

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION
JEFFERSON CITY
September 28, 2001**

CASE NO: ER-2001-299

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Enclosed find certified copy of a ORDER in the above-numbered case(s).

Sincerely,



**Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge**

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of The Empire District Electric Company's Tariff)
Sheets Designed to Implement a General Rate Increase for) **Case No. ER-2001-299**
Retail Electric Service Provided to Customers in the Missouri) **Tariff No. 200200234**
Service Area of the Company.)

ORDER APPROVING TARIFFS FILED IN COMPLIANCE
WITH COMMISSION ORDER

On September 20, 2001, the Commission issued its Report and Order in this case, authorizing The Empire District Electric Company to file proposed tariff sheets in compliance with the Commission's order. On September 26, 2001, the Company filed its proposed tariff sheets (tariff file number 200200234), along with a Motion for Expedited Treatment and Approval of Tariff Sheets. Although the tariff sheets bore an effective date of October 26, 2001, the Company requested expeditious treatment so that the proposed tariff sheets could become effective on October 2, 2001.

In support of its motion for expedited treatment, Empire contends that the Commission suspended its initial revised tariff sheets until October 2, 2001, the full statutory period allowed. Empire argues that its tariff filing may not be suspended beyond this date because Section 393.150, RSMo 2000, provides that a public utility is not required to wait more than eleven months in total after the filing of revised tariffs to implement new rates where the Commission has determined, after full investigation and hearing, that the Company's existing rates are inadequate.

The Staff of the Missouri Public Service Commission reviewed the tariff sheets and filed a recommendation on September 27, 2001. Staff recommends that the Commission approve the Company's tariff sheets, on an expedited basis, to become effective on October 2, 2001. Staff states that "the October 2, 2001 operation-of-law date in this case is good cause for the Commission to order the tariff sheets to become effective on that date."

The Commission has reviewed the tariff sheets and Staff's recommendation and finds that the tariff sheets conform to the Commission's Report and Order of September 20, 2001, and should be approved.

However, the Commission disagrees with the arguments as to why the proposed tariff sheets should be effective as of October 2, 2001. Section 393.140(11) and Commission Rule 4 CSR 240-20.010(22) provide that all changes in rates shall be filed with the Commission at least 30 days before the date upon which they are to become effective. Empire complied with this provision by filing its proposed tariff sheets on September 26, 2001, with a 30-day effective date. Rule 4 CSR 240-2.065(2) provides that when a public utility submits a tariff for Commission approval but requests that the tariff become effective in fewer than 30 days, the company shall file a motion for expedited treatment. Empire filed its motion for expedited treatment, along with the tariff filing, on September 26, 2001.

As noted above, Empire argues that the law requires that its tariff be allowed to go into effect by October 2, 2001. This argument is without merit. The original tariff sheets bore an effective date of December 3, 2000. The Commission suspended the proposed tariff sheets until October 2, 2001. After a full investigation and hearing, the Commission issued a Report and Order rejecting those proposed tariff sheets, thus complying with the requirements of Section 393.150, RSMo 2000. The Company has no vested right to

expedited treatment based on the rejected tariffs, and the effective date of the rejected tariff sheets is irrelevant.

Nonetheless, the Commission believes that good cause does exist to allow the tariff to go into effect on an expedited basis. In its Report and Order, the Commission found that the facts demonstrate that the Company's current rates are inadequate. The public interest is served by allowing the Company to implement adequate rates as soon as possible. In addition, all interested parties have had over 11 months' notice of a possible rate increase and additional delay in implementing the approved increase is not necessary. Therefore, the Commission will allow the proposed tariff sheets to become effective as of October 2, 2001.

IT IS THEREFORE ORDERED:

1. That the tariff sheets filed by The Empire District Electric Company, and assigned tariff number 200200234, are approved to become effective on October 2, 2001.

