

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service
Commission held at its office in
Jefferson City on the 31st day of
October, 2012.

In the Matter of a Small Utility Rate)	<u>File No. WR-2012-0300</u>
Case for The Empire District Electric Company)	YW-2013-0204

**ORDER APPROVING UNANIMOUS DISPOSITION AGREEMENT
AND APPROVING TARIFF**

Issue Date: October 31, 2012

Effective Date: November 23, 2012

On May 21, 2012, The Empire District Electric Company ("Empire") filed a rate increase request with the Missouri Public Service Commission ("Commission") pursuant to the small company rate case procedure¹. Empire provides water service to approximately 4,500 customers in three communities in southwest Missouri. On October 18, 2012, the Staff of the Commission filed a *Notice of Unanimous Agreement Regarding Disposition of Small Company Rate Increase Request*, which included the Unanimous Disposition Agreement ("Agreement") signed by representatives of Staff, the Office of Public Counsel, and Empire. All parties agreed that Empire's annualized water system operating revenue should be increased by \$450,000, representing an increase of approximately 25%. Under this increase, an average residential customer using 6,000 gallons of water per month would experience an increase in their water bill of \$8.11 per month. Empire filed revised tariff sheets on October 23, 2012 reflecting the proposed rates agreed to by Staff, Public

¹ Commission Rule 4 CSR 240-3.050. Empire originally requested an increase of \$516,401 in its annual water system operating revenues, representing an increase of approximately 30%.

Counsel, and Empire in the Agreement. No party requested a local public hearing or evidentiary hearing.

The Commission has the legal authority to accept stipulations and agreements as offered by the parties pursuant to Section 536.060, RSMo 2000. The requirement for a hearing is met when the opportunity for hearing has been provided and no proper party has requested the opportunity to present evidence.² Since no party has requested a hearing in this case, the Commission may grant the relief requested based on the Agreement. Consequently, based on the Commission's independent and impartial review of the verified filings, the Commission will approve the Agreement.

THE COMMISSION ORDERS THAT:

1. The Unanimous Disposition Agreement with regard to The Empire District Electric Company's request for an increase in water revenue, File No. WR-2012-0300, entered into by the Staff of the Missouri Public Service Commission, Office of Public Counsel, and The Empire District Electric Company and filed on October 18, 2012, is approved.
2. The signatories to the agreement referenced in ordered paragraph 1 shall comply with the terms of the Unanimous Disposition Agreement. A copy of the Agreement is attached to this order as Appendix A.
3. The Empire District Electric Company shall implement the depreciation rates attached to the Unanimous Disposition Agreement for File No. WR-2012-0300 as described in ordered paragraph 1.

² *State ex rel. Rex Deffenderfer Enterprises, Inc. v. Public Service Commission*, 776 S.W.2d 494, 496 (Mo. App. 1989).

4. The following revised tariff sheets filed by The Empire District Electric Company on October 23, 2012, and assigned Tariff File No. YW-2013-0204, are approved to become effective for service provided on or after November 23, 2012. The tariff sheets approved are:

P.S.C. Mo. No. 4

Sec. A, 1st Revised Sheet No. 1, Canceling Sec. A, Original Sheet No. 1
Sec. 1, 8th Revised Sheet No. 1, Canceling Sec. 1, 7th Revised Sheet No. 1
Sec. 1, 2nd Revised Sheet No. 2, Canceling Sec. 1, 1st Revised Sheet No. 2
Sec. 2, 2nd Revised Sheet No. 1, Canceling Sec. 2, 1st Revised Sheet No. 1
Sec. 2, 2nd Revised Sheet No. 4, Canceling Sec. 2, 1st Revised Sheet No. 4
Sec. 2, 1st Revised Sheet No. 6, Canceling Sec. 2, Original Sheet No. 6
Sec. 2, 1st Revised Sheet No. 10, Canceling Sec. 2, Original Sheet No. 10
Sec. 2, 3rd Revised Sheet No. 13, Canceling Sec. 2, 2nd Revised Sheet No. 13
Sec. 2, 2nd Revised Sheet No. 15, Canceling Sec. 2, 1st Revised Sheet No. 15
Sec. 2, 3rd Revised Sheet No. 16, Canceling Sec. 2, 2nd Revised Sheet No. 16
Sec. 2, 1st Revised Sheet No. 19, Canceling Sec. 2, Original Sheet No. 19
Sec. 2, 1st Revised Sheet No. 21, Canceling Sec. 2, Original Sheet No. 21
Sec. 2, 2nd Revised Sheet No. 22, Canceling Sec. 2, 1st Revised Sheet No. 22
Sec. 2, 2nd Revised Sheet No. 23, Canceling Sec. 2, 1st Revised Sheet No. 23
Sec. 2, 2nd Revised Sheet No. 24, Canceling Sec. 2, 1st Revised Sheet No. 24

5. This order shall become effective on November 23, 2012.

6. This case shall be closed on November 24, 2012.

BY THE COMMISSION



Steven C. Reed
Secretary

(S E A L)

Gunn, Chm., Jarrett, Kenney,
and Stoll, CC., concur.

Bushmann, Regulatory Law Judge