

**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 Rates for Electric Service)
Provided to Customers in the Missouri Service)
Area of the Company.)

Case No. ER-2011-0004

**REQUEST FOR CLARIFICATION REGARDING APPLICABILITY
OF COMMISSION-ORDERED DISCOVERY DEADLINE TO TRUE-UP**

COMES NOW the Staff (“Staff”) of the Missouri Public Service Commission (“Commission”), by and through Staff Counsel Office, and for its *Request for Clarification Regarding Applicability of Commission-Ordered Discovery Deadline to True-up* states as follows:

1. On March 30, 2011, the Commission issued its *Order Modifying Procedural Schedule and Setting Discovery Deadline*, in which it ordered that “[n]o party shall issue data request, subpoenas, or other discovery requests after May 2, 2011.”
2. On April 5, 2011, Empire requested that a true-up hearing be held in this matter.
3. On April 19, 2011, the Commission ordered that a true-up proceeding shall proceed according to the ordered procedural schedule.
4. On May 6, 2011, the parties filed true-up direct testimony.
5. Pursuant to the Commission’s November 16, 2011, *Order Setting Procedural Schedule, Establishing Test Year, Establishing Other Procedural Requirements, and Adopting Proposed Customer Notice with Modifications*, true-up rebuttal testimony is due May 20, 2011.
6. Pursuant to the November 16 Order, the true-up hearing in this matter is set for June 6-7, 2011.

7. Staff seeks clarification as to the applicability of the discovery deadline to items raised as true-up matters in this proceeding.

8. Staff would suggest that May 27, 2011 is a reasonable date for the cut-off of true-up discovery, if the Commission orders such a cut-off.

9. Staff has discussed this with counsel for Empire, who does not object to the requested clarification.

WHEREFORE, Staff respectfully requests clarification regarding the applicability of the Commission's *Order Modifying Procedural Schedule and Setting Discovery Deadline* to items raised in the true-up phase of this proceeding.

Respectfully submitted,

/s/ Sarah Kliethermes
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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or electronically mailed to all counsel of record this 10th day of May, 2011.

/s/ Sarah Kliethermes_____