

**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 waiver of the requirement of Commission Rule 4 CSR 240-3.160(1)(A), 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 and the Office of the Public Counsel, the Missouri Division of Energy, the City of Joplin, the Midwest Energy Users’ Association, and the Midwest Energy Consumers Group are parties to this proceeding.

2. Commission Rule 3.160(1)(A) provides that an electric utility shall submit a depreciation study, database, and property unit catalog with any general rate increase request. The rule further provides, however, that the utility need not submit a depreciation study, database, or property unit catalog if the Staff of the Commission received said items from the

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.

utility “during the three (3) years prior to the utility filing for a general rate increase or before five (5) years have elapsed since the last time the commission’s staff received” said items from the utility.

3. In September of 2010, Empire completed a full depreciation study and submitted the same to the Staff of the Commission, and Empire intends to complete a new depreciation study in 2015 and submit the same to the Staff of the Commission.

4. Relying on its interpretation of the exemption found in Rule 3.160(1)(A), Empire did not submit a new depreciation study, database, and property unit catalog with the filing of the instant case. The Staff of the Commission believes the exemption found in Rule 3.160(1)(A) is not applicable to Empire in this circumstance and suggested that a request for waiver be filed.

5. Empire believes that the completion and submission of a new depreciation study, database, and property unit catalog at this time is unnecessary and would not be a sound use of time and resources. The undersigned counsel for Empire consulted with counsel for all parties to this case, including the Staff of the Commission and the Office of the Public Counsel, and counsel for each party stated that its client does not object to the grant of this waiver request.

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 240-3.160(1)(A) with regard to the submission of a depreciation study, database, and property unit catalog. 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
DISTRICT ELECTRIC COMPANY

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 16th day of October, 2014, to all counsel of record.

/s/ Diana C. Carter