

**STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION**

At a session of the Public Service  
Commission held at its office in  
Jefferson City on the 30<sup>th</sup> day of  
August, 2007.

In the Matter of The Empire District Electric	)	
Company's Application for Variance and	)	
Clarification Concerning Select Provisions of	)	<b><u>Case No. EE-2008-0025</u></b>
Commission Rules Related to Electric	)	
Utility Resource Planning.	)	

**ORDER GRANTING THE EMPIRE DISTRICT ELECTRIC COMPANY'S  
REQUEST FOR WAIVERS**

Issue Date: August 30, 2007

Effective Date: September 9, 2007

On July 23, 2007, The Empire District Electric Company asked the Commission to grant it variances from certain requirements of the Commission's Integrated Resource Planning (IRP) Rule, 4 CSR 240-22. Empire also seeks clarification of other requirements of that rule. The IRP rule requires investor-owned electric utilities, such as Empire, to file a written plan in which it considers all options, including demand side efficiency and energy management measures, so as to provide safe, reliable, and efficient electric service to the public at reasonable rates, in a manner that serves the public interest. Empire must file its next IRP in September 2007.

Since the Commission's decision whether to grant the variances requested by Empire may affect the substance of Empire's IRP filing, the Commission provided notice of the request for variances to all parties to Empire's most recent rate case, as well as to the media and members of the General Assembly representing Empire's service area. The

Commission also established August 9 as the deadline for the submission of applications to intervene.

The Missouri Department of Natural Resources (DNR) applied to intervene on August 8. The Commission granted DNR's application on August 17. No other party asked to intervene.

The Commission also ordered that any party wishing to respond to Empire's application for variances and clarification do so no later than August 20. The Commission's Staff and DNR filed timely responses. Those responses generally support Empire's positions, but ask the Commission to impose some additional requirements on Empire. On August 23, Empire replied to Staff and DNR, indicating its acceptance of the additional requirements.

The Commission's IRP Rule is highly detailed and technical. The requested variances and clarifications are also highly detailed and technical. Since no party objects to the requested variances and clarifications, they will not be described in detail in this order. However, the specific variances and clarifications that Empire seeks are described in Appendix A, which was attached to Empire's Application.

Staff's response asked the Commission to clearly indicate that its approval of the waivers requested by Empire are granted for this case only, and are not to be taken as a general waiver of any aspect of the rule in any future proceeding. Staff also indicated that Empire must document its decision making process regarding the areas in which it sought clarification when it files its IRP. Staff will review Empire's documentation after it is filed. Empire has agreed to do as Staff requests.

DNR's response asks the Commission to require Empire to provide details of its load analysis and forecasting models as soon as practicable before filing its IRP. Similarly, DNR asks that Empire be required to provide details of its plans for market research as soon as practicable. Empire agreed to provide the requested details as soon as practicable.

**IT IS ORDERED THAT:**

1. The Empire District Electric Company's request for waivers from certain portions of the Commission's Integrated Resource Planning rules is granted. The specific portions of the rule that are waived are described in Appendix A, which is attached to this order.
2. The Commission's approval of the waivers requested by The Empire District Electric Company is granted for this case only, and shall not to be taken as a general waiver of any aspect of the rule in any future proceeding.
3. This order shall become effective on September 9, 2007.

**BY THE COMMISSION**



Colleen M. Dale  
Secretary

( S E A L )

Davis, Chm., Murray and Appling, CC., concur.  
Gaw and Clayton, CC., dissent

Woodruff, Deputy Chief Regulatory Law Judge