

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

In the Matter of The Empire District Electric Company's)
2013 Utility Resource Filing Pursuant to 4 CSR 240-22) File No. _____

APPLICATION FOR WAIVER/EXTENSION

COMES NOW The Empire District Electric Company (Empire), and states as follows to the Missouri Public Service Commission (Commission) as its application for waiver of Commission Rules 4 CSR 240-22.080(1) and 4 CSR-22.080(5)(A) and extension of the date for filing its 2013 Integrated Resource Plan until July 1, 2013:

EMPIRE

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

2. 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, and is subject to the jurisdiction and supervision of the Commission as provided by law. Empire also has a wholly owned subsidiary that is a “gas corporation.”

3. Empire has no pending or final judgments or decisions against it from state or federal regulatory agencies or courts which involve customer service occurring within the three (3) years immediately preceding the filing of this application. Empire has no overdue Commission annual reports or assessment fees.

4. Empire's documents of incorporation were filed with the Commission in 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 authorized to do business in the State of Missouri, was filed with the Commission in Case No. EM-2000-369 and is also incorporated by reference.

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

Mr. Todd Tarter
The Empire District Electric Company
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BACKGROUND

6. Commission Rule 4 CSR 240-22.080(1) provides that "(e)ach electric utility which sold more than one (1) million megawatt-hours to Missouri retail electric customers for calendar year 2009 shall make a filing with the commission every three (3) years on April 1." More specifically, Commission Rule 4 CSR 240-22.080(1)(B) states that Empire shall make its filing "on April 1, 2013, and every third year thereafter." The filing scheduled for April 1, 2013, will be Empire's first triennial compliance filing under the new IRP rules which became effective June 30, 2011 as a result of the rulemaking process in File No. EX-2010-0254.

7. Further, Commission Rule 4 CSR 240-22.080(5)(A) states as follows:

The utility shall convene at least one (1) meeting of the stakeholder group prior to the triennial compliance plan filing to present a draft of the triennial compliance filing corresponding to 4 CSR 240-22.030–4 CSR 240-22.050 and to present an overview of its proposed alternative resource plans and intended procedures and analyses to meet the requirements of 4 CSR 240-22.060 and 4 CSR 240-22.070.

The stakeholders shall make a good faith effort to provide comments on the information provided by the utility, to identify additional alternative resource plans, and to identify where the utility's analyses and intended approaches may not meet the objectives of the rules.

REQUEST

8. On December 18, 2012, Empire made a presentation to its stakeholders in regard to its 2013 Integrated Resource Plan (IRP) for purposes of meeting the requirements of Commission Rule 4 CSR 240-22.080(5)(A). At the suggestion of the Commission Staff prior to the meeting, Empire modeled this presentation on that which was made by Kansas City Power & Light Company and KCP&L Greater Missouri Operations Company in preparation for their filings in Cases Nos. EO-2012-0323 and EO-2012-0324. That presentation included a preliminary look at Empire's IRP process as to 4 CSR-22.030, .040, .045 and .050; and an overview as to Empire's proposed alternative resource plans and intended procedures and analysis to meet the requirements of 4 CSR 240-22.060 and .070.

9. At that meeting, the stakeholders suggested that the information prepared by Empire was not sufficient to satisfy the requirements of 4 CSR 240-22.080(5)(A), because Empire did not present a draft of the triennial compliance filing corresponding to 4 CSR 240-22.030 – 4 CSR 240-22.050 and the presentation Empire did present did not include certain information, including but not limited to:

- Subjective probabilities for critical uncertain factors;
- Demand side management (DSM) measure screening analysis;
- DSM portfolio analysis which will include the measures incorporated into each program, energy savings, demand savings, and participation levels; and,
- The DSM potential study.

Empire and the stakeholders also discussed other matters that had not yet been addressed pursuant to stipulations and orders concerning Empire's prior IRP submittals to the Commission.

10. The consequence of providing the information (and receiving additional feedback from the stakeholders) is that Empire will be unable to meet an April 1, 2013 filing date for its triennial filing. This was understood by the parties and the stakeholders, on December 18, 2012, suggested that Empire request a waiver/extension to allow sufficient time. Accordingly, Empire hereby requests a waiver/extension from Commission Rule 4 CSR 240-22.080(1)(B) allowing it to make its triennial filing on July 1, 2013.

11. Moreover, because a question has been raised as to the sufficiency of Empire's December 18, 2012, meeting presentation, in an abundance of caution, Empire also requests a waiver from Commission Rule 4 CSR 240-22.080(5)(A), subject to providing additional information and otherwise working with stakeholders as described herein.

12. In conjunction with these requests, Empire has discussed a proposed schedule with the stakeholders that would govern the group's activities, should the waivers/extension be granted. Part of that schedule is as follows:

Date		Description
Tue	29-Jan	Empire provides stakeholder's with DSM screening Analysis
Wed	6-Feb	Stakeholder comments on DSM screening analysis due back to Empire
Fri	22-Feb	Empire provides stakeholder's with DSM portfolio analysis including measures incorporated into each program, energy savings, demand savings and participation levels
Fri	1-Mar	Stakeholder comments on DSM portfolio analysis due back to Empire
Mon	4-Mar	Empire provides stakeholder's with critical uncertain factors and probabilities
Fri	15-Mar	Empire provides stakeholder's with DSM potential study
Fri	22-Mar	Empire provides written report to interested parties concerning evaluation of supply-side resources discussed in paragraph 13 below

Mon	Week of 25-Mar	IRP Stakeholder Advisory Group meeting to discuss DSM analysis and critical uncertain factors
Mon	Week of 1-Apr	Stakeholder comments on DSM Potential Study due back to Empire
Mon	Week of 8-Apr	Meeting with interested parties concerning evaluation of supply-side resources provided on 22 Mar
Mon	Week of 3-Jun	Final IRP Stakeholder Advisory Group Meeting
Mon	1-Jul	IRP Filing Date

13. Additionally, Empire will conduct further evaluation of supply-side resources as proposed by intervenor Dogwood Energy (Dogwood). Empire, in conjunction with its IRP consultant Ventyx, will use the IRP models (CEM and MIDAS) and the IRP assumptions to further evaluate the Dogwood proposal beyond the analysis it has already performed. Scenarios will be studied based on different load growth assumptions, fuel price assumptions, and DSM levels. Empire will provide interested parties with the scope of work statement provided to Ventyx reflecting the purpose, the inputs to be used, applicable assumptions, timing of new sources of supply, etc., so that comments can be promptly made in advance of Ventyx beginning the work. Dogwood may supply any missing information and/or correct any inputs regarding its supply-side resource with appropriate backup information. Empire plans to submit a written report to the interested parties by March 22, 2013, and to have a meeting with interested parties the week of April 8, 2013. Based on the existing schedule, Empire will not be entering into any binding commitments for the 2016 supply-side resource until after April 30, 2013.

14. The parties have, thus far, acted in accordance with the above schedules. Should this application be granted, Empire will continue to provide information in accordance with the schedules.

GOOD CAUSE

15. Empire previously made triennial IRP compliance filings in September of 2007 (EO-2008-0069), and September of 2010 (EO-2011-0066). The 2013 triennial compliance filing would otherwise be due April 1, 2013 (less than three years from the last filing) because of the new Chapter 22 rules promulgated by the Commission in June 2011. Even if the Commission grants the requested extension, Empire will still file its IRP less than three years since its last filing.

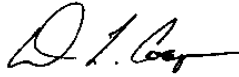
16. According to 4 CSR 240-22.010(2), the “fundamental objective of the resource planning process at electric utilities shall be to provide the public with energy services that are safe, reliable, and efficient, at just and reasonable rates, in compliance with all legal mandates, and in a manner that serves the public interest and is consistent with state energy and environmental policies.” The waivers/extension requested by Empire will further this general objective. The granting of the requested waivers/extension will allow Empire to produce the above described information prior to the Company’s integrated resource analysis and risk analysis required by 4 CSR 240-22.060. Approval of this Application is, therefore, in the public interest and good cause exists to grant the requested relief.

17. Counsel for the Staff of the Commission, the Office of the Public Counsel and Dogwood Energy have informed Empire that they support this application. Counsel for the Missouri Department of Natural Resources has informed Empire that it has no objection to this application

WHEREFORE, Empire respectfully requests that the Commission issue its order granting Empire a waiver of Commission Rules 4 CSR 240-22.080(1) and 4 CSR-22.080(5)(A), as described herein, and extension of the date for filing its 2013 Integrated Resource Plan until July

1, 2013. Empire requests such other and further relief as the Commission deems just and proper under the circumstances.

Respectfully submitted,



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ATTORNEYS FOR THE EMPIRE DISTRICT
ELECTRIC COMPANY

CERTIFICATE OF SERVICE

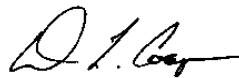
The undersigned certifies that a true and correct copy of the foregoing document was sent by electronic mail, on February 28, 2013, to the following:

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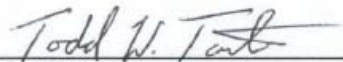
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VERIFICATION

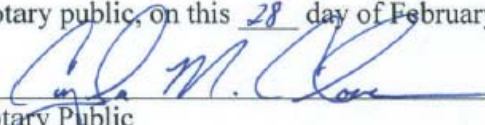
STATE OF MISSOURI)
)
COUNTY OF Jasper) ss

Todd W. Tarter, having been duly sworn upon his oath, states that he is the Manager of Strategic Planning for The Empire District Electric Company and that the matters and things stated in the foregoing application are true and correct to the best of his information, knowledge and belief.



Todd W. Tarter

Subscribed and sworn to before me, a notary public, on this 28 day of February, 2013.



Notary Public

My Commission expires: 11/1/13.

