

**STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION**

At a session of the Public Service Commission held at its office in Jefferson City on the 21<sup>st</sup> day of December, 2011.

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 )

In The Matter of a Determination of Special )  
Contemporary Resource Planning Issues to be )  
Addressed by The Empire District Electric Company ) **File No. EO-2012-0040**  
in its Next Triennial Compliance Filing or Next )  
Annual Update Report )

**ORDER APPROVING AGREEMENT**

Issue Date: December 21, 2011

Effective Date: January 5, 2012

On September 29, 2011, The Empire District Electric Company filed an application for variance regarding Empire's compliance with the Commission's integrated resource planning (IRP) rules. That application explains that Empire's 2010 IRP compliance filing was resolved through a stipulation and agreement. As part of that stipulation and agreement, Empire agreed to participate in a Stakeholder Advisory Group regarding the preparation of its 2013 IRP compliance filing.

The Commission's recently revised IRP rules, specifically 4 CSR 240-22.080(3), require Empire to host an annual update workshop and prepare an annual update report regarding, among other things, the special contemporary resource planning issues the Commission established for Empire in File No. EO-2012-0040. Empire contends the annual update requirements of the regulation are duplicative of the Stakeholder Advisory

Group requirements established in the previous stipulation and agreement. For that reason, Empire asks the Commission to waive those requirements of the regulation.

As requested by the parties, the Commission established a procedural schedule by which the parties would submit competing recommendations before an oral argument on January 12, 2012. Instead of filing recommendations, on December 5, Staff, Empire, Public Counsel, the Missouri Department of Natural Resources, Praxair, Inc., Missouri Joint Municipal Electric Utility Commission, and Dogwood Energy, LLC. filed an Agreement to resolve Empire's application for waiver. No party has objected to the Agreement within the seven days allowed by the Commission's regulation and the Commission will treat the Agreement as unanimous.<sup>1</sup>

By their Agreement, the parties jointly recommend the Commission grant Empire the waivers it requests, provided the company continues to comply with the stakeholder advisory group requirements of the previous stipulation and agreement.

The Commission finds the Agreement to be reasonable and will approve it.

Regulatory efficiency will be served if this order is made effective in 15 days on January 5, 2012.

**THE COMMISSION ORDERS THAT:**

1. The procedural schedule previously established for this case is canceled.
2. The Agreement filed on December 5, 2011, is approved as a resolution of The Empire District Electric Company's Application for Variance.

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<sup>1</sup> Commission Rule 4 CSR 240-2.115(2).

3. The Empire District Electric Company is granted a variance from Commission Rule 4 CSR 240-22.080(3) and (3)(A) as conditioned in the Agreement. The Empire District Electric Company shall file its 2012 Update Summary Report in a new case file.

4. The Empire District Electric Company is granted a variance from Commission Rule 4 CSR 240-22.080(3)(B) as conditioned in the Agreement.

5. The Empire District Electric Company is granted a variance from Commission Rule 4 CSR 240-22.080(3)(C) as conditioned in the Agreement.

6. The Empire District Electric Company is granted a variance from Commission Rule 4 CSR 240-22.080(3)(D) as conditioned in the Agreement. Stakeholders may file comments pursuant to Commission Rule 4 CSR 240-22.080(3) with regard to Empire's 2012 Update Summary Report and Stakeholder Update Session. Any such comments shall be filed with the Commission within thirty days of the date of the Stakeholder Update Session.

7. This order shall become effective on January 5, 2012.

**BY THE COMMISSION**



Steven C. Reed  
Secretary

( S E A L )

Gunn, Chm., Davis, Jarrett, and  
Kenney, CC., concur;  
Stoll, C., not participating.

Woodruff, Chief Regulatory Law Judge