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June 4, 2001

FILED<sup>2</sup>

JUN - 4 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 **STAFF MOTION FOR LEAVE TO FILE SUPPLEMENTAL SURREBUTTAL TESTIMONY OF JANIS E. FISCHER**. Filed with this motion are the appropriate number of copies of Staff witness Janis E. Fischer's highly confidential and non-proprietary testimony.

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,

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Chief Deputy General Counsel  
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SD:ccl  
Enclosure  
cc: Counsel of Record

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

**FILED<sup>2</sup>**

JUN - 4 2001

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 FILE SUPPLEMENTAL  
SURREBUTTAL TESTIMONY OF JANIS E. FISCHER**

Comes now the Staff of the Missouri Public Service Commission (Staff) and requests leave to file the Supplemental Surrebuttal Testimony of Janis E. Fischer on the issue of incentive compensation. In support thereof the Staff states as follows:

1. On May 17, 2001, the Staff filed prepared surrebuttal testimony on, among other things, the issue of incentive compensation. Said surrebuttal testimony of Ms. Fischer stated, in part, that the Staff had requested specific documentation of Incentive Awards criteria for a sample of The Empire District Electric Company's (EDE) non-union employees. Ms. Fischer further stated that after the Staff receives from EDE the additional information that it has requested, the Staff might file supplemental surrebuttal testimony. The Staff received from EDE on Friday, May 25, 2001 the information that it had requested, i.e., a response to Staff Data Request No. 331.

2. As a result of a review of the information received from EDE on May 25, 2001, Ms. Fischer has written supplemental surrebuttal testimony which the Staff now seeks leave of the Commission to file.

3. Due to the filing on June 1, 2001 of the supplemental testimony of James C. Watkins and Cary G. Featherstone on a change of Staff position regarding fuel and purchased power expense and the filing of revised surrebuttal testimony of Mr. Featherstone on fuel and purchased power expense and Janice Pyatte on rate design, and the related Staff pleading for leave to file this supplemental and revised testimony, the Staff was not able to complete this pleading and file the supplemental surrebuttal testimony of Ms. Fischer by the close of the Records Department at 4:00 p.m. The Staff was able to provide to EDE and Praxair, Inc., on Friday afternoon, June 1, 2001, copies of the supplemental surrebuttal testimony of Ms. Fischer.

4. The Staff apologizes for any inconvenience that this matter has caused or will cause the Commission and the parties to this case.

Wherefore the Staff requests leave to file the supplemental surrebuttal testimony of Ms. Janis E. Fischer on the issue of incentive compensation.

Respectfully submitted,

DANA K. JOYCE  
General Counsel



Steven Dottheim  
Chief Deputy General Counsel  
Missouri Bar No. 29149

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Missouri Bar No. 44697

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**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 4th day of June 2001.

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

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