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May 29, 2001

Mr. Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge
Missouri Public Service Commission
P. O. Box 360
Jefferson City, MO 65102

**RE: The Empire District Electric Company,
Case No. ER-2001-299**

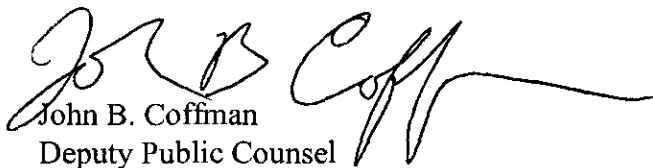
FILED²
MAY 29 2001
Missouri Public
Service Commission

Dear Mr. Roberts:

Enclosed for filing in the above referenced case, please find the original and 8 copies of **Public Counsel's Request for Leave to Late-File the Prepared Direct Testimony of Russell W. Trippensee Regarding Fuel and Purchased Power Expense**. Please "file stamp" the extra enclosed copy and return it to this office. I have on this date mailed, faxed, or hand-delivered the appropriate number of copies to all counsel of record.

Thank you for your attention to this matter.

Sincerely,


John B. Coffman
Deputy Public Counsel

JBC:kh

cc: Counsel of record

Enclosure

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

FILED²

MAY 29 2001

Missouri Public
Service Commission

In The Matter Of The Empire District Electric)
Company's Tariff Sheets Designed to Implement)
a General Rate Increase for retail Electric)
Service Provided to Customers in the Missouri)
Service Area of the Company.)

Case No. ER-2001-299

Tariff No. 200100518

**PUBLIC COUNSEL'S REQUEST FOR LEAVE TO LATE-FILE
THE PREPARED DIRECT TESTIMONY OF RUSSELL W. TRIPPENSEE
REGARDING FUEL AND PURCHASED POWER EXPENSE**

COMES NOW the Office of the Public Counsel (Public Counsel), pursuant to 4 CSR 240-2.130(8), and for its Request for Leave to Late-File the Prepared Direct Testimony of Russell W. Trippensee Regarding Fuel and Purchased Power Expense, states as follows:

1. On May 14, 2001, Empire District Electric Company (Company), the Staff of the Commission (Staff), and the Office of the Public Counsel (Public Counsel) filed the Stipulation and Agreement Regarding Fuel and Purchased Power Expense. Although this is a non-unanimous stipulation, it reflects a joint recommendation of every party to this case which has filed prepared testimony on the fuel and purchased power expense issue.

2. The Interim Energy Charge (IEC) approach explained in the Stipulation and Agreement Regarding Fuel and Purchased Power Expense would be a fair manner in which to resolve this extremely important and difficult issue. This approach was reached after extensive negotiations among all parties. It was not known whether this stipulation would be treated as unanimous or non-unanimous until after the date for filing prepared surrebuttal testimony under the procedural schedule ordered in this case. After it became

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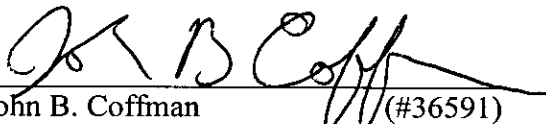
clear that this stipulation would be treated as non-unanimous, Public Counsel filed the Direct Testimony of Russell W. Trippensee on May 22, 2001, supporting and explaining Public Counsel's decision to recommend the IEC approach to fuel and purchased power expense.

3. 4 CSR 240-2.130(8) permits prepared testimony outside the procedural schedule if "ordered by the presiding officer or the commission." The circumstances of the negotiations on fuel and purchased power justify such an exception in this case.

WHEREFORE, Public Counsel respectfully requests that the Commission accept as late-filed the Direct Testimony of Russell W. Trippensee filed on May 22, 2001 regarding Public Counsel's new position in support of the joint recommendation that the Commission approve the IEC approach to fuel and purchased power expense.

Respectfully submitted,

OFFICE OF THE PUBLIC COUNSEL

By:  (#36591)

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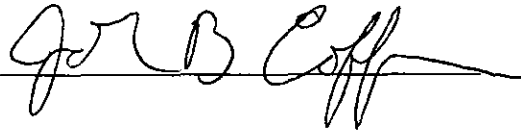
CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed or hand-delivered to the following this 29th day of May 2001:

Dennis L. Frey
Public Service Commission
P. O. Box 360
Jefferson City, MO 65102

Gary W. Duffy
Brydon, Swearngen & England
P. O. Box 456
Jefferson City, MO 65102

Stuart W. Conrad
Finnegan, Conrad & Peterson L.C.
1209 Penntower Office Center
3100 Broadway
Kansas City MO, 64111

A handwritten signature in black ink, appearing to read "Gary W. Duffy", is written over a horizontal line.