

# BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

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

## **ORDER GRANTING MOTION TO DEFER FILING ANSWER**

Issue Date February 23, 2009

Effective Date: February 23, 2009

On February 6, 2009, the Staff of the Missouri Public Service Commission filed a complaint against The Empire District Electric Company. Notice of the Complaint was issued to Empire on February 10. The company's answer is therefore due on March 12.

On February 20, Empire filed a motion to dismiss Staff's complaint. Under Commission rules,<sup>1</sup> Staff has until March 2 to respond to the company's motion. Further, under the same rule, the company will be allowed 10 days to file a reply to Staff's response. Conceivably, the company's reply may not be due until March 12, the time an answer would otherwise be due.

Along with its motion to dismiss, Empire requests that the Commission defer filing of the answer until the Commission rules on the motion to dismiss. The Commission will stay the time by which the company must file its answer.

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<sup>1</sup> Commission rule 4 CSR 240-2.080 (15).

**THE COMMISSION ORDERS THAT:**

1. The time by which The Empire District Electric Company must file its answer is stayed.
2. This order shall become effective upon issuance.

**BY THE COMMISSION**

A handwritten signature in black ink, appearing to read 'Colleen M. Dale', written over a horizontal line.

Colleen M. Dale  
Secretary

( S E A L )

Kennard L. Jones, Senior Regulatory  
Law Judge, by delegation of authority  
pursuant to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,  
on this 23rd day of February, 2009.