

**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)
Seventh Written Territorial Agreement)
Designating the Boundaries of Exclusive)
Service Areas within Christian and Taney)
Counties)

File No. EO-2012-0192

STAFF RECOMMENDATION TO APPROVE TARIFF SHEETS

COMES NOW the Staff (Staff) of the Missouri Public Service Commission (Commission), and for its *Staff Recommendation To Approve Tariff Sheets* states:

1. On February 29, 2012, the Commission issued its *Report and Order Approving Seventh Territorial Agreement* in this case. The *Report and Order* required Empire District Electric Company (Empire) to file revised tariff sheets amending any descriptions of its service territory in Christian and Taney Counties, Missouri, that may be affected by the new territorial agreement.

2. On March 14, 2012, Empire filed tariff sheet revisions, which were subsequently amended on March 28 and March 29, 2012.

3. On April 2, 2012, the Commission issued its *Order Directing Staff to File A Recommendation and Setting Deadline for Responses*, which directed Staff to review the tariff sheets filed by Empire and to file a recommendation, no later than April 16, 2012, as to whether the tariff sheets are in compliance with the Commission's February 29, 2012, *Report and Order*.

4. Staff reviewed the tariff sheets filed by Empire and found that they are filed in a timely manner and are in compliance with the Commission's *Report and Order*.

5. In the Memorandum attached here as Appendix A, Staff recommends that the Commission issue an order approving the tariff sheets as filed on March 14, 2012, and substituted on March 28 and 29, 2012, to become effective on April 13, 2012, 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. Further, 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 14, 2012, and substituted on March 28 and 29, 2012, to become effective on April 13, 2012, 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. 24
Original Sheet No. 24a
Original Sheet No. 24b
Original Sheet No. 25
Original Sheet No. 25a
Original Sheet No. 26
Original Sheet No. 26a

Respectfully Submitted,

**STAFF OF THE MISSOURI
PUBLIC SERVICE COMMISSION**
/s/ John D. Borgmeyer

John D. Borgmeyer
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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 5th day of April, 2012.

/s/ John D. Borgmeyer

MEMORANDUM

TO: Missouri Public Service Commission Official Case File
File No. EO-2012-0192, Tariff Tracking No. YE-2012-0443
The Empire District Electric Company

FROM: Dan Beck, Utility Regulatory Engineering Supervisor
Alan Bax, Utility Engineering Specialist III
Mack McDuffey, Rate & Tariff Examiner II

Energy Department / Date

Staff Counsel Division / Date

SUBJECT: Staff Recommendation For **Approval** of Tariff Sheets Filed to Comply With The
Commission's Report And Order Approving Seventh Territorial Agreement
Issued February 29, 2012

DATE: April 2, 2012

Recommendation

On March 14, 2012, The Empire District Electric Company (Empire) filed with the Commission seven (7) tariff sheets (Section B, Sheet Nos. 24, 24a, 24b, 25, 25a, 26, 26a) regarding The Seventh Territorial Agreement Between White River Valley Electric Cooperative and The Empire District Electric Company (Territorial Agreement) to update the Description of Territory tariff section with an issue date of March 14, 2012, and a proposed effective date of April 13, 2012. On March 28, 2012, Empire filed substitute tariff sheet nos. 25, 25a, 26 and 26a to correct typographical errors at the request of the Commission's Energy Unit Staff (Staff). On March 29, 2012, Empire filed second substitute tariff sheet no. 26 to correct a typographical error at the request of the Staff.

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-2012-0192.

Background

The Territorial Agreement tariff sheets filed are to comply with the Commission's **REPORT AND ORDER APPROVING SEVENTH TERRITORIAL AGREEMENT** Issued February 29, 2012, Effective March 29, 2012, in File No. EO-2012-0192 which Ordered Paragraph states:

2. Empire shall file with the Commission revised tariff sheets amending any descriptions of its service territory in Christian and Taney Counties, Missouri, that may be affected by the Agreement.

These tariff sheets revise Empire's Service Areas by identifying by map and by legal description the boundaries of the exclusive territories agreed to in this seventh Territorial Agreement between Empire and White River Valley Electric Cooperative.

The Staff recommends that the Commission issue an order approving the following proposed tariff sheets, as filed on March 14, 2012, and substituted on March 28 and 29, 2012, to become effective on April 13, 2012, 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. 24

Original Sheet No. 24a

Original Sheet No. 24b

Original Sheet No. 25

Original Sheet No. 25a

Original Sheet No. 26

Original Sheet No. 26a

The Staff has verified that Empire is not delinquent on any assessment or the filing of its 2010 annual report. The Staff is not aware of any other matter pending before the Commission that affects or is affected by this tariff filing.

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Empire District Electric Company and White)
River Valley Electric Cooperative for)
Approval of a Seventh Written Territorial)
Agreement Designating the Boundaries of)
Exclusive Service Areas within Christian and)
Taney Counties)

STATE OF MISSOURI)
) ss
COUNTY OF COLE)

William L. McDuffey
William L. McDuffey

LAURA HOLSMAN
Notary Public - Notary Seal
State of Missouri
Commissioned for Cole County
My Commission Expires: June 21, 2015
Commission Number: 11203914

Wilbert Heberman
Notary Public