

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

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|---|---|------------------------------|
| In the Matter of the Application of The Empire |) | |
| District Electric Company and Ozark Electric |) | |
| Cooperative for Approval of a Written Territorial |) | File No. EO-2011-0085 |
| Agreement Designating the Boundaries of |) | |
| Exclusive Service Areas within Christian County. |) | |

**STAFF RECOMMENDATION
TO APPROVE TARIFF SHEETS**

COMES NOW the Staff of the Missouri Public Service Commission (“Staff”), by and through its attorney, and submits to the Missouri Public Service Commission (“Commission”) its Staff Recommendation as follows:

In the attached Memorandum, which is labeled Appendix A, the Staff recommends the Missouri Public Service Commission either issue an order approving the three (3) tariff sheets The Empire District Electric Company filed on December 8, 2010, to become effective on or before January 7, 2011, or allow them to go into effect January 7, 2011, by operation of law, because they comply with the Commission’s November 23, 2010, Report and Order approving Empire’s Second Territorial Agreement with Ozark Electric Cooperative, and reflect the changes to Empire’s Missouri service area that result from that agreement.

WHEREFORE, the Staff respectfully recommends to the Commission that it either issue an order approving the three (3) tariff sheets The Empire District Electric Company filed on December 8, 2010, to become effective on or before January 7, 2011, or allow them to go into effect January 7, 2011, by operation of law.

Respectfully submitted,

/s/ Meghan E. McClowry

Meghan E. McClowry

Legal Counsel

Missouri Bar No. 63070

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Missouri Public Service Commission

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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 22nd day of December, 2010.

/s/ Meghan E. McClowry

MEMORANDUM

TO: Missouri Public Service Commission Official Case File
File No. EO-2011-0085, Tariff No. YE-2011-0290
The Empire District Electric Company

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

/s/ Dan Beck 12/22/2010
Energy Department / Date

/s/ Meghan McClowry 12/22/2010
Staff Counsel Division / Date

SUBJECT: Staff Recommendation For **Approval** of Tariff Sheets Filed to Comply With The
Commission's Report And Order Approving Territorial Agreement Issued
November 23, 2010

DATE: December 27, 2010

On December 8, 2010, The Empire District Electric Company (Empire) filed with the Commission three (3) tariff sheets (Section B, Sheet Nos. 23, 23a, 23b) regarding The Second Territorial Agreement Between Ozark Electric Cooperative and The Empire District Electric Company (Territorial Agreement) to update the Description of Territory tariff section with an issue date of December 8, 2010, and a proposed effective date of January 7, 2011.

The Territorial Agreement tariff sheets filed are to comply with the Commission's **REPORT AND ORDER APPROVING TERRITORIAL AGREEMENT** Issued November 23, 2010, Effective December 3, 2010 in File No. EO-2011-0085 which Ordered Paragraph states:

2. The Empire District Electric Company shall file a revised tariff sheet to reflect the conditions set out in the Territorial 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 second Territorial Agreement between Empire and Ozark Electric Cooperative.

Staff Recommendation

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-2011-0085. The Staff therefore recommends that the Commission issue an order approving the following proposed tariff sheets, as filed on December 8, 2010, to become effective on January 7, 2011, as requested by

Tariff No. YE-2011-0290

Empire District Electric

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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. 23

Original Sheet No. 23a

Original Sheet No. 23b

The Staff has verified that Empire is not delinquent on any assessment or the filing of its 2009 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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of a Written Territorial Agreement)
Designating the Boundaries of Exclusive)
Service Areas within Christian County.)

Case No. EO-2011-0085
File No. YE-2011-0290

AFFIDAVIT OF ALAN J. BAX

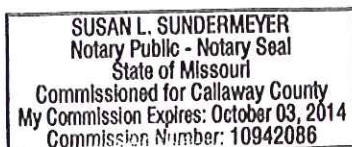
STATE OF MISSOURI)
) ss
COUNTY OF COLE)

Alan J. Bax, of lawful age, on oath states: that he participated in the preparation of the foregoing Staff Recommendation in memorandum form, to be presented in the above case; that the information in the Staff Recommendation was given by him; that he has knowledge of the matters set forth in such Staff Recommendation; and that such matters are true to the best of his knowledge and belief.



Alan J. Bax

Subscribed and sworn to before me this 22nd day of December 2010.




Notary Public

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OF THE STATE OF MISSOURI


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Empire District Electric Company and)
Ozark Electric Cooperative for Approval)
of a Written Territorial Agreement)
Designating the Boundaries of Exclusive)
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Case No. EO-2011-0085
File No. YE-2011-0290

AFFIDAVIT OF WILLIAM L. MCDUFFEY

STATE OF MISSOURI)
) ss
COUNTY OF COLE)

William L. McDuffey, of lawful age, on oath states: that he participated in the preparation of the foregoing Staff Recommendation in memorandum form, to be presented in the above case; that the information in the Staff Recommendation was given by him; that he has knowledge of the matters set forth in such Staff Recommendation; and that such matters are true to the best of his knowledge and belief.



William L. McDuffey

Subscribed and sworn to before me this 22nd day of December 2010.





Notary Public

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Case No. EO-2011-0085
File No. YE-2011-0290

AFFIDAVIT OF DANIEL I. BECK

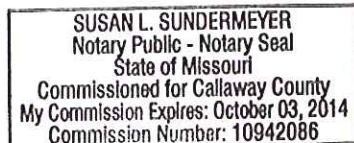
STATE OF MISSOURI)
) ss
COUNTY OF COLE)

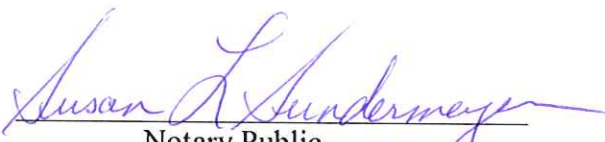
Daniel I. Beck, of lawful age, on oath states: that he participated in the preparation of the foregoing Staff Recommendation in memorandum form, to be presented in the above case; that the information in the Staff Recommendation was given by him; that he has knowledge of the matters set forth in such Staff Recommendation; and that such matters are true to the best of his knowledge and belief.



Daniel I. Beck

Subscribed and sworn to before me this 22nd day of December 2010.





Notary Public