
3. Staff hereby moves to withdraw the affidavits filed on February 26, 2010.
4. Staff hereby moves to append to its February 26, 2010 filed Report, the affidavits affixed here-to as Attachment A.

**WHEREFORE**, the Staff of the Missouri Public Service Commission hereby submits its *Motion to Withdraw and File Affidavits*, and requests the Commission deem the Staff’s affidavits filed February 26, 2010 withdrawn, and permit the appending, by reference, of the affidavits affixed here-to as Attachment A.

Respectfully submitted,

/s/ Sarah Kliethermes  
Sarah L. Kliethermes

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**Certificate of Service**

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or electronic mailed to all counsel of record this 2<sup>nd</sup> day of March, 2010.

/s/ Sarah L. Kliethermes