

**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-2010-0130

REQUEST TO POSTPONE FILING OF PROCEDURAL SCHEDULE

Comes now the Staff of the Missouri Public Service Commission (Staff), by and through the Chief Staff Counsel’s Office of the Missouri Public Service Commission (Commission) and requests that the date for filing a proposed procedural schedule be extended to January 15, 2010. In support thereof, the Staff states as follows:

1. On October 29, 2009, The Empire District Electric Company (“Empire”), submitted to the Missouri Public Service Commission tariff sheets, proposing to implement a general rate increase for electric service to customers in its Missouri service area.

2. In a November 20, 2009 pleading, Empire recommended that the Commission adopt a True-Up audit period and hearing to allow the rate recovery of the capital expenditures associated with the Company’s participation in the construction and ownership of the Iatan 2 and Plum Point coal-fired generating facilities. Empire noted that discussions among the parties to the Empire Experimental Regulatory Plan, Case No. EO-2005-0263, were pending that may impact the procedural schedule desired in this case. Empire stated that those discussions may cause Empire to modify its True-Up Recommendation. Empire noted that the discussions involved the procedures to be used in this case including the timing of the consideration and rate recovery of Empire’s

investments in Iatan 1, Iatan 2, and the Plum Point coal-fired generating facilities and other expenditures.

3. In its November 30, 2009 filing, the Staff recommended a True-Up cut-off of April 30, 2010, and reserved the right to address this matter further if the Staff reaches a different conclusion as to the appropriateness of the April 30, 2010 date.

4. A procedural conference was held in this matter on December 11, 2009 pursuant to the Commission's November 4, 2009 Suspension Order and Notice. That Order also directed the parties to file a procedural schedule on or before 14 days after the procedural conference (i.e., on or before December 25, 2009).

5. The discussions noted by Empire in its November 20, 2009 pleading, now including entities granted intervention in this proceeding that were not parties to the Empire Experimental Regulatory Plan, are still ongoing, and resolution of a procedural schedule of this case is dependent upon resolution of those discussions.

6. On December 23, 2009, the Staff and Empire requested that the date for filing a procedural schedule be extended to January 8, 2010. On December 23, 2009, the Commission ordered that the date for filing a procedural schedule be extended to January 8, 2010.

7. Detailed and involved discussions have been occurring among the parties over a number of areas over this period. Given the scope of the discussions and the different interests involved, the discussions have not concluded. Accordingly, Empire and the Staff request an additional week extension until January 15, 2010 for the filing of a procedural schedule. The Staff has spoken with the other parties to the instant case and besides Empire which joins the Staff in this request for an additional week to file a

procedural schedule, all other parties¹ support the request that the Commission extend the filing date for a procedural schedule to January 15, 2010.

8. No party has indicated to the Staff that it believes that it would be prejudiced by extending the date for the filing of a procedural schedule to January 15, 2010.

WHEREFORE, the Staff submits this request that the Commission extend the filing date for a procedural schedule to January 15, 2010.

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 8th day of January 2010.

/s/ Sarah Kliethermes

¹ Midwest Energy Users Association, City of Joplin, Office of the Public Counsel, Missouri Department of Natural Resources, and Kansas City Power & Light Company.