

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

In the Matter of The Empire District)	
Electric Company's Request for)	
Cancellation of Its Certificate of Service)	
Authority to Provide Local Exchange and)	Case No. TD-2006-0026
Intrastate Interexchange)	
Telecommunications Services and)	
Associated Tariff Sheets.)	

**STAFF RECOMMENDATION TO CANCEL
CERTIFICATES OF SERVICE AUTHORITY AND ACCOMPANYING TARIFF**

COMES NOW the Staff of the Missouri Public Service Commission (Staff) and for its recommendation respectfully states:

1. On July 19, 2005, The Empire District Electric Company (Empire) filed its application (Application) to cancel its certificates to provide local exchange and intrastate interexchange telecommunications services and tariff. On July 20, 2005, the Commission issued its Order Directing Staff To File Recommendation (Order) not later than August 22, 2005. In accord with the Commission's Order, the Staff submits its Memorandum recommending the cancellation of Empire's certificates of service authority to provide local exchange and intrastate interexchange telecommunications services and tariff, attached hereto as Appendix A.

2. Empire was granted a certificate of service authority to provide dedicated, nonswitched local exchange private line services and interexchange telecommunications services on January 22, 1998, in Case No. TA-98-233. Empire's P.S.C. Mo. No. 1 tariff was approved in the same case. As discussed in the attached Memorandum, Empire's telecommunications services were taken over by its wholly owned subsidiary Empire District Industries (EDI) on or about September 9, 2002 when the Commission approved EDI's application and granted it

authority to provide interexchange and local exchange telecommunications services and approved its tariff. Therefore, cancellation of Empire's certificates of service authority and accompanying tariff are not detrimental to the public interest. Empire owes no assessments or annual report.

3. The Commission has the authority to cancel a telecommunications corporation certificate pursuant to Section 392.410, RSMo 2000 which provides:

Any certificate of service authority may be altered or modified by the commission after notice and hearing, upon its own motion or upon Request of the person or company affected.

However, the Commission need not hold a hearing, if, after proper notice and opportunity to intervene, no party requests such a hearing. *State ex rel. Rex Deffenderfer Enterprises, Inc. v. Public Service Commission*, 776 S.W.2d 494 (Mo. App. 1989).

WHEREFORE, the Staff recommends that the Commission issue an order canceling the certificates of service authority of The Empire District Electric Company to provide local exchange and intrastate interexchange telecommunications services along with its accompanying P.S.C. Mo. No. 1 tariff.

Respectfully submitted,

DANA K. JOYCE
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/s/ Robert S. Berlin

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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 2nd day of August 2005.

/s/ Robert S. Berlin

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MEMORANDUM

To: Missouri Public Service Commission Official Case File
Case No. TD-2006-0026
The Empire District Electric Company

From: Sherri Kohly
Telecommunications Department

William L. Voight 07/28/05
Utility Operations Division/Date

William K. Haas 07/28/05
General Counsel's Office/Date

Subject: Staff Recommendation to Cancel Certificate of Service Authority and Accompanying
Tariff

Date: July 28, 2005

On July 19, 2005, The Empire District Electric Company (Empire), a competitive telecommunications company, filed its Application to Cancel Certificate of Service Authority. The Commission issued an order on July 20, 2005, directing the Staff to file a recommendation no later than August 22, 2005.

Empire is engaged, generally, in the business of generating, purchasing, transmitting, distributing and selling electric energy in portions of Missouri, Arkansas and Oklahoma. Empire was granted a certificate of service authority to provide interexchange and local exchange telecommunications service on January 22, 1998 in Case No. TA-98-233.

On July 30, 2002, Empire District Industries (EDI), a wholly-owned subsidiary of Empire, filed an application to provide interexchange and local exchange telecommunications services in Missouri. EDI's Application in Case No. LA-2003-0026, specifically states, "...it is anticipated that Applicant will take over and continue uninterrupted the regulated telecommunications services currently provided by its parent company, The Empire District Electric Company". The Commission approved the application and granted EDI authority to provide interexchange and local exchange telecommunications services on September 9, 2002.

Empire's Application to Cancel states that it has come to Empire's attention that the certificate of authority granted to it in Case No. TA-98-233 was not cancelled by the Commission at the time of the issuance of EDI's certificate of service authority. Empire stated that it has no regulated telecommunications operations as those operations were transferred to EDI. The Staff has no objections to Empire's request for cancellation and recommends that the Commission issue an order to cancel Empire's certificate of service authority to provide interexchange and local exchange telecommunications service and the accompanying tariff, P.S.C. Mo. No. 1. The Staff is unaware of any other filing which affects or which would be affected by this proposal.

- The Company is not delinquent in filing an annual report and paying the PSC assessment.
 The Company is delinquent: (No annual report Unpaid PSC assessment. Amount owed:)