The tariff sheets approved are:

P.S.C. Mo. No. 5, Section A

15th Revised Sheet No. 1, Cancelling 14th Revised Sheet No. 1

P.S.C. Mo. No. 5, Section 1

10th Revised Sheet No. 1, Cancelling 9th Revised Sheet No. 1

8th Revised Sheet No. 2, Cancelling 7th Revised Sheet No. 2

P.S.C. Mo. No. 5, Section 2

9th Revised Sheet No. 1, Cancelling 8th Revised Sheet No. 1

Original Sheet No. 1a

9th Revised Sheet No. 2, Cancelling 8th Revised Sheet No. 2

Original Sheet No. 2a

9th Revised Sheet No. 3, Cancelling 8th Revised Sheet No. 3

6th Revised Sheet No. 3a, Cancelling 5th Revised Sheet No. 3a

10th Revised Sheet No. 4, Cancelling 9th Revised Sheet No. 4

7th Revised Sheet No. 4a, Cancelling 6th Revised Sheet No. 4a

9th Revised Sheet No. 5, Cancelling 8th Revised Sheet No. 5

9th Revised Sheet No. 6, Cancelling 8th Revised Sheet No. 6
9th Revised Sheet No. 7, Cancelling 8th Revised Sheet No. 7
4th Revised Sheet No. 7a, Cancelling 3rd Revised Sheet No. 7a
5th Revised Sheet No. 9, Cancelling 4th Revised Sheet No. 9
4th Revised Sheet No. 9b, Cancelling 3rd Revised Sheet No. 9b
4th Revised Sheet No. 10, Cancelling 3rd Revised Sheet No. 10
4th Revised Sheet No. 10a, Cancelling 3rd Revised Sheet No. 10a
4th Revised Sheet No. 13, Cancelling 3rd Revised Sheet No. 13
3rd Revised Sheet No. 14, Cancelling 2nd Revised Sheet No. 14
3rd Revised Sheet No. 14a, Cancelling 2nd Revised Sheet No. 14a
3rd Revised Sheet No. 14b, Cancelling 2nd Revised Sheet No. 14b
3rd Revised Sheet No. 14c, Cancelling 2nd Revised Sheet No. 14c
3rd Revised Sheet No. 14d, Cancelling 2nd Revised Sheet No. 14d
3rd Revised Sheet No. 14e, Cancelling 2nd Revised Sheet No. 14e

P.S.C. Mo. No. 5, Section 3

10th Revised Sheet No. 1, Cancelling 9th Revised Sheet No. 1
5th Revised Sheet No. 1a, Cancelling 4th Revised Sheet No. 1a
14th Revised Sheet No. 2, Cancelling 13th Revised Sheet No. 2
7th Revised Sheet No. 2a, Cancelling 6th Revised Sheet No. 2a
9th Revised Sheet No. 3, Cancelling 8th Revised Sheet No. 3
Original Sheet No. 3a
9th Revised Sheet No. 4, Cancelling 8th Revised Sheet No. 4
1st Revised Sheet No. 5, Cancelling Original Sheet No. 5

P.S.C. Mo. No. 5, Section 4

7th Revised Sheet No. 2, Cancelling 6th Revised Sheet No. 2
4th Revised Sheet No. 4a, Cancelling 3rd Revised Sheet No. 4a
2nd Revised Sheet No. 15, Cancelling 1st Revised Sheet No. 15
3rd Revised Sheet No. 16, Cancelling 2nd Revised Sheet No. 16
3rd Revised Sheet No. 17, Cancelling 2nd Revised Sheet No. 17

2. That this order shall become effective on October 2, 2001.

BY THE COMMISSION

A handwritten signature in black ink that reads "Dale Hardy Roberts". The signature is written in a cursive, slightly slanted style.

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

Vicky Ruth, Senior Regulatory Law Judge,
by delegation of authority pursuant to
Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 28th day of September, 2001.

STATE OF MISSOURI

OFFICE OF THE PUBLIC SERVICE COMMISSION

I have compared the preceding copy with the original on file in this office and
I do hereby certify the same to be a true copy therefrom and the whole thereof.

WITNESS my hand and seal of the Public Service Commission, at Jefferson City,
Missouri, this 28th day of Sept. 2001.

Dale Hardy Roberts

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

