

BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

In the Matter of the Empire District Electric)
Company's Application for Variance Concerning) File No. EE-2012-0095
Commission Rule 4 CSR 240-22.080)

ORDER PARTIALLY SUSPENDING PROCEDURAL SCHEDULE

Issue Date: December 5, 2011

Effective Date: December 5, 2011

On December 5, 2011, Staff, Empire, Public Counsel, MDNR, Praxair, MJMEUC, and Dogwood filed an Agreement that would resolve all pending issues. The established procedural schedule would require all non-utility parties to file recommendations regarding Empire's Application on December 7, and would require Empire to respond to those recommendations by December 16. In light of the filing of the Agreement, such recommendations appear to be unnecessary and the Commission will suspend the requirement that they be filed.

Commission rule 4 CSR 240.2.115 provides that non-signatory parties have seven days to object to a non-unanimous stipulation and agreement. If no such objection is filed, the Commission may treat the stipulation and agreement as unanimous. All parties to this case have signed the Agreement,¹ but somewhat confusingly, several entities who have not applied to intervene have also signed the Agreement. That leads to the question of whether there are additional potential parties out there who might voice an objection to the Agreement. To avoid any confusion, the Commission will wait the seven days established by its regulation to see if any objection to the agreement is raised before taking further action regarding the Agreement.

¹ Only MDNR has been granted intervention to join Empire, Staff, and Public Counsel as parties.

THE COMMISSION ORDERS THAT:

1. The procedural schedule's requirements that non-utility parties file recommendations on December 7, 2011, and that Empire respond to those recommendations by December 16, 2011, are suspended.
2. This order shall become effective immediately upon issuance.

BY THE COMMISSION

(S E A L)



Steven C. Reed
Secretary

Morris L. Woodruff, Chief Regulatory
Law Judge, by delegation of authority
pursuant to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 5th day of December, 2011.