

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

In the Matter of the Application of The Empire)	
District Electric Company for a Waiver of the)	
Provisions of Its Tariff and 4 CSR 240-14.020 with)	
Regard to The Lakes at Shuyler Ridge Subdivision in)	Case No. EE-2007-0030
Conjunction with a Proposed First Territorial)	
Agreement with Ozark Electric Cooperative.)	

STATUS REPORT

COMES NOW the Staff of the Missouri Public Service Commission (“Staff”) and, in response to the Commission’s *Order Directing Filing* issued and effective July 20, 2006, makes this status report:

1. The Empire District Electric Company filed its application in the instant case when it filed its application for approval of a territorial agreement between it and Ozark Electric Cooperative. The territorial agreement is before the Commission in Case No. EO-2007-0029. In this case Empire seeks, for one specific subdivision, waivers of subdivision extension and street lighting provisions of its tariff, and of the Commission’s promotional practices rule codified at 4 CSR 240-14.020. The specific subdivision for which Empire seeks the waivers is “The Lakes at Shuyler Ridge Subdivision” which is located near Republic, Missouri.

2. According to the applications in this case and in Case No. EO-2007-0029, the territorial agreement is dependent on Commission grant of the waivers requested here.

3. Upon receipt of the application in this case on July 18, 2006, the undersigned counsel contacted counsel for Empire and informally raised to Empire the issue of the Commission’s authority to grant the requested waiver of its tariff in light of the holding in *State ex rel. St. Louis Gas Co. v. Public Service Commission*, 286 S.W. 84, 315 Mo. 312 (1926), that

the Commission, while it had authority to change tariff provisions, did not have authority to waive them to allow new customers to pay less than the tariff rate for extension of a gas line to serve them, such being discriminatory.

4. On July 20, 2006, the Commission issued its *Order Directing Filing* in which it ordered the Staff to “file a Staff Recommendation or a Status Report regarding when it will file its Recommendation no later than August 21, 2006.”

5. While Empire has requested the Commission to process its application in this case with “all deliberate speed,” because the waivers are conditions to the territorial agreement that is the subject of Case No. EO-2007-0029, and that agreement is why the waivers are being sought, Empire will suffer no prejudice if the Staff files its recommendation in this case contemporaneously with its recommendation in Case No. EO-2007-0029. The Commission has ordered the Staff to file its recommendation or status report stating when the Staff will file its recommendation in Case No. EO-2007-0029 by September 13, 2007.

6. The Staff anticipates it will file its recommendations in this case and in Case No. EO-2007-0029 by September 13, 2006.

WHEREFORE, the Staff respectfully files this status report with the Commission and advises the Commission the Staff will file its recommendation in this case contemporaneously when it files the Staff recommendation in Case No. EO-2007-0029, and that the Staff anticipates it will file the Staff recommendations in both cases by September 13, 2006.

Respectfully submitted,

/s/ Nathan Williams

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Certificate of Service

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or electronically mailed to all counsel of record this 21st day of August 2006.

/s/ Nathan Williams