

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service Commission held at its office in Jefferson City on the 27th day of June, 2012.

In the Matter of Empire District Electric Company's) **File No. EO-2011-0066**
2010 Utility Resource Filing Pursuant to CSR 240-22)

In the Matter of The Empire District Electric Company's)
Application Concerning Demand-Side Programs) **File No. EO-2012-0206**
and a Demand-Side Program Investment Mechanism)

**ORDER APPROVING SECOND NONUNANIMOUS
STIPULATION AND AGREEMENT**

Issue Date: June 27, 2012

Effective Date: July 3, 2012

On September 3, 2010, The Empire District Electric Company ("Empire") filed its 2010 Integrated Resource Planning Filing ("IRP"); File Number EO-2011-0066. The Commission accepted that plan when it approved an unopposed Nonunanimous Stipulation and Agreement, effective on April 27, 2012. That file was subsequently closed.

On February 28, 2012, Empire filed an application seeking approval of demand-side programs and for authority to establish a Demand Side Management Investment Mechanism tracker; File Number EO-2012-0206. Since its filing, the parties have held numerous technical conferences.

On June 6, 2012, Empire, the Commission's Staff, the Office of the Public Counsel, the Missouri Department of Natural Resources, and Dogwood Energy, L.L.C. (collectively, the "Signatories") filed their Second Nonunanimous Stipulation and Agreement ("Second

Agreement”) in File Number EO-2011-0066. This filing re-opened this file, but the Second Agreement affects the outcome of File Number EO-2012-0206. Praxair, Inc., (“Praxair”) and The Missouri Joint Municipal Electric Utility Commission (MJMEUC) have represented that they do not oppose the Second Agreement.

Essentially, the Second Agreement provides that Empire will withdraw its pending Missouri Energy Efficiency Investment Act (“MEEIA”) filing in File No. EO-2012-0206 and file a new application under the Commission’s MEEIA rules after Empire makes its next Chapter 22 triennial compliance filing. The Signatories state that Empire is in the process of completing its required Demand-Side Management (“DSM”) market potential study and that withdrawing its MEEIA filing will afford Empire the opportunity to complete its study and use the results of that study to provide for a comprehensive Chapter 22 triennial compliance filing, due on April 1, 2013, followed by a comprehensive MEEIA filing.

Commission Rule 4 CSR 240-2.115 provides that if no objection is made to a non-unanimous stipulation and agreement within seven days of its filing, the stipulation and agreement may be treated as unanimous. No participant to this matter objected within the seven day deadline, nor were any comments or responses filed by the response deadline. Because no participant has filed a timely objection to the Second Agreement, it will be treated as a unanimous agreement.

Based on the Commission’s independent and impartial review of the unopposed Second Agreement, the Commission finds that the Second Agreement is consistent with the public interest and shall approve it.

THE COMMISSION ORDERS THAT:

1. The Second Nonunanimous Stipulation and Agreement filed on June 6, 2012, in File Number EO-2011-0066, is approved. The provisions of the Second Agreement are incorporated into this order, as if fully set forth, unconditionally and without modification. The signatory parties shall comply with the terms of the Second Agreement. A copy of the agreement will be attached to this order as Appendix A.
2. The Empire District Electric Company shall file notice of withdrawing its pending Missouri Energy Efficiency Investment Act filing in File No. EO-2012-0206 no later than seven days after the effective date of this order.
3. This order shall become effective on July 3, 2012.
4. This file shall be closed on July 11, 2012.

BY THE COMMISSION



Steven C. Reed
Secretary

(S E A L)

Gunn, Chm., Jarrett, Kenney, and
Stoll, CC., concur.

Stearley, Deputy Chief Regulatory Law Judge