

**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)	<u>Case No. ER-2006-0315</u>
Service Provided to Customers in the)	
Missouri Service Area of the Company)	

REQUEST FOR EXTENSION OF TIME

COMES NOW the Office of the Public Counsel and for its Request for Extension of time states as follows:

1. On March 24, 2006, The Empire District Electric Company filed a Motion for Clarification. In that motion, Empire seeks to have the Commission adopt an interpretation of the Stipulation and Agreement in Case No. ER-2004-0570 that is inconsistent with Public Counsel's interpretation, and is inconsistent with the interpretation of several other parties to this case that were also parties to ER-2004-0570. According to 4 CSR 240-2.080(15), responses to Empire's motion would be due April 3, 2006.

2. How the ER-2004-0570 Stipulation and Agreement restricts Empire's ability to request changes to, or termination of, its interim energy charge in this case is a critical question. In order to fully address it, Public Counsel requests a two-week extension of time to file its response to that motion. This extension will not harm any party to the case, as the next case activity in the parties' proposed procedural schedule is not until June. This extension will help the Commission since it will allow those parties that differ with Empire's interpretation of the ER-2004-0570 Stipulation and Agreement the time necessary to fully explain why Empire's self-serving interpretation is incorrect. It will also allow time for discovery, if necessary, to investigate any statements that Empire made about the ER-2004-0570 Stipulation and

Agreement at the time that agreement was entered into, and to examine whether those statements are consistent with Empire's current interpretation.

3. Public Counsel has discussed this motion with all non-utility parties (the Commission Staff, the Department of Natural Resources, and Praxair, Inc and Explorer Pipeline), and none of those parties object to the extension. The Staff has indicated that it also will file a response to Empire's Motion For Clarification and has no objection to this request for an additional two weeks for parties to respond. The Staff has related that the conduct of its financial audit of Empire is not affected by the pendency of this fuel and purchased power issue before the Commission. The Staff has indicated that it will need to determine the reasonableness of Empire's fuel and purchased power costs regardless of whether the Interim Energy Charge remains in effect, is terminated and replaced with an Energy Cost Recovery Rider or is terminated and Empire returns to traditional regulation plus the possibility of additional amortizations provided for in the Empire experimental regulation plan which was approved by the Commission.

WHEREFORE, Public Counsel respectfully requests that the Commission allow parties until April 17, 2006, to respond to Empire's Motion of Clarification.

Respectfully submitted,

OFFICE OF THE PUBLIC COUNSEL

/s/ Lewis R. Mills, Jr.

By:_____

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been emailed to all parties this 30th day of March 2006.

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