

BEFORE THE PUBLIC SERVICE COMMISSION

OF THE STATE OF MISSOURI

In the Matter of the Application of The Empire)
District Electric Company and Ozark Electric)
Cooperative for Approval of a Written Territorial) **Case No. EO-2007-0029**
Agreement Designating the Boundaries of Exclusive)
Service Areas for Each within Two Tracts of Land in)
Greene County and Christian County, 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) **Case No. EE-2007-0030**
Regard to The Lakes at Shuyler Ridge Subdivision)
in Conjunction with a Proposed First Territorial)
Agreement with Ozark Electric Cooperative.)

ORDER DENYING STAFF'S MOTION

Issue Date: November 29, 2006

Effective Date: November 29, 2006

On July 18, 2006, The Empire District Electric Company and Ozark Electric Cooperative filed a joint application for approval of a territorial agreement. Concurrently, Empire filed a request for variance.

On November 17, 2006, the Staff of the Missouri Public Service Commission filed a Motion for Determination on Pleadings. On November 27, 2006, The Empire District Electric Company and Ozark Electric Cooperative filed a Joint Response to Staff's Motion for Determination on Pleadings opposing Staff's Motion.

In light of the requirement for a hearing in Section 394.312.4, RSMo 2000, and the necessity to make oral arguments in lieu of briefs since the procedural schedule is expedited, Staff's Motion is denied.

IT IS ORDERED THAT:

1. Staff's Motion for Determination on Pleadings is denied.
2. This order shall become effective on November 29, 2006.

BY THE COMMISSION

A handwritten signature in black ink, appearing to read 'Colleen M. Dale', written in a cursive style.

Colleen M. Dale
Secretary

(S E A L)

Colleen M. Dale, Chief Regulatory Law Judge, by
delegation of authority pursuant to
Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 29th day of November, 2006.