

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

Tammie Lynn Powell,)	
)	
Complainant,)	
)	
v.)	Case No. EC-2009-0449
)	
The Empire District Electric Company,)	
)	
Respondent.)	

EMPIRE’S ANSWER TO COMPLAINT

COMES NOW The Empire District Electric Company (“Empire” or “Respondent”), by and through its counsel, and, pursuant to 4 CSR 240-2.070, respectfully states the following to the Missouri Public Service Commission (“Commission”) as its answer and affirmative defenses to the Complaint filed by Tammie Lynn Powell (“Complainant”):

1. Empire admits that it is a public utility subject to the jurisdiction of the Commission, as provided by law.
2. Correspondence, communications, orders and decisions regarding this matter should be addressed to the undersigned counsel and:

Terry L. Oliver, Director
Customer Service Dept
The Empire District Electric Company
602 Joplin Street
P.O. Box 127
Joplin, MO 64802
(417) 625-4242
toliver@empiredistrict.com

COMPLAINT AND RELIEF SOUGHT

3. Complainant alleges that her electric meter malfunctioned after the December 2007 ice-storm. While not discussed in the Complaint, basis for the complaint appears to be the fact that Ms. Powell's meter registered little to no usage from April 29, 2008 through January 30, 2009. Complainant appears to ask that she be excused from paying for electricity used during the ten (10) months her meter did not register.

ANSWER

4. Ms. Powell became a customer of Empire at this address in 2007. Ms. Powell contacted Empire concerning a high bill complaint in March of 2008. At that time, a meter test was conducted which verified the meter readings, as well as the accuracy of the device.

5. During a routine test of Ms. Powell's meter on February 4, 2009, it was discovered that Ms. Powell's meter was no longer registering usage. It appeared that the last time usage was registered by the meter was sometime after the meter test in March of 2008.

6. Empire may estimate a customer's usage for the months a meter does not register. Empire may recover estimated amounts in a residential undercharge situation for a period of up to twelve months (Commission Rule 4 CSR 240-13.025).

7. By letter dated March 11, 2009, Empire notified Ms. Powell of the situation. Empire further notified Ms. Powell that Empire would only bill for six months out of the ten months the meter did not register. Empire also offered to work out a repayment agreement that would spread out repayment over 6 to 12 monthly installments.

8. Ms. Powell has refused to agree to any repayment arrangement.

9. Except as expressly admitted in this answer, Empire denies each and every

allegation contained in the Complaint.

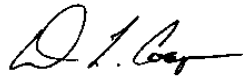
AFFIRMATIVE DEFENSES

10. Further answering, Empire states that it acted in accordance with its tariffs during the subject time period.

11. Further answering and for its second affirmative defense, Empire states that the Complaint fails to state a claim upon which the requested relief may be granted.

WHEREFORE, having fully answered and set forth its affirmative defenses, Respondent Empire prays the Commission dismiss the Complaint and grant such other relief as the Commission deems reasonable and just.

Respectfully submitted,



Dean L. Cooper MBE#36592
BRYDON, SWEARENGEN & ENGLAND P.C.
312 E. Capitol Avenue
P. O. Box 456
Jefferson City, MO 65102
(573) 635-7166
(573) 635-3847 facsimile
dcooper@brydonlaw.com

ATTORNEYS FOR THE EMPIRE DISTRICT
ELECTRIC COMPANY

CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the foregoing document was sent by electronic mail or by U.S. Mail, postage prepaid, on July 30, 2009, to the following:

Office of the General Counsel
Governor Office Building
Jefferson City, MO 65101
gencounsel@psc.mo.gov

Office of the Public Counsel
Governor Office Building
Jefferson City, MO 65101
opcservice@ded.mo.gov

Ms. Tammie Lynn Powell
5314 E. Gerbitz Drive
Joplin, MO 64801

