

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

In the Matter of the Application of The Empire)	
District Electric Company and White River Valley)	
Electric Cooperative for Approval of a Second)	
Amendment of a Written Territorial Agreement)	<u>File No. EO-2013-0313</u>
Designating the Boundaries of Exclusive Service)	
Areas for Each Applicant within the Missouri Counties)	
Of Stone and Taney)	

STAFF RECOMMENDATION FOR APPROVAL OF TARIFF SHEETS

COMES NOW the Staff (Staff) of the Missouri Public Service Commission (Commission), by and through counsel, and for its Staff Recommendation for Approval of Tariff Sheets respectfully states:

1. On January 4, 2013, the Commission issued its *Report and Order Approving Amendment to Territorial Agreement* in this case. The *Report and Order* required Empire District Electric Company (Empire) to file revised tariff sheets to reflect the limitations that the amendment places on its service area.
2. On March 20, 2013, Empire filed tariff sheets with a requested effective date of April 19, 2013.
3. On March 21, the Commission issued its *Order Directing Filing*, directing Staff to file a recommendation no later than April 9, 2013.
4. Staff reviewed the tariff sheets filed by Empire and found that they are filed in a timely manner. The tariff sheets revise the territory in Missouri where Empire provides electric service by identifying the boundaries of the exclusive territories agreed to in this Second Amendment to the Fifth Territorial Agreement between Empire and White River Valley

Electric Cooperative, and therefore the tariff sheets comply with the Commission's *Report and Order* in this matter.

5. In the *Memorandum* attached here as Appendix A, Staff recommends the Commission issue an order approving the tariff sheets as filed on March 20, 2013, to become effective on April 19, 2013, as requested by Empire, or permit the tariff sheets to go into effect by operation of law.

6. Staff has verified that Empire is not delinquent on any assessment or the filing of its annual report, and Staff is not aware of any other matter pending before the Commission that affects or is affected by this tariff filing.

WHEREFORE, Staff recommends the Commission issue an order approving the following proposed tariff sheets, as filed on March 20, 2013, to become effective on April 19, 2013, as requested by Empire, or permit the tariff sheets to go into effect by operation of law:

P.S.C. Mo. No. 5, Section B
Original Sheet No. 27
Original Sheet No. 27a

Respectfully Submitted,

**STAFF OF THE MISSOURI
PUBLIC SERVICE COMMISSION**

/s/ John D. Borgmeyer
John D. Borgmeyer
Legal Counsel
Missouri Bar No. 61992

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CERTIFICATE OF SERVICE

I hereby certify that true and correct copies of the foregoing were served electronically to all counsel of record this 9th day of April, 2013.

/s/ John D. Borgmeyer

MEMORANDUM

TO: Missouri Public Service Commission Official Case File
File No. EO-2013-0313, Tariff Tracking No. YE-2013-0399
The Empire District Electric Company

FROM: Thomas Imhoff, Manager Tariffs/Rate Design Section

/s/ Thomas M. Imhoff 04/09/13 /s/ John D. Borgmeyer 04/09/13
Energy Rate Design & Tariffs Unit / Date Staff Counsel's Office / Date

SUBJECT: Staff Recommendation For **Approval** of Tariff Sheets Filed to Comply With The Commission's Report And Order Approving Second Amendment to the Fifth Territorial Agreement Issued January 4, 2013

DATE: April 9, 2013

Recommendation

On March 20, 2013, The Empire District Electric Company ("Empire") filed with the Commission two (2) tariff sheets (Section B, Sheet Nos. 27 and 27a) regarding The Second Amendment to the Fifth Territorial Agreement Between White River Valley Electric Cooperative and The Empire District Electric Company to update the Description of Territory tariff section with an issue date of March 20, 2013, and a proposed effective date of April 19, 2013.

The Staff has reviewed the proposed tariff sheets, and is of the opinion that they are filed in a timely manner and are in compliance with the Commission's Order in File No. EO-2013-0313.

Background

The tariff sheets filed are to comply with the Commission's **REPORT AND ORDER APPROVING AMENDMENT TO TERRITORIAL AGREEMENT** Issued January 4, 2013, effective January 14, 2013, in File No. EO-2013-0313 which, in Ordered Paragraph 2 directs:

2. The Empire District Electric Company shall file the revised tariff sheets to reflect the limitations the amendment places on its service area.

These tariff sheets revise the territory in Missouri where Empire provides electric service by identifying by map and by legal description the boundaries of the exclusive territories agreed to in this Second Amendment to the Fifth Territorial Agreement between Empire and White River Valley Electric Cooperative.

Tariff Tracking No. YE-2013-0399

Empire District Electric

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The Staff recommends that the Commission issue an order approving the following proposed tariff sheets, as filed on March 20, 2013, to become effective on April 19, 2013, as requested by Empire, or permit the tariff sheets to go into effect by operation of law:

P.S.C. Mo. No. 5, Section B

Original Sheet No. 27

Original Sheet No. 27a

The Staff has verified that Empire is not delinquent on any assessment or the filing of its annual report. The Staff is not aware of any other matter pending before the Commission that affects or is affected by this tariff filing.

