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STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

At a Session of the Public Service
Commission held at its office
in Jefferson City on the 22nd
day of June, 1999.

In the Matter of the Application of)	
The Empire District Electric Company)	
for a Certificate of Public Convenience)	
and Necessity Authorizing it to Construct,)	
Install, Own, Operate, Control, Manage)	<u>Case No. EA-99-172</u>
and Maintain an Electric Transmission)	
and Distribution System to Provide Electric)	
Service in an Area in Greene County,)	
Missouri)	

ORDER DENYING INTERVENOR'S MOTION TO DISMISS OR TO SUSPEND
PROCEDURAL SCHEDULE

On June 4, 1999, the City of Springfield, Missouri, through the Board of Public Utilities, Southwest Electric Cooperative, Ozark Electric Cooperative and Webster Electric Cooperative, the intervenors in this matter, filed a Joint Motion to Dismiss, or in the Alternative to Suspend Procedural Schedule. The motion indicates that The Empire District Electric Company (Empire) has announced plans to be acquired by and merged into UtiliCorp United Inc. (UtiliCorp). The intervenors argue that the proposed merger means that Empire no longer desires to be a provider of electric service and that if the merger is approved, UtiliCorp and not Empire would be the real party in interest. The motion asks that the Commission either dismiss Empire's Application for Certificate of Convenience and Necessity, or suspend the procedural

schedule until after the Empire/UtiliCorp merge has been approved or rejected.

On June 14, Empire and the Staff of the Commission (Staff) filed separate responses to the joint motion of the intervenors. Empire and Staff each urged the Commission to deny the motion. They point out that neither the Commission nor the shareholders of the companies that have proposed to merge have yet approved the merger. Thus, the merger may never take place. Furthermore, Empire represents that it will continue to operate as a separate entity within UtiliCorp and that it will continue to seek expansion of the area in which it is certificated to provide service.

The Commission has reviewed and considered the Joint Motion to Dismiss or in the Alternative to Suspend Procedural Schedule. The Commission has also reviewed and considered the responses filed by Empire and by Staff. The mere issuance of a press release regarding a proposed merger does not mean that Empire must forego its interest in its application for a certificate of convenience and necessity. The Commission concludes that there is no reason to dismiss Empire's Application. Nor is there any reason to suspend the procedural schedule.

IT IS THEREFORE ORDERED:

1. That the Joint Motion to Dismiss, or in the Alternative to Suspend Procedural Schedule is denied.

2. That this order shall become effective on July 2, 1999.

BY THE COMMISSION

A handwritten signature in black ink, reading "Dale Hardy Roberts". The signature is written in a cursive style with a large initial "D".

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

Lumpe, Ch., Crumpton, Murray,
Schemenauer, and Drainer, CC., concur

Woodruff, Regulatory Law Judge

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COMMISSION COUNSEL
PUBLIC SERVICE COMMISSION