

**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)	Case No. ER-2008-0093
Service Provided to Customers in the)	
Missouri Service Area of the Company)	

**MOTION FOR EXPEDITED TREATMENT AND APPROVAL OF TARIFF SHEETS
FILED IN COMPLIANCE WITH COMMISSION REPORT AND ORDER**

The Empire District Electric Company ("Empire" or "Company"), by and through its undersigned counsel and in accordance with 4 CSR 240-2.080(16), hereby files this motion asking the Missouri Public Service Commission ("Commission") for expedited consideration and approval of tariff sheets filed by Empire on August 6, 2008, in compliance with the *Report and Order* issued in this case on July 30, 2008. In support of its motion, the Company respectfully states as follows:

1. On July 30, 2008, the Commission issued its *Report and Order* herein, bearing an effective date of August 9, 2008, authorizing Empire to increase its annual revenues by approximately \$22 million.

2. Among other things, the *Report and Order* authorizes the Company to file compliance tariff sheets no later than August 9, 2008, in order to implement the terms of the *Report and Order*. The *Report and Order*, however, is silent as to the effective date of the compliance tariff sheets.

3. On August 6, 2008, Empire filed with the Commission compliance tariff sheets designed to effectuate the decisions made by the Commission in the *Report and Order*. The revised tariff sheets bear an issue date of August 6, 2008, and an effective date thirty days thereafter (September 5, 2008).

4. Empire does not believe that thirty days' notice for the compliance tariffs to become effective is necessary or appropriate under the circumstances. Although §393.140(11) reads that thirty days' notice is generally required before any rate filed by an electrical corporation can become effective, Empire believes that the purpose of that requirement has been fully satisfied in this case. The Company initiated this rate case on October 1, 2007, by the filing of tariff sheets that bore a proposed effective date of October 31, 2007. On October 3, 2007, the Commission issued an order suspending the tariff sheets to August 28, 2008, the full ten-month period authorized by statute; and as a result of that order, the Commission and the public have had significantly more than thirty days to consider the rate increase requested by Empire.

5. Further, §393.140(11) specifically provides that, for good cause shown, the Commission may allow changes without requiring thirty days' notice.

6. Pursuant to 4 CSR 240-2.080(16)(A), Empire requests that the Commission act on this motion by August 12, 2008, or as soon as the Commission has had the opportunity to confirm that the tariff sheets comply with the *Report and Order*.

7. Empire also requests that its compliance tariff sheets bearing an issue date of August 6, 2008, excluding the fuel adjustment clause ("FAC") tariff sheets, be allowed to become effective for electric service rendered on and after **August 23, 2008**, or as soon as: 1) the Commission has had the opportunity to confirm that the tariff sheets comply with the *Report and Order* and issue an order approving the tariff sheets, and 2) any parties who object have been given a reasonable opportunity to file applications for reconsideration of that order.

8. Empire requests that its four compliance tariff sheets implementing an FAC, revised tariff sheets section 4, sheet numbers 17, 17a, 17b, and 17c, be allowed to become effective for electric service rendered on and after **September 1, 2008**, or as soon as: 1) the Commission has had the opportunity to confirm that the tariff sheets comply with the *Report and Order* and issue an order approving the tariff sheets, and 2) any parties who object have been given a reasonable opportunity to file applications for reconsideration of that order. A different effective date is being requested for these four tariff sheets for accounting and auditing reasons.

9. The Commission Staff has reviewed Empire's compliance tariff sheets and has reported to Empire that the Staff finds them to be in compliance with the *Report and Order*, so the Company believes that an order approving those tariff sheets can, and should, be issued expeditiously.

10. If the Commission believes that further good cause must be shown in order to grant Empire's requests, the Company states that sufficient good cause exists in that: (a) the tariff sheets have been filed in compliance with the Commission's *Report and Order* issued herein; (b) the Commission and the public have been aware of Empire's request for a rate increase for almost one year; (c) the Commission, through the rate case process, has been able to consider all aspects of the Company's request and the possible impact of a rate increase on Empire's customers; and (d) the Commission, with its *Report and Order* issued herein, found Empire's existing rates to no longer be just and reasonable. Pursuant to 4 CSR 240-2.080(16)(B), the Company states that additional harm stemming from the current rates will be avoided if this motion is granted, and, given the Commission's findings and conclusions in its *Report and*

Order, the granting of this motion will not have a negative effect on Empire's customers or the public in general.

11. Section 393.150, RSMo., authorizes the Commission to suspend the effectiveