

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

In the Matter of The Empire District Electric Company's Application to Modify FAC Rate) **File No. ER-2010-0105**
) **Tariff No. YE-2010-0244**

ORDER DIRECTING NOTICE AND DIRECTING STAFF RECOMMENDATION

Issue Date: October 1, 2009

Effective Date: October 1, 2009

On October 1, 2009,¹ The Empire District Electric Company (“Empire”) submitted an application and tariff designed to implement an adjustment to its Fuel Adjustment Clause. The submitted tariff bears an effective date of December 1.

Pursuant to Commission Rule 4 CSR 240-20.090(4), the Commission's Staff shall submit a recommendation regarding the proposed adjustment no later than 30 days after it's filing. No later than 60 days after receiving the proposed adjustment, the Commission must : (1) enter an interim rate adjustment; or (2) approve or reject the tariff as submitted; or (3) allow the tariff to go into effect by operation of law. Consequently, the Commission shall issue notice, set an intervention deadline, and direct its Staff to file a recommendation.

Commission Rule 4 CSR 240-3.161(10) provides that parties to the rate case in which the Commission established Empire's fuel adjustment clause are automatically parties to this tariff case, without the necessity of having to apply for intervention. The Commission therefore acknowledges that the parties to ER-2008-0093 are parties to this case, and will direct its Data Center to add those parties to the service list.

¹ All dates throughout this order refer to the year 2009 unless otherwise noted.

THE COMMISSION ORDERS THAT:

1. The Commission's Data Center shall serve a copy of this order upon the county commission of each county within The Empire District Electric Company's service area.
2. The Commission's Data Center shall add all parties to Case No. ER-2008-0093 to the service list for this case.
3. The Commission's Public Information Office shall make notice of this order available to the members of the General Assembly representing The Empire District Electric Company's service area and to the news media serving Empire's service area.
4. Any proper person or entity wishing to intervene shall file an application to intervene no later than October 16, 2009, with:

Steven C. Reed, Secretary
Missouri Public Service Commission
Post Office Box 360
Jefferson City, Missouri 65102-0360

5. The Staff of the Missouri Public Service Commission shall, no later than October 30, 2009, file a recommendation regarding its examination and analysis of Empire's application.
6. This order shall become effective immediately upon issuance.

BY THE COMMISSION



Steven C. Reed
Secretary

(S E A L)

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

Dated at Jefferson City, Missouri,
on this 1st day of October, 2009.