



Commissioners

SHEILA LUMPE
Chair

M. DIANNE DRAINER
Vice Chair

CONNIE MURRAY

KELVIN L. SIMMONS

STEVE GAW

Missouri Public Service Commission

POST OFFICE BOX 360
JEFFERSON CITY, MISSOURI 65102
573-751-3234
573-751-1847 (Fax Number)
<http://www.psc.state.mo.us>

May 15, 2001

BRIAN D. KINKADE
Executive Director

WESS A. HENDERSON
Director, Utility Operations

ROBERT SCHALLENBERG
Director, Utility Services

DONNA M. KOLILIS
Director, Administration

DALE HARDY ROBERTS
Secretary/Chief Regulatory Law Judge

DANA K. JOYCE
General Counsel

Mr. Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge
Missouri Public Service Commission
P. O. Box 360
Jefferson City, MO 65102

FILED³

MAY 15 2001

Missouri Public
Service Commission

RE: Case No. ER-2001-299

Dear Mr. Roberts:

Enclosed for filing in the above-captioned case are an original and eight (8) conformed copies of a **STAFF'S PROPOSED PROCEDURAL SCHEDULE REGARDING STIPULATION AND AGREEMENT.**

This filing has been mailed or hand-delivered this date to all counsel of record.

Thank you for your attention to this matter.

Sincerely yours,

Dennis L. Frey
Associate General Counsel
(573) 751-8700
(573) 751-9285 (Fax)
dfrey03@mail.state.mo.us

DLF:ccl
Enclosure
cc: Counsel of Record

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

FILED²

MAY 15 2001

Missouri Public
Service Commission

In the Matter of The Empire District)
Electric Company's Tariff Sheets)
Designed to Implement a General Rate)
Increase for Retail Electric Service)
Provided to Customers in the Missouri)
Service Area of the Company)

Case No. ER-2001-299

**STAFF'S PROPOSED PROCEDURAL SCHEDULE
REGARDING STIPULATION AND AGREEMENT**

COMES NOW the Staff of the Missouri Public Service Commission ("Staff") and respectfully states as follows:

1. On November 3, 2000, The Empire District Electric Company ("Empire" or "Company") filed with the Missouri Public Service Commission ("Commission") tariff sheets designed to increase its rates for electric service to the Company's customers in Missouri.

2. During the week of April 16, 2001, and pursuant to the procedural schedule established by the Commission in an order issued January 4, 2001, all four parties to this proceeding participated in a prehearing conference, at which time the groundwork was laid for an agreement with respect to fuel and purchased power issues. Intensive negotiation among the parties concerning these issues since that time has produced a Stipulation and Agreement Regarding Fuel and Purchased Power Expense ("Agreement"), which was filed on May 14, 2001. Empire, the Office of the Public Counsel ("Public Counsel"), and the Staff are signatories to the Agreement. Intervenor Praxair, Inc. ("Praxair") is the only party that is a non-signatory.

3. Inasmuch as the Agreement is not unanimous, the Staff is of the opinion that it is appropriate for the Commission to set a procedural schedule in order to permit Praxair to litigate

42

the Agreement, should it desire a hearing. Accordingly, the Staff proposes that the Commission adopt the following procedural schedule for this purpose:

Procedural Schedule

Direct Testimony in support of Agreement (all signatories wishing to file)	May 22, 2001
Rebuttal Testimony (Praxair only)	May 29, 2001
Surrebuttal Testimony (all signatories wishing to file)	June 4, 2001
Evidentiary Hearing	June 6, 2001

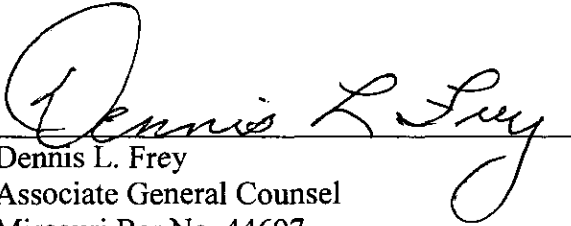
4. The proposed schedule is fair to all parties despite the inherent time pressures. Moreover, the proposal will allow a hearing on the Agreement to take place within the time period already scheduled for the main evidentiary hearing in this case. The Proposed List of Issues, List of Witnesses and Order of Cross-Examination filed by the Parties on May 14, 2001 reserves June 6-8, 2001 for possible hearing of issues covered by stipulation and agreement.

5. The Staff recognizes that, although Empire and Public Counsel are also signatories to the Agreement, these parties may desire to recommend different procedures or dates than Staff urges herein.

WHEREFORE, the Staff recommends that, should Praxair request a hearing, the Commission issue an order adopting the procedural schedule proposed above for purposes of litigating the Stipulation and Agreement Regarding Fuel and Purchased Power Expense, filed on May 14, 2001.

Respectfully submitted,

DANA K. JOYCE
General Counsel

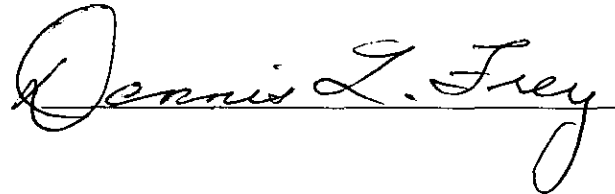


Dennis L. Frey
Associate General Counsel
Missouri Bar No. 44697

Attorney for the Staff of the
Missouri Public Service Commission
P. O. Box 360
Jefferson City, MO 65102
(573) 751-8700 (Telephone)
(573) 751-9285 (Fax)
e-mail: dfrey03@mail.state.mo.us

Certificate of Service

I hereby certify that copies of the foregoing have been mailed or hand-delivered to all counsel of record as shown on the attached service list this 15th day of May 2001.



Service List for
Case No. ER-2001-299
Verified: May 10, 2001 (ccl)

Office of the Public Counsel
P. O. Box 7800
Jefferson City, MO 65102

Gary Duffy
Brydon, Swearingen & England, P.C.
P. O. Box 456
Jefferson City, MO 65102-0456

Stuart W. Conrad
Finnegan, Conrad & Peterson
3100 Broadway, Suite 1209
1209 Penntower Office Bldg.
Kansas City, MO 64111

Henry T. Herschel
308 E. High Street Suite 301
Jefferson City, MO 65101