

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

In the Matter of The Empire District Electric )  
Company of Joplin, Missouri for Authority )  
to File Tariffs Increasing Rates for Electric ) Case No. ER-2011-0004  
Service Provided to Customers in the )  
Missouri Service Area of the Company. )

**EMPIRE’S REPLY TO MEUA’S RESPONSE  
REGARDING MEUA’S APPLICATION TO INTERVENE**

COMES NOW The Empire District Electric Company (“Empire” or “Company”), by and through the undersigned counsel, and hereby submits this reply to the Response to Empire’s Suggestions in Opposition to MEUA’s Application to Intervene filed herein on October 29, 2010, by the Midwest Energy Users’ Association (“MEUA”). Empire requests that the Commission issue an order denying the application of MEUA. In support of this request, Empire respectfully states to the Missouri Public Service Commission (“Commission”) as follow:

1. In its Response of October 29, 2010, MEUA asserts that Empire is attempting to silence the voices of its industrial customers. This, however, is not the case, as evidenced by Empire’s filing acknowledging the automatic party status of Praxair and Explorer and stating that it has no objection to Enbridge being granted intervention herein. Empire, however, does object to an “unincorporated ad-hoc association” being named as a party to this proceeding, with the right to add additional members at any time during the pendency of the case, and with those “members” becoming parties to this case without having timely intervened.

2. In its Response of October 29, 2010, MEUA also asserts that “Empire failed to provide recognized counsel for [Praxair and Explorer] with access to the Highly Confidential portions of the testimony and exhibits.” This charge is also unjustified. Pursuant to the Commission’s Rules, Highly Confidential documents are only to be served on counsel for

parties. Praxair and Explorer are parties to this proceeding, but it is Empire's understanding that no attorney has entered his or her appearance herein on behalf of these entities. Instead, Stuart Conrad and David Woodsmall have filed pleadings only on behalf of MEUA – an association that has not yet been granted intervention in this case. It is also noteworthy that no attorney acting on behalf of Praxair and/or Explorer has contacted Empire's counsel requesting any Highly Confidential documents in this case.

WHEREFORE, for the reasons stated above and those set out in Empire's Suggestions in Opposition filed herein on October 25, 2010, Empire seeks an order of this Commission denying the Application to Intervene of MEUA, and, instead, acknowledging the party status of two of its members, Praxair and Explorer, and granting intervention to its third identified member, Enbridge. Empire seeks such other and further relief as the Commission deems just and proper under the circumstances.

Respectfully submitted,

BRYDON, SWEARENGEN & ENGLAND P.C.

By:

/s/ Diana C. Carter

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ATTORNEYS FOR THE EMPIRE DISTRICT  
ELECTRIC COMPANY

**Certificate of Service**

I hereby certify that copies of the foregoing have been mailed, hand-delivered, or transmitted by facsimile or electronic mail to all counsel of record on this 1<sup>st</sup> day of November, 2010.

\_\_\_\_\_/s/ Diana C. Carter\_\_\_\_\_