

**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)

APPLICATION FOR WAIVER

COMES NOW The Empire District Electric Company (“Empire” or “Company”), by and through counsel, and for its application for partial waiver of Commission Rule 4 CSR 240-3.161(3), Electric Utility Fuel and Purchased Power Cost Recovery Mechanisms Filing and Submission Requirements, respectfully states as follows to the Missouri Public Service Commission (“Commission”):

1. Empire¹ filed its Notice of Intended Case Filing herein on May 28, 2014, and submitted revised tariffs and supporting testimony and other documentation on August 29, 2014. In addition to the Staff of the Commission (“Staff”) and the Office of the Public Counsel (“OPC”), the Missouri Division of Energy (“DE”), the City of Joplin, the Midwest Energy Users’ Association (“MEUA”), and the Midwest Energy Consumers Group (“MECG”) are parties to this proceeding.

2. Commission Rule 4 CSR 240-3.161(3)(Q) provides that “(w)hen an electric utility files a general rate proceeding following the general rate proceeding that established its RAM as

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 Missouri as well as in the states of Kansas, 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 and, through its subsidiary, natural gas distribution service in Missouri. Empire’s Missouri operations are subject to the jurisdiction of the Commission as provided by law. Empire has no pending or final judgments or decisions against it from state or federal regulatory agencies or courts which involve customer service occurring within the three years immediately preceding the filing of this application. Empire has no overdue Commission annual reports or assessment fees. Empire’s documents of incorporation were filed with the Commission in Case No. EF-94-39 and said documents are incorporated herein by reference in accordance with 4 CSR 240-2.060(1)(G). A Certificate of Authority from the Missouri Secretary of State to the effect that Empire, a foreign corporation, is authorized to do business in the State of Missouri, was filed with the Commission in Case No. EM-2000-369 and is also incorporated by reference.

described by 4 CSR 240-20.090(2) in which it requests that its RAM be continued or modified, the electric utility shall file . . . (t)he results of heat rate tests and/or efficiency tests on all the electric utility's nuclear and non-nuclear steam generators, HRSG, steam turbines and combustion turbines conducted within the previous twenty-four (24) months." This rule provision is applicable to Empire in this proceeding.

3. Empire is requesting a partial variance from the heat rate testing requirements of Rule 4 CSR 240-3.161(3), with regard to its Asbury Unit 1. When this rate case proceeding was initiated, Empire was preparing to enter a planned outage at Asbury Unit 1 in order to tie in the new air quality control system ("AQCS") and replace major components of the steam turbine. Both of these projects impact the unit heat rate, making results of a heat rate test conducted before the outage irrelevant.

4. Following its return to service, Asbury Unit 1 will undergo a period of tuning of the AQCS, followed by testing to determine whether the AQCS and steam turbine meet the guarantees provided by the respective contractors. Tuning and testing will require operating at multiple loads, making performance of a heat rate test during this period impractical. Empire will perform a heat rate test on Asbury Unit 1 as soon as feasible following the completion of tuning and testing and submit the results to the Commission and all parties hereto.

5. The undersigned counsel for Empire contacted counsel for all parties to this case, including Staff and OPC. Counsel for Staff, OPC, DE, and MECG each stated that its client does not object to the granting of this waiver request. Counsel for Empire has not heard back from counsel for the City of Joplin and counsel for MEUA.

WHEREFORE, for the good cause shown, Empire respectfully requests an order of this Commission granting this application and waiving the requirement of Commission Rule 4 CSR

240-3.161(3) with regard to heat rate testing on Asbury Unit 1. Empire requests such additional relief as is 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
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CERTIFICATE OF SERVICE

I hereby certify that the above and foregoing document was filed in EFIS and that a copy of the same was sent via electronic mail on this 26th day of January, 2015, to all counsel of record.

/s/ Diana C. Carter