

BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

In the Matter of the Application of The Empire)
District Electric Company for Authority to Sell)
and Transfer Part of its Works or System to the)
City of Monett, Missouri)
Case No. EO-2009-0159

ORDER DIRECTING STAFF TO FILE A RECOMMENDATION AND DIRECTING RESPONSES TO STAFF'S PRELIMINARY RESPONSE TO APPLICATION

Issue Date: December 2, 2008

Effective Date: December 2, 2008

On October 28, 2008,¹ The Empire District Electric Company ("Empire") filed an application² with the Commission seeking to sell and transfer a portion of its works and systems to the City of Monett ("City"). On December 2, the Commission's Staff filed its preliminary "Response to Application." In its response, Staff states that it believes it can file its recommendation regarding the application no later than January 23, 2009. Staff further states that counsel for Empire has no objection to this date. Because Staff indicates that it will be able to file a recommendation by January 23, 2009, and because Empire does not object to this date, Staff will be directed to file its recommendation accordingly.

Additionally, Staff states that it believes Empire's application is deficient because, according to Staff: (1) it does not satisfy the requirements of the Commission rule for change of electrical supplier, 4 CSR 240-3.140, and (2) because Empire has not addressed the statutes applicable to changing electrical suppliers, Sections 91.025 and 393.106.2,

¹ All dates throughout this order refer to the year 2008 unless otherwise noted.

² The application was filed pursuant to Section 393.190, RSMo 2000, and Commission Rules 4 CSR 240-2.060 and 4 CSR 240-3.110. All statutory references are to RSMo 2000, and its amendments and revisions,

RSMo. 2000, which set the standard for the Commission to approve a change of electrical suppliers from an electrical corporation to a municipality. Consequently, the Commission shall direct Empire to respond to Staff's claimed deficiencies.

THE COMMISSION ORDERS THAT:

1. The Staff of the Missouri Public Service Commission shall file a recommendation regarding The Empire District Electric Company's application no later than January 23, 2009.

2. No later than December 30, 2008, The Empire District Electric Company shall file a response to the alleged deficiencies in its application that are described in Staff's "Response to Application" filed on December 2, 2008.

3. This order shall become effective immediately upon issuance.

BY THE COMMISSION



Colleen M. Dale
Secretary

(S E A L)

Harold Stearley, Senior Regulatory Law Judge,
by delegation of authority pursuant to
Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 2nd day of December, 2008.