

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

The Staff of the Missouri Public	)	
Service Commission,	)	
	)	
Complainant,	)	
	)	
v.	)	<b><u>Case No. EC-2009-0078</u></b>
	)	
The Empire District Electric Company,	)	
	)	
Respondent.	)	

**ORDER ESTABLISHING TIME TO REPLY TO STAFF'S RESPONSE TO**  
**EMPIRE'S PROPOSED PROCEDURAL SCHEDULE**

Issue Date: November 5, 2008

Effective Date: November 5, 2008

On November 3, 2008, Staff and The Empire District Electric Company filed separate proposed procedural schedules regarding the Commission's consideration of Staff's complaint against Empire. Staff proposed a hearing in February 2009, while Empire proposed a hearing in May 2009. On November 5, Staff filed a response to Empire's proposed procedural schedule in which Staff argued for an expedited hearing because of its concern that the two-year statute of limitations found at Section 516.390, RSMo (2000) might limit Staff's ability to seek penalties in circuit court if it prevails before the Commission in this case.

Before acting to establish a procedural schedule, the Commission will give the other parties an opportunity to reply to Staff's response.

**THE COMMISSION ORDERS THAT:**

1. Any party that wishes to reply to Staff's Response to Empire's Proposed Procedural Schedule shall do so no later than November 7, 2008.
2. This order shall become effective immediately upon issuance.

**BY THE COMMISSION**

A handwritten signature in black ink, appearing to read 'Colleen M. Dale', written over a horizontal line.

Colleen M. Dale  
Secretary

( S E A L )

Morris L. Woodruff, Deputy Chief Regulatory  
Law Judge, by delegation of authority  
pursuant to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,  
on this 5<sup>th</sup> day of November, 2008.