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March 8, 2001

Mr. Dale Hardy Roberts
Executive Secretary
Public Service Commission
Governor State Office Building
Jefferson City, MO

FILED²
MAR 08 2001
Missouri Public
Service Commission

Hand delivery

RE: The Empire District Electric Company
Application for One-Time Variance

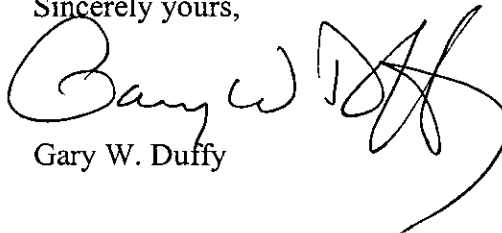
EE-2001-478

Dear Mr. Roberts:

Enclosed for filing in the above-referenced proceeding please find an original and eight copies of an Application for One-Time Variance from the provisions of 4 CSR 240-2.015(4)(B).

If you have any questions, please give me a call.

Sincerely yours,


Gary W. Duffy

Enclosures

cc w/encl:

Office of Public Counsel
Office of the General Counsel
Dave Gibson

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

FILED²
MAR 08 2001

Missouri Public
Service Commission

In the Matter of the Application of The Empire)
Empire District Electric Company For a Variance)
From the Time Requirement for Providing)
Affiliated Transaction Information for the Calendar)
Year 2000.)

Case No. *EE-2001-478*

APPLICATION FOR ONE-TIME VARIANCE

Comes now The Empire District Electric Company ("Empire"), by and through its counsel, pursuant to 4 CSR 240-20.015(10)(A) and 4 CSR 240-2.060(1) and (14) and respectfully states as follows:

1. Empire is a Kansas corporation with its principal office and place of business at 602 Joplin Street, Joplin, Missouri 64801. Empire is engaged in the business of providing electrical and water utility services in Missouri to customers in its service areas and has a certificate of service authority to provide certain telecommunications services. Empire is an "electrical corporation," a "water corporation," a "telecommunications company" and a "public utility" as those terms are defined in section 386.020 RSMo. 2000, and is subject to the jurisdiction and supervision of the Commission as provided by law. Empire has no pending or final judgments or decisions against it from any state or federal agency or court which involve customer service or rates within the three years immediately preceding the filing of this application. Empire has no overdue Commission annual reports or assessment fees. Empire's documents of incorporation have been filed with the Commission in its Case No. EF-94-39 and said documents are incorporated herein by reference in accordance with 4 CSR 240-2.060(1)(G).

A Certificate of Authority from the Missouri Secretary of State to the effect that Empire, a foreign corporation, is duly authorized to do business in the State of Missouri was filed with the Commission in Case No. EM-2000-369 and is incorporated herein by reference.

2. Empire believes it is subject to the provisions of 4 CSR 240-20.015 **Affiliate Transactions**. That rule of the Commission became effective, according to the Code of State Regulations, on February 29, 2000. Section (4) of that rule requires a regulated electrical corporation to provide information regarding affiliate transactions on a "calendar year basis" to the Staff of the Commission and the Office of the Public Counsel on or before March 15 "of the succeeding year." Empire interprets this to mean that it is obligated to provide information for the portion of calendar year 2000 in which the rule was in effect to the Staff of the Commission and the Office of the Public Counsel on or before March 15, 2001.

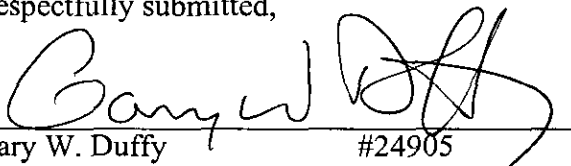
3. For the reasons stated herein, Empire will not be able to meet the March 15, 2001 deadline in the rule. Empire believes, however, that it will be able to submit the material on or before June 15, 2001. Empire is therefore requesting a one-time variance from the March 15, 2001 deadline in 4 CSR 240-20.015(4)(B).

4. Prior to January 2, 2001, it was anticipated that Empire would be merging with UtiliCorp United Inc. and therefore would not be subject to the rule since Empire would cease to exist as a corporation and would be a part of UtiliCorp. When the merger was terminated by UtiliCorp on January 2, 2001, the situation obviously changed. Unfortunately, the Empire employee who had been working with the Staff of the Commission on the general subject of affiliate transactions was no longer employed by Empire, and the requirement in the rule was inadvertently overlooked until brought to Empire's attention this week. The person who is now responsible for the preparation of the Cost Allocation Manual and other compliance matters

regarding the rule was not involved in the initial meetings with the Staff regarding the proposed rule and generally will have to "start at the beginning" in order to complete the required documentation. At this time, Empire anticipates that this task should be able to be accomplished within approximately the next 90 days. Empire anticipates that it should be able to meet the March 15 deadline in future years, so this request would only apply in this one instance.

WHEREFORE, Empire requests a one-time variance from the March 15 deadline in the rule and requests that the Commission instead authorize Empire to submit the material on or before June 15, 2001.

Respectfully submitted,

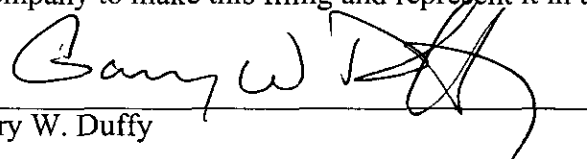


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VERIFICATION

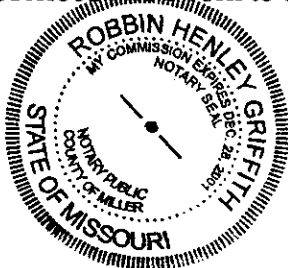
STATE OF MISSOURI)
)ss
COUNTY OF COLE)

Being first duly sworn, Gary W. Duffy states as follows: that he has read the foregoing application and the facts and allegations contained therein are true and correct to the best of his knowledge, information and belief and that the law firm of Brydon, Swearngen & England P.C. is authorized by The Empire District Electric Company to make this filing and represent it in this matter.



Gary W. Duffy

Subscribed and sworn to before me this 8th day of March, 2001.





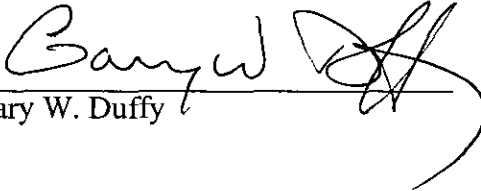
Robbin Griffith, Notary Public

Certificate of Service

The undersigned certifies that a true and correct copy of the foregoing was hand delivered this 8th day of March, 2001, to the following counsel of record:

General Counsel's Office
Missouri Public Service Commission
Governor State Office Building
Jefferson City, Missouri

Office of the Public Counsel
Governor State Office Building
Jefferson City, Missouri



Gary W. Duffy

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