

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

In the Matter of the Joint Application of The Empire)
District Electric Company and White River Valley)
Electric Cooperative for Approval of a Second) Case No. EO-2009-0428
Addendum to the Parties' Second Territorial)
Agreement Designating Service for a lot located in)
Taney County, Missouri.)

STAFF RECOMMENDATION TO APPROVE TARIFF SHEETS

COMES NOW the Staff of the Missouri Public Service Commission ("Staff") and, for its recommendation to approve tariff sheets filed by The Empire District Electric Company, states:

1. On August 18, 2009, The Empire District Electric Company (Empire or Company) filed with the Commission two tariff sheets regarding the Second Territorial Agreement between The Empire District Electric Company and White River Valley Electric Cooperative (Territorial Agreement) and four tariff sheets to update the Description of Territory tariff section with an issue date of August 18, 2009, and a proposed effective date of September 17, 2009.
2. On August 28, 2009, Empire filed two substitute tariff sheets to correct a case number and change the font as requested by the Commission's Energy Department Staff (Staff).
3. As detailed in a Memorandum attached hereto and labeled as Appendix A, the Staff has reviewed the proposed tariff sheets and is of the opinion that they are filed in a timely manner and are in compliance with the Commissions Order in Case No. EO-2009-0428.
4. The Staff has verified that Empire is not delinquent on any assessment or the filing of its 2008 annual report. The Staff is not aware of any other matter pending before the Commission that affects or is affected by this tariff filing.

WHEREFORE, the Staff recommends that the Commission issue an order approving the proposed tariff sheets filed on August 18, 2009, and substituted on August 28, 2009, to become effective on September 17, 2009, as requested by Empire, or permit the tariff sheets to go into effect by operation of law.

Respectfully submitted,

/s/ Samuel D. Ritchie

Samuel D. Ritchie

Legal Counsel

Missouri Bar No. 61167

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed with first-class postage, hand-delivered, transmitted by facsimile or electronically mailed to all counsel of record this 31st day of August, 2009.

/s/ Samuel D. Ritchie

MEMORANDUM

TO: Missouri Public Service Commission Official Case File
Case No. EO-2009-0428, Tariff Tracking No. YE-2010-0093
The Empire District Electric Company

FROM: James Watkins, Manager, Economic Analysis
Dan Beck, Utility Regulatory Engineering Supervisor
Mack McDuffey, Rate & Tariff Examiner II

/s/ James Watkins 8/31/2009
Energy Department / Date

/s/ Samuel D. Ritchie 8/31/2009
General Counsel's Office / Date

SUBJECT: Staff Recommendation For **Approval** of Tariff Sheets Filed to Revise Its Service Territory To Comply With The Commission's Report And Order Approving Addendum To Territorial Agreement Issued July 8, 2009

DATE: August 31, 2009

On August 18, 2009, The Empire District Electric Company (Empire or Company) filed with the Commission two (2) tariff sheets (Section B, Sheet Nos. 6 and 19) regarding the Second Territorial Agreement between The Empire District Electric Company and White River Valley Electric Cooperative (Territorial Agreement) and four (4) tariff sheets (Section A, Sheet No. 1 and Section B, Sheet Nos. 21, 22, 22a) to update the Description of Territory tariff section with an issue date of August 18, 2009, and a proposed effective date of September 17, 2009. On August 28, 2009, Empire filed two (2) substitute tariff sheets to correct a case number and change font as requested by the Commission's Energy Department Staff (Staff).

The two Territorial Agreement tariff sheets filed are to comply with the Commission's **REPORT AND ORDER APPROVING ADDENDUM TO TERRITORIAL AGREEMENT** Issued July 8, 2009, Effective July 18, 2009 in Case No. EO-2009-0428 which Ordered Paragraph states:

2. No later than 30 days after effective date of this order, The Empire District Electric Company shall file with the Missouri Public Service Commission revised tariff sheets to correct the map and legal description of its exclusive service territory that has changed as a result of approval of Second Addendum to the Second Territorial Agreement between The Empire District Electric Company and White River Valley Electric Cooperative.

These tariff sheets revise Empire's Service Areas by identifying by map and by legal description the boundaries of the exclusive territories agreed to in the Territorial Agreement between Empire and White River Valley Electric Cooperative.

In its **ORDER DIRECTING STAFF TO FILE A RECOMMENDATION AND SETTING DEADLINE FOR RESPONSES** Issued August 19, 2009, Effective August 19, 2009 in Case No. EO-2009-0428 which Ordered Paragraph states:

1. No later than August 31, 2009, the Staff of the Missouri Public Service Commission shall file a recommendation as directed in the body of this order.

Staff Recommendation

The Staff has reviewed the proposed tariff sheets, and is of the opinion that they are filed in a timely manner and are in compliance with the Commission's Order in Case No. EO-2009-0428. The Staff therefore recommends that the Commission issue an order approving the following proposed tariff sheets, as filed on August 18, 2009, and substituted on August 28, 2009, to become effective on September 17, 2009, as requested by Empire, or permit the tariff sheets to go into effect by operation-of-law:

P.S.C. Mo. No. 5

Section A, 24th Revised Sheet No. 1 Canceling 23rd Revised Sheet No. 1

Section B

2nd Revised Sheet No. 6 Canceling 1st Revised Sheet No. 6

1st Revised Sheet No. 19 Canceling Original Sheet No. 19

Original Sheet No. 21

Original Sheet No. 22

Original Sheet No. 22a

The Staff has verified that Empire is not delinquent on any assessment or the filing of its 2008 annual report. The Staff is not aware of any other matter pending before the Commission that affects or is affected by this tariff filing.