

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

In the Matter of the Consideration of Adoption)
Of the PURPA Section 111(d)(16) Consideration)
Of Smart Grid Investments Standard as Required)
By Section 1307 of the Energy Independence and)
Security Act of 2007.)

Case No. EO-2009-0249

APPLICATION TO INTERVENE

The Empire District Electric Company (Empire or Company), in response to the Missouri Public Service Commission's (Commission) *Order Establishing Cases, Directing Notice, Establishing A Deadline for Submission of Intervention Requests, Setting A Prehearing Conference and Date for Filing Procedural Schedules*, dated December 17, 2008, hereby submits its application to intervene in the above-entitled matter. In support of its application, Empire states as follows:

1. Empire is a Kansas corporation with its principal office and place of business at 602 Joplin Avenue (P.O. Box 127), Joplin, Missouri 64801 (64802). The Company is engaged in the business of providing electric, gas, and water utility services to customers in its service areas in southwestern Missouri. Empire also holds a certificate of service authority to provide certain telecommunications services.

2. Empire is an "electrical corporation," a "gas corporation," a "water corporation," a "telecommunications company," and a "public utility" as those terms are defined in Section 386.020, RSMo 2000, and thereby is subject to the jurisdiction and supervision of the Commission, as provided by law.

3. Empire has no final, unsatisfied judgments or decisions against it from state or federal regulatory agencies or courts that involve customer service and that have occurred within the three (3) years immediately preceding the filing of this application. According to the Commission's EFIS, Empire has the following matters pending before the Commission as of the

date of this application: Case Nos. EC-2008-0021, EC-2009-0078, EF-2009-0180, EO-2008-0215, EO-2009-0159, EO-2009-0181, EO-2009-0233, and ER-2006-0315. The Company also has no overdue Commission annual reports or assessment fees.

4. Empire filed documents in Case No. EF-94-39 establishing its incorporation and, in accordance with 4 CSR 240-2.060(1)(G), those documents are incorporated herein by reference. In Case No. EM-2000-369, the Company filed a Certificate of Authority from the Missouri Secretary of State showing that Empire, a foreign corporation, is authorized to do business in Missouri. In accordance with 4 CSR 240-2.060(1)(G), that document also is incorporated by reference.

5. Pleadings, notices, orders, and other correspondence and communications concerning this application or this docket should be addressed to the undersigned counsel and also to:

Kelly Walters
Vice President – General and Regulatory Services
The Empire District Electric Company
602 Joplin Avenue
P.O. Box 127
Joplin, MO 64802
E-mail: kwalters@empiredistrict.com

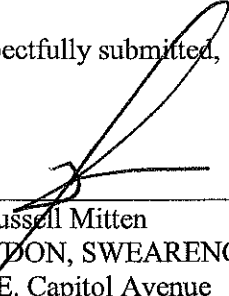
Todd Tarter
Manager of Strategic Planning
The Empire District Electric Company
602 Joplin Avenue
P.O. Box 127
Joplin, MO 64802
E-mail: ttarter@empiredistrict.com

6. As an electric utility, Empire's interests differ from those of the general public. Although the Company does not currently know what position it will take in this case, the Company's interests will be directly affected – and could be adversely affected – by any changes to the PURPA Section 111(d)(16) Consideration of Smart Grid Investments Standard that are ordered by the Commission in this docket. For those reasons, it is important that Empire be allowed to intervene in this proceeding so that the Company can fully participate and can look

after and protect the interests of Empire, its shareholders, and its customers. In addition, allowing Empire to intervene would serve the public interest because it will afford the Company an opportunity to provide useful and relevant information that may aid the Commission in its deliberations in this case.

WHEREFORE, Empire prays that the Commission issue an order granting the Company's application to intervene in the above-entitled matter.

Respectfully submitted,



L. Russell Mitten MBE #27881
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(573) 635-3847 facsimile
E-mail: rmitten@brydonlaw.com

ATTORNEYS FOR THE EMPIRE DISTRICT
ELECTRIC COMPANY

VERIFICATION

STATE OF MISSOURI)
) SS
COUNTY OF JASPER)

Kelly Walters, being duly sworn on oath, deposes and says that she is Vice President – General and Regulatory Services of The Empire District Electric Company, that she has read the foregoing Application to Intervene and knows the contents thereof, and that the information contained in that application is true and correct to the best of her knowledge and belief.

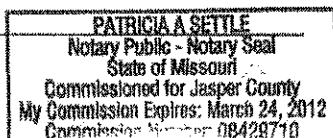
THE EMPIRE DISTRICT ELECTRIC COMPANY

BY: *Kelly Walters*
Kelly Walters

Subscribed and sworn to before me, the undersigned Notary Public in and for the county and state aforesaid, on the 29th day of December, 2008.

Patricia A. Settle
Notary Public

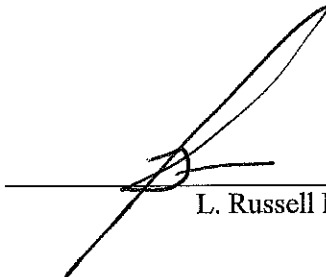
My Commission expires:



CERTIFICATE OF SERVICE

I hereby certify that on December 29, 2008, a copy of the Application to Intervene of The Empire District Electric Company was sent, via regular United States Mail or e-mail, to the following parties:

Kevin Thompson
General Counsel
Missouri Public Service Commission
200 Madison Street, Ste. 800
P.O. Box 360
Jefferson City, MO 65102



A handwritten signature in black ink, appearing to read "L. Russell Mitten", is written over a horizontal line. The signature is stylized with a large, sweeping loop.

L. Russell Mitten