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RICHARD T. CIOTTONI

January 17, 2003

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

FILED³

JAN 17 2003

Missouri Public
Service Commission

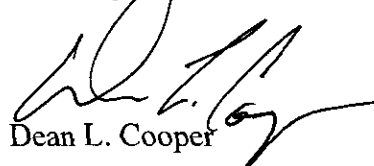
Re: Case No. EO-2003-0015

Dear Mr. Roberts:

Enclosed for filing please find an original and eight (8) copies of Empire's Response to Staff and Public Counsel Recommendations and Request for Prehearing Conference.

Please see that this filing is brought to the attention of the appropriate Commission personnel. A copy of the attached will be provided to parties of record. I thank you in advance for your cooperation in this matter.

Sincerely,


Dean L. Cooper

DLC/da

cc: Parties of Record

JAN 17 2003

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

Missouri Public
Service Commission

In the Matter of The Empire district Electric)
Company Transferring Functional Control) Case No. EO-2003-0015
Over Transmission Facilities of the Midwest)
Independent Transmission System Operator, Inc.)

**EMPIRE'S RESPONSE TO
STAFF AND PUBLIC COUNSEL RECOMMENDATIONS
AND REQUEST FOR PREHEARING CONFERENCE**

COMES NOW The Empire District Electric Company ("Empire"), and, in response to the recommendations filed by the Missouri Public Service Commission ("Commission") Staff ("Staff") and the Office of the Public Counsel ("Public Counsel"), states as follows to the Commission:

1. On July 22, 2002, Empire filed its application which initiated this case. On December 10, 2002, the Commission issued its Order Directing Filing which directed the Staff to file its memorandum and recommendation in response to the application. On January 10, 2003, the Staff filed its recommendation wherein it stated, among other things, that Empire's application should only be granted if Empire accepts certain conditions identified as (a) - (h). On January 14, 2003, the Public Counsel filed its recommendation wherein it also suggested that Empire's application only be approved if Empire agrees to comply with Staff conditions (a) - (h).

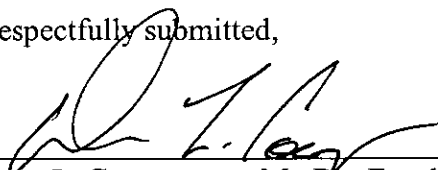
2. Empire has reviewed the Staff and Public Counsel recommendations. Empire is not agreeable to the conditions proposed by Staff and supported by the Public Counsel.

3. Accordingly, Empire requests that the Commission issue its order setting a prehearing conference and requiring the filing of a procedural schedule. Such a prehearing hearing conference should provide an opportunity for the parties to pursue settlement discussions

or, in the alternative, ensure the prompt resolution of this matter.

WHEREFORE, Empire prays that the Commission consider Empire's response to the Staff and OPC recommendations and, thereafter, issue its order setting a prehearing conference and requiring the filing of a procedural schedule.

Respectfully submitted,



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ATTORNEYS FOR THE EMPIRE
DISTRICT ELECTRIC COMPANY

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing was, on this 17th day of January, 2003, sent via U.S. Mail, postage prepaid, to the following:

John B. Coffman
Office of the Public Counsel
Governor State Office Building
6th Floor
Jefferson City, MO 65101

Steven Dottheim
Office of the General Counsel
Governor State Office Building
6th Floor
Jefferson City, MO 65101

