

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

In the Matter of The Empire District Electric            )  
Company for Authority to File Tariffs Increasing        )  
Rates for Electric Service Provided to Customers        )        Case No. ER-2014-0351  
in the Company’s Missouri Service Area                )

**OBJECTION TO NON-UNANIMOUS STIPULATION**

COMES NOW the Midwest Energy Consumers Group (“MECG”), pursuant to 4 CSR 240-2.115(2) of the Missouri Public Service Commission’s Rules of Practice and Procedure, and for its Objection to the Non-Unanimous Stipulation and Agreement respectfully states as follows:

1.       On April 3, 2015, Empire District Electric, Office of the Public Counsel, Staff, City of Joplin, Missouri Department of Economic Development – Department of Energy and the Midwest Energy Users Association filed its Stipulation and Agreement regarding the issues in this case (“Stipulation”). Pursuant to 4 CSR 240-2.115(2)(B), MECG hereby objects to the terms of that Stipulation.

2.       As indicated in its Statement of Positions, MECG would not have objected to the resolution of many of the issues addressed in the Stipulation. As MECG indicated to the parties, had the Signatory Parties been willing to address those issues separately, MECG would not have objected to that settlement. Nevertheless, the Signatory Parties sought to bind the resolution of those non-objectionable issues with their resolution of issues that MECG wanted to litigate before the Commission. Given that all of these issues have been tied together in a single settlement, MECG is forced to object to the entire Stipulation.

3. Further, given the clear findings of the *Fischer* court,<sup>1</sup> the Commission may not simply approve the Stipulation. Rather, the Commission is required to make specific findings of fact and conclusions of law on all of the issues contained in the stipulation. Therefore, the Commission is required to hold a hearing on all of the issues for the purposes of receiving competent and substantial evidence on the remaining issues in this case. As such, pursuant to 4 CSR 240-2.115(2)(B) and the findings of the *Fischer* court, MECG requests a hearing on all of the pending issues as identified in the Joint List of Issues as filed by the Staff on March 31, 2015.

4. While MECG is forced to request a hearing on all of the issues and the Commission is required to receive competent and substantial evidence on all of those issues, MECG is willing to waive cross-examination on a significant number of the witnesses in this case. In this regard, MECG filed, with the other parties, an Agreement whereby it waived cross-examination of a large number of witnesses. MECG will endeavor to further identify witnesses for which it will waive cross-examination and will make the Commission aware of such agreements in an expeditious manner.

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<sup>1</sup> *State ex rel. Fischer v. Public Service Commission*, 645 S.W.2d 39 (Mo.App. 1982).

Respectfully submitted,



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ATTORNEY FOR THE MIDWEST  
ENERGY CONSUMERS GROUP

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that I have this day served the foregoing pleading by email, facsimile or First Class United States Mail to all parties by their attorneys of record as provided by the Secretary of the Commission.



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David L. Woodsmall

Dated: April 5, 2015