

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

In The Matter of The Empire District                    )  
Electric Company Request for                            )  
Cancellation of a Certificate Service                 )     Case No.  
Authority and Associated Tariff Sheets.             )

**APPLICATION TO CANCEL CERTIFICATE OF SERVICE AUTHORITY**

**COMES NOW** The Empire District Electric Company (“Empire” or the “Company”) pursuant to Commission rule 4 CSR 240-2.060 and requests the Missouri Public Service Commission (“Commission”) cancel its Certificate of Service Authority to provide local exchange and intrastate interexchange telecommunications services within the State of Missouri. In support thereof, Empire states as follows:

1. Empire is a Kansas corporation with its principal office and place of business at 602 Joplin Street, Joplin, Missouri 64802. Empire is qualified to conduct business and is conducting business in Kansas as well as in the states of Missouri, Arkansas and Oklahoma. Empire is engaged, generally, in the business of generating, purchasing, transmitting, distributing and selling electric energy in portions of said states. Empire also provides water service in Missouri. Empire’s Missouri operations are subject to the jurisdiction of the Commission as provided by law.

2. A certified copy of Empire’s Restated Articles of Incorporation, as amended, was filed in Case No. EF-94-39 and is incorporated herein by

reference in accordance with Commission rule 4 CSR 240-2.060(1)(G). A Certificate from the Missouri Secretary of State that Empire, a foreign corporation, is authorized to do business in Missouri was filed with the Commission in Case No. EM-2000-369 and is incorporated by reference in accordance with Commission rule 4 CSR 204-2.060(1)(G). This information is current and correct. Empire has no pending actions or final unsatisfied judgments or decisions against it from any state or federal agency or court that involve customer service or rates. Empire's annual report and assessment fees are not overdue.

3. Pleadings, notices, orders and other correspondence and communications concerning this application should be addressed to the undersigned counsel and:

Ms. Tina Gaines, Manager of Telecommunications  
The Empire District Electric Company  
720 Schifferdecker Avenue  
P. O. Box 127  
Joplin, Missouri 64802  
Phone: (417) 625-6121  
Fax: (417) 625-5175  
Email: tgaines@empiredistrict.com

Mr. Paul A. Boudreau  
Brydon, Swearingen & England, P.C.  
312 East Capitol Avenue  
P. O. Box 456  
Jefferson City, Missouri 65102-0456  
Phone: (573) 635-7166  
Fax: (573)635-0427  
Email: paulb@brydonlaw.com

4. On December 5, 1997, Empire filed an Application for a Certificate of Service Authority to provide dedicated, non-switched local exchange private

line telecommunications services and intrastate interexchange telecommunications services to the public in the State of Missouri. Empire's Application was docketed by the Commission as Case No. TA-98-233.

5. On January 22, 1998, the Commission issued its **Order Approving Interexchange and Local Exchange Certificates of Service Authority and Order Approving Tariff**, granting the relief that had been requested by Empire. A copy of the Commission's order in that case is attached hereto as Appendix 1.

6. Thereafter, on July 30, 2002, Empire District Industries, Inc. ("EDI"), a wholly-owned subsidiary of Empire, filed an Application with the Commission for a Certificate of Service Authority to provide dedicated, non-switch private line telecommunications services and intrastate interexchange telecommunications services to the public in the State of Missouri. EDI's Application was docketed by the Commission as Case No. LA-2003-0026. The stated purpose for the Application was the anticipated transfer by Empire of its regulated telecommunications operations to its subsidiary, EDI.

7. On September 9, 2002, the Commission issued its **Order Approving Interexchange and Local Exchange Certificates of Service Authority and Order Approving Tariff**, authorizing EDI to commence regulated telecommunications services in the State of Missouri consistent with the terms and conditions set forth in tariff sheets filed with, and approved by the Commission. A copy of said order is attached hereto as Appendix 2.

8. Thereafter, Empire's regulated telecommunications operations were transferred to EDI. From and since that time, Empire has had no regulated telecommunications operations of its own.

9. It has come to Empire's attention that the Certificate of Authority granted to it by the Commission 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 in 2002. Under the circumstances set forth above, Empire has no further need for its Certificate of Service Authority or the associated tariff sheets for the provision of competitive telecommunications services on file with the Commission and believes that said authority and tariffs should be cancelled by the Commission.

**WHEREFORE**, for the reasons set forth above, Empire requests that the Commission cancel the Certificate of Service Authority granted by the Commission in its Case No. TA-98-233 and associated tariff sheets and for such other orders and relief as may be deemed necessary and appropriate in the circumstances.

Respectfully submitted,

/s/

Paul A. Boudreau #33155  
BRYDON, SWEARENGEN & ENGLAND, P.C.  
312 East Capitol Avenue  
P.O. Box 456  
Jefferson City, MO 65102  
(573) 635-7166 Phone  
(573) 634-7431 Fax

Attorney for Applicant The Empire District  
Electric Company

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the above and foregoing document was delivered by electronic mail, first class mail or by hand delivery, on this 19<sup>th</sup> day of July 2005 to the following:

General Counsel  
Missouri Public Service Commission  
200 Madison Street, Suite 800  
P.O. Box 360  
Jefferson City, MO 65102-0360  
gencounsel@psc.mo.gov

Office of the Public Counsel  
200 Madison Street, Suite 650  
P.O. Box 2230  
Jefferson City, MO 65102  
opcservice@ded.mo.gov

/s/ Paul A. Boudreau

VERIFICATION

STATE OF MISSOURI     )  
                                  ) ss  
COUNTY OF JASPER         )

I, Ronald F. Gatz having been duly sworn upon my oath, state that I am Vice President Strategic Development of The Empire District Electric Company; that I am duly authorized to make this Affidavit on behalf of The Empire District Electric Company; and that the matters and things stated in the foregoing Application are true and correct to the best of my information, knowledge and belief.

Ronald F. Gatz

Subscribed and sworn to before me this 15<sup>th</sup> day of July, 2005.

Patricia A. Settle

Notary Public

My Commission expires:

02-09-08

