

in the submitted tariff. Staff advises the Commission to approve the tariff submitted by Empire to become effective on its December 1, 2013 effective date.

Staff has verified that Empire is not delinquent on any assessment and has filed its 2012 Annual Report. Empire is current on the filing of its Surveillance Monitoring reports as required in 4 CSR 240-20.090(10) and its monthly reports as required by 4 CSR 240-3.161(5). Staff is not aware of any other matter before the Commission that affects or is affected by this filing, except as noted herein. More than ten days have passed since Staff filed its recommendation, and no party has filed a response to that recommendation.¹

The Commission's rule regarding FACs requires the Commission to issue an order approving or rejecting the company's tariff within 60 days of its filing.² If the FAC rate adjustment complies with the Commission's rule, Section 386.266, RSMo Supp. 2012, and the FAC mechanism established in the most recent general rate proceeding, the Commission is required to approve the rate adjustment or allow the proposed tariff implementing the adjustment go into effect by operation of law.³

The Commission has reviewed Empire's tariff filings and Staff's verified recommendation and memorandum, and finds that the tariff sheet implementing the FAC rate adjustment is in compliance with the Commission's order establishing the FAC and with all applicable statutes and regulations. Therefore, the Commission will approve Empire's proposed tariff.

¹ Commission Rule 4 CSR 240-2.080(13) allows parties not more than ten days from the date of filing to respond to any pleading unless otherwise ordered by the Commission.

² Commission Rule CSR 240-20.090(4).

³ *Id.*

THE COMMISSION ORDERS THAT:

1. The Empire District Electric Company 's tariff filing, assigned Tariff No. JE-2014-0155, is approved to be effective December 1, 2013, as an interim rate adjustment, subject to true-up and prudence reviews. The tariff approved is:

P.S.C. Mo. No. 5 Section 4

3rd Revised Sheet No. 17e, Canceling 2nd Revised Sheet No. 17e

2. This order shall become effective on December 1, 2013.
3. This file shall be closed on December 2, 2013.



BY THE COMMISSION

Morris L. Woodruff

Morris L. Woodruff
Secretary

R. Kenney, Chm., Stoll, W. Kenney,
and Hall, CC., concur.

Bushmann, Regulatory Law Judge