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Vice Chair

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KELVIN L. SIMMONS

STEVE GAW

Missouri Public Service Commission

POST OFFICE BOX 360
JEFFERSON CITY, MISSOURI 65102
573-751-3234
573-751-1847 (Fax Number)
<http://www.psc.state.mo.us>
June 1, 2001

BRIAN D. KINKADE
Executive Director

WESS A. HENDERSON
Director, Utility Operations

ROBERT SCHALLENBERG
Director, Utility Services

DONNA M. KOLILIS
Director, Administration

DALE HARDY ROBERTS
Secretary/Chief Regulatory Law Judge

DANA K. JOYCE
General Counsel

FILED

JUN 1 2001

Missouri Public
Service Commission

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

RE: Case No. ER-2001-299 – 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

Dear Mr. Roberts:

Enclosed for filing in the above-captioned case are an original and eight (8) conformed copies of a **STAFF MOTION FOR LEAVE TO LATE-FILE SUPPLEMENTAL TESTIMONY IN SUPPORT OF THE STAFF'S CHANGE OF POSITION REGARDING FUEL AND PURCHASED POWER EXPENSE AND LEAVE TO FILE CERTAIN REVISED STAFF SURREBUTTAL TESTIMONY.** (See attached chart listing Staff witness' testimony filed with the attached motion.)

This filing has been mailed or hand-delivered this date to all counsel of record.

Thank you for your attention to this matter.

Sincerely yours,

Steven Dottheim
Chief Deputy General Counsel
(573) 751-7489
(573) 751-9285 (Fax)

Enclosure
cc: Counsel of Record

Case No. ER-2001-299

Filed: June 1, 2001

Late-Filed Supplemental Testimony in Support of the Staff's Change of Position Regarding Fuel and Purchased Power Expense		
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Staff Witness	HC	NP
Cary G. Featherstone		X
James C. Watkins		X

Revised Staff Surrebuttal Testimony		
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Staff Witness	HC	NP
Cary G. Featherstone	X	X
Janice Pyatte		X

BEFORE THE PUBLIC SERVICE COMMISSION

FILED

JUN 1 2001

OF THE STATE OF MISSOURI

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

**STAFF MOTION FOR LEAVE TO LATE-FILE SUPPLEMENTAL
TESTIMONY IN SUPPORT OF THE STAFF'S CHANGE OF POSITION
REGARDING FUEL AND PURCHASED POWER EXPENSE AND
LEAVE TO FILE CERTAIN REVISED STAFF SURREBUTTAL TESTIMONY**

Comes now the Staff of the Missouri Public Service Commission (Staff) and requests leave to late-file supplemental testimony in support of the Staff's change of position regarding fuel and purchased power expense and leave to file certain revised staff surrebuttal testimony regarding fuel and purchased power expense and rate design. In support thereof the Staff states as follows:

1. On April 3, 2001, the Staff filed prepared direct testimony on, among other things, the issue of fuel and purchased power expense. On May 3, 2001, the Staff filed prepared rebuttal testimony on, among other things, the issue of fuel and purchase power expense. On May 17, 2001, the Staff filed prepared surrebuttal testimony on, among other things, the issue of fuel and purchase power expense and surrebuttal testimony on the issue of rate design which makes reference to the issue of fuel and purchase power expense.

2. The Staff has changed its position on the issue of fuel and purchase power expense. The Staff now proposes that the Commission adopt the use of an interim energy charge (IEC) as discussed in Cary G. Featherstone's and James C. Watkins' Supplemental Testimony In

Support Of The Staff's Change Of Position Regarding Fuel And Purchase Power Expense, which the Staff seeks leave to late-file this date. The Staff believes that this filing is consistent with the Commission's ruling on May 31, 2001 respecting the May 29, 2001 Response of Praxair Inc.

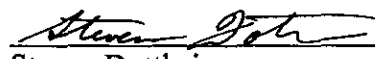
3. Furthermore, as a consequence of the Commission's ruling on May 31, 2001 respecting the May 29, 2001 Response of Praxair Inc., the Staff is filing Revised Surrebuttal Testimony of Cary G. Featherstone and Janice Pyatte. The revisions contained in the Revised Surrebuttal Testimony of Mr. Featherstone and Ms. Pyatte are not substantive changes. The revisions in particular substitute language for the language asserted by Praxair Inc. in its May 29, 2001 Response to be objectionable. Since the surrebuttal testimony of Cary G. Featherstone and Janice Pyatte were timely filed, the Staff is not requesting leave to late file, but is requesting leave to file revised surrebuttal testimony by said Staff witnesses.

4. Just as the Staff has removed the language sustained as objectionable, and is now seeking to file testimony minus said language, the Staff has sought to avoid the use in the instant pleading of the language that has been held to be objectionable.

Wherefore the Staff requests leave to late-file supplemental testimony in support of the Staff's change of position regarding fuel and purchased power expense and leave to file certain revised staff surrebuttal testimony respecting fuel and purchased power expense and rate design.

Respectfully submitted,

DANA K. JOYCE
General Counsel


Steven Dottheim
Chief Deputy General Counsel
Missouri Bar No. 29149

Dennis L. Frey
Associate General Counsel
Missouri Bar No. 44697

Attorneys for the Staff of the
Missouri Public Service Commission
P. O. Box 360
Jefferson City, MO 65102
(573) 751-7489 (Telephone)
(573) 751-9285 (Fax)

Certificate of Service

I hereby certify that copies of the foregoing have been mailed or hand-delivered to all counsel of record as shown on the attached service list this 1st day of June 2001.



Service List for
Case No. ER-2001-299
Verified: May 30, 2001 (ccl)

Office of the Public Counsel
P. O. Box 7800
Jefferson City, MO 65102

Gary Duffy
Brydon, Swearingen & England, P.C.
P. O. Box 456
Jefferson City, MO 65102-0456

Stuart W. Conrad
Finnegan, Conrad & Peterson
3100 Broadway, Suite 1209
1209 Penntower Office Bldg.
Kansas City, MO 64111

Henry T. Herschel
308 E. High Street Suite 301
Jefferson City, MO 65101