

# **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 Tariffs Increasing	)	<b><u>Case No. ER-2002-424</u></b>
Rates for Electric Service Provided to Customers in the	)	<b>Tariff No. 200200743</b>
Missouri Service Area of the Company	)	

## **ORDER CHANGING FILING DEADLINE**

On August 16, 2002, Empire requested the Commission delay the filing of Staff's testimony for one week so that Empire could continue its negotiations with the Commission Staff. This request was made in person by one of Empire's attorneys and one or more of the Staff attorneys were able to be present for a very brief discussion of this request. Staff noted that it would take no position, at this time, on Empire's request. No other party had yet been advised by Empire of its request.


The Commission cannot properly entertain such a motion until all the parties have at least been notified of Empire's request. Moreover, this request was made late on a Friday afternoon and the judge to whom this case is assigned was not available. Empire alleged that the failure to delay the filing of this testimony would create greater harm than the delay itself. The Commission is in no position to weigh that argument at this point but the Commission cannot image that a delay of one business day would create a substantial harm to any party. Therefore, operating out of an abundance of caution, the Commission will delay the filing of Staff's testimony, for one business day. Before the expiration of that

time period, this matter will be referred to the judge to whom the case is assigned for consideration of any further action.

**IT IS THEREFORE ORDERED:**

1. That The Empire District Electric Company shall file its written request for continuance making clear the way in which it would be harmed if the delay were not granted.
2. That The Empire District Electric Company shall immediately and contemporaneously serve a copy of its pleading on every party, either by facsimile transmission, electronic mail, or next morning delivery.
3. That the testimony which was to have been filed by the Public Service Commission Staff on Friday, August 16, 2002, shall not be filed until 3 p.m. Monday, August 19, 2002, unless otherwise ordered by the Commission.
4. That this order shall become effective on August 16, 2002.

**BY THE COMMISSION**



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

**( S E A L )**

Dale Hardy Roberts, Chief Regulatory Law Judge, by delegation of authority pursuant to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,  
on this 16th day of August, 2002.