

**BEFORE THE PUBLIC SERVICE COMMISSION**  
**OF THE STATE OF MISSOURI**

In the Matter of the Application of The Empire )  
District Electric Company for Authority to )  
Transfer Functional Control of Certain )  
Transmission Assets to the Southwest Power )  
Pool, Inc. )

**Case No. EO-2006-0141**

**ORDER AND NOTICE**

Issue Date: November 4, 2005

Effective Date: November 4, 2005

On September 28, 2005, The Empire Electric Company filed, with the Missouri Public Service Commission, an application to join the Southwest Power Pool, Inc. Empire requests that the Commission issue an order that, among other things: (a) authorizes Empire to transfer functional control of certain transmission facilities to the SPP; (b) acknowledges that the Commission will include in Empire's Commission jurisdictional rates all Federal Energy Regulatory Commission (FERC) – approved costs and fees under the SPP Regional Transmission Organization tariff assessed against and paid by Empire, and the prudently incurred costs of participating in the SPP.

Proper parties should be given notice and an opportunity to intervene in this matter. The Commission's Data Center shall send notice to each county in the company's service area. Additionally, the Commission's Public Information Office shall send notice of this order to the publisher of each newspaper located in the counties in which the company provides service, as listed in the newspaper directory of the current *Official Manual of the*

*State of Missouri*, and to members of the General Assembly representing the company's service area.

Proper parties wishing to intervene shall file an application to intervene with the Secretary of the Missouri Public Service Commission. Copies of the application to intervene must be sent to the parties listed below.

**IT IS THEREFORE ORDERED:**

1. That the Data Center and the Public Information Office of the Missouri Public Service Commission are directed to provide notice as described in this order.

2. That any interested person wishing to intervene in this case shall file an application to intervene on or before November 18, 2005, with:

Secretary of the Missouri Public Service Commission  
P.O. Box 360  
Jefferson City, Missouri 65102

In addition, copies must be served upon the following persons:

Dean L. Cooper  
Brydon, Swearngen & England P.C.  
312 East Capitol Avenue  
P.O. Box 456  
Jefferson City, Missouri 65102,

Office of the Public Counsel  
Governor Office Building  
220 Madison Street, Suite 650  
P.O. Box 2230  
Jefferson City, Missouri 65102,

Karl Zobrist  
Roger W. Steiner  
Sonnenschein Nath & Rosenthal LLP  
4520 Main Street, Suite 1100  
Kansas City, MO 64111  
Attorneys for Midwest Independent Transmission System Operator, Inc.

Paul A Boudreau  
Brydon, Swearngen & England P.C.  
312 East Capitol Avenue  
P.O. Box 456  
Jefferson City, Missouri 65102  
Attorneys for Aquila, Inc.

and

David C. Linton  
David C. Linton, L.L.C.  
424 Summer Top Lane  
Fenton, Missouri 63026  
Attorney for Southwest Power Pool, Inc.

3. That this order shall become effective on November 4, 2005.

**BY THE COMMISSION**

A handwritten signature in black ink, appearing to read 'Colleen M. Dale', written over a horizontal line.

Colleen M. Dale  
Secretary

( S E A L )

Kennard L. Jones, Regulatory Law Judge,  
by delegation of authority pursuant to  
Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,  
on this 4th day of November, 2005.