

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

In the Matter of Missouri-American Water Company's)
Request for Authority to Implement a General Rate) WR-2011-0337
Increase for Water and Sewer Service Provided in)
Missouri Service Areas)

**RESPONSE TO NOTICE OF NONCOMPLIANCE AND ORDER TO SHOW CAUSE
AND MOTION OF THE EMPIRE DISTRICT ELECTRIC COMPANY**

Comes now The Empire District Electric Company ("Empire") and respectfully states to the Missouri Public Service Commission (the "Commission") as follows:

1. On July 5, 2011, the Commission issued its Order Directing Notice, Setting Intervention Deadline, Setting Hearings, Directing Filings and Setting Procedural Schedule (the "Scheduling Order") in this case.

2. On July 19, 2011, Empire filed an Application to Intervene with the Commission. The Commission granted Empire's request to intervene as of July 25, 2011.

3. Pursuant to the Scheduling Order, a prehearing conference was held on July 28, 2011, at 9:30 a.m. Due to administrative error, the undersigned counsel for Empire did not attend the prehearing conference and did not seek to be excused from the same.

4. Empire intends to participate fully in all conferences and hearings in this case. The error leading to Empire's absence without permission from the July 28 conference has been identified, and corrective steps have been taken to ensure that Empire will attend all future hearings and conferences in this matter as required by the Commission or will secure a continuance or excused absence prior to such hearing or conference. Empire's unexcused absence from the hearing was unintentional, and Empire respectfully requests that no sanctions be imposed for this administrative mistake.

5. Empire's direct, specific interests cannot be represented by any other party in this case. Any decision issued in this case may have a significant impact on Empire, and Empire's unexcused absence from the July 28 conference should not be taken as an indication of a lack of interest by Empire or intent to participate less than fully in this proceeding.

WHEREFORE, Empire makes this filing in response to the Order of the Commission, and, for the good cause shown herein, respectfully requests that the Commission excuse Empire's absence out of time from the prehearing conference of July 28, 2011, and grant Empire's request to continue to participate in this proceeding as a party, so that Empire may protect its substantive rights. Empire requests such other and further relief as the Commission deems just and proper under the circumstances.

Respectfully submitted,

SPENCER, SCOTT & DWYER, P.C.

By: /s/ Gary C. Lentz

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ATTORNEYS FOR THE EMPIRE
DISTRICT ELECTRIC COMPANY

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been hand-delivered, transmitted by e-mail or mailed, First Class, postage prepaid, this 3rd day of August, 2011, to all parties on the Commission's service list in this case.

/s/ Gary C. Lentz