

BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

In the Matter of the Third Prudence Review)
of Costs Subject to the Commission-Approved)
Fuel Adjustment Clause of The Empire District)
Electric Company)
File No. EO-2013-0114

ORDER DIRECTING FILING

Issue Date: February 20, 2013

Effective Date: February 20, 2013

On January 29, 2013¹, Dogwood Energy, LLC (“Dogwood”) filed an application to intervene. Dogwood states that the Commission’s decision could adversely affect its interest as a potential supply-side resource to Empire. Thus, Dogwood argues, its interests are different from those of the general public.

The Empire District Electric Company (“Empire”) objected on February 6. Empire states that the universe of potentially interested parties is limited to Empire’s customers who during the 18-month period paid FAC-related costs. In the alternative, Empire asks for a protective order under Commission Rule 4 CSR 240-2.085.

The Commission will order further input from the parties before ruling on Dogwood’s application. Specifically, the Commission is unclear on how Dogwood would be harmed should the Commission deny intervention, and on why Dogwood did not intervene in the rate case establishing Empire’s FAC.

THE COMMISSION ORDERS THAT:

1. Dogwood Energy, LLC shall further clarify why the Commission should grant it intervention by filing further pleadings no later than noon, February 22, 2013.

¹ Calendar references are to 2013 unless otherwise noted.

2. The Empire District Electric Company and the Staff of the Commission shall respond no later than February 25, 2013. Staff's response shall include its recommendation, if any, on whether to grant or deny the application to intervene.

3. This order shall become effective immediately upon issuance.

BY THE COMMISSION

A handwritten signature in cursive script that reads "Shelley Brueggemann".

Shelley Brueggemann
Acting Secretary

(S E A L)

Ronald D. Pridgin, Senior Regulatory
Law Judge, by delegation of authority
pursuant to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 20th day of February, 2013.