

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

In the matter of The Empire District)
Electric Company of Joplin, Missouri)
for Authority to File Tariffs Increasing)
Rates for Electric Service Provided to)
Customers in the Missouri Service)
Area of the Company.)

Case No. ER-2010-0130

**STAFF RESPONSE TO ORDER
DIRECTING NOTICE, SUSPENDING TARIFF,
SETTING HEARINGS, AND DIRECTING FILINGS**

1. On October 29, 2009, The Empire District Electric Company (“Empire”), submitted to the Missouri Public Service Commission tariff sheets, proposing to implement a general rate increase for electric service to customers in its Missouri service area.

2. In its November 4, 2009 Suspension Order and Notice, the Commission Ordered the tariffs be suspended to September 28, 2010, unless otherwise ordered by the Commission.

3. The Commission further ordered Staff and any interveners to file, on or before December 1, 2009, a pleading either indicating concurrence in Empire’s recommended test year or recommending alternatives to that test year.

4. The Company proposed a test year ending June 30, 2009, to be updated for known and measurable changes.

5. The Staff concurs in use of this twelve-month period ending June 30, 2009, as the test year for this case. Staff further recommends that such

test year be updated for known and measurable changes through December 31, 2009.

6. In a November 20, 2009 pleading, Empire recommended that the Commission adopt a True-Up audit period and hearing to allow the rate recovery of the capital expenditures associated with the Company's participation in the construction and ownership of the Iatan 2 and Plum Point coal-fired generating facilities. Empire noted that discussions among the parties to the Empire Experimental Regulatory Plan, Docket No. EO-2005-0263, are currently pending and may impact the procedural schedule desired in this case. Empire stated that those discussions may cause Empire to modify its True-Up Recommendation.

7. At this time, the Staff recommends a True-Up cut-off of April 30, 2010. Given the pendency of the indicated discussions regarding Empire's Experimental Regulatory Plan, Staff reserves the right to address this matter further if the Staff reaches a different conclusion as to the appropriateness of the April 30, 2010 date.

WHEREFORE Staff requests the Commission accept this pleading in compliance with its November 4, 2009 Order.

Respectfully submitted,

/s/ Sarah Kliethermes

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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 30th day of November, 2009.

/s/ Sarah Kliethermes