

**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 Service Provided to)
Customers in the Missouri Service Area of)
the Company.)

File No. ER-2012-0345

PUBLIC COUNSEL’S STATEMENT OF POSITIONS

COMES NOW the Office of the Public Counsel and for its Statement of Positions states as follows:

1. Is Empire facing a financial emergency or near emergency that warrants the Commission authorizing it to implement an interim-subject-to-refund rate increase pending implementation of final general rates in this case?

Public Counsel’s Position: No

2. Do Empire’s tornado recovery costs and post-tornado cost of service due to the May 2011 Joplin tornado warrant the Commission authorizing it to implement an interim- subject-to-refund rate increase pending implementation of final general rates in this case?

Public Counsel’s Position: No

3. Is there any other basis(es) that warrants the Commission authorizing Empire to implement an interim-subject-to-refund rate increase pending implementation of final general rates in this case?

Public Counsel’s Position: No

4. If the answer to 1, 2 or 3 is “yes,” what should be the amount of the interim-subject- to-refund rate increase, and what conditions, if any, should the Commission impose on it?

Public Counsel’s Position: Not Applicable

WHEREFORE, Public Counsel respectfully submits its Statement of Positions.

Respectfully submitted,

OFFICE OF THE Public Counsel

/s/ Lewis R. Mills, Jr.

By: _____

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been emailed to all parties this 4th day of September 2012.