

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

Staff of the Missouri Public Service Commission,)	
)	
)	
Complainant,)	
)	
v.)	Case No. EC-2009-0288
)	
The Empire District Electric Company,)	
)	
)	
Respondent.)	

**PETITION OF MISSOURI ENERGY DEVELOPMENT ASSOCIATION FOR
LEAVE TO FILE A BRIEF AS AMICUS CURIAE**

COMES NOW the Missouri Energy Development Association (“MEDA”), pursuant to Missouri Public Service Commission (“Commission”) rule 4 CSR 240-2.075(6) and for its request to file a brief as an *amicus curiae* states the following:

1. MEDA is an incorporated trade association whose member companies consist of Union Electric Company, d/b/a AmerenUE; Kansas City Power & Light Company; The Empire District Electric Company (“Empire”); Empire District Gas Company; Laclede Gas Company; Missouri Gas Energy; Atmos Energy Corporation and Missouri-American Water Company. Each of the member companies are regulated by the Commission as provided by law.
2. MEDA seeks leave of the Commission to file the accompanying brief of *amicus curiae* in the captioned case. MEDA petitions for leave to file its brief to address a policy issue of importance to all regulated utilities in the State

of Missouri, that is, whether the Missouri Public Service Commission Act (the “Act”) requires regulated utilities to seek Commission approval to sell or transfer any personal property, tangible or intangible, as has been contended by the Commission’s staff (“Staff”) in its Motion for Determination on the Pleadings (the “Motion”). MEDA submits that Staff’s Motion represents a fundamentally flawed reading of the Act and should be denied. MEDA further submits that Empire’s Motion to Dismiss sets forth well-reasoned grounds for dismissal of the Complaint. Because the admitted purpose of Staff’s Complaint is to obtain a determination in this case that will establish a regulatory precedent with respect to all electrical corporations (and not just Empire),¹ MEDA should be allowed to express the views of the regulated industry.

3. MEDA submits simultaneously herewith an *amicus curiae* brief for the Commission’s consideration.

4. While the Commission’s rule on the filing of *amicus curiae* briefs generally contemplates the filing of a post-hearing brief, the unique circumstances justify the filing of a legal brief at this stage of the proceeding because there are pending cross motions for summary action on the part of the Commission. The granting of Staff’s Motion could adversely affect the interests of not just Empire, but every regulated utility in the State of Missouri. Under these special procedural circumstances, it is appropriate that MEDA’s voice be heard before the Commission rules on the Motion. Additionally, MEDA believes the matters addressed in its brief will assist the Commission in reaching a well-

¹ See, Complaint ¶ 35.

informed decision on the legal issues presented by the motions currently pending.

WHEREFORE, MEDA requests the Commission accept its *amicus curiae* brief for consideration in the caption matter.

Respectfully submitted,

/s/ Paul A. Boudreau

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing document was delivered by first class mail, electronic mail or hand delivery, on the 6th day of March, 2009, to the following:

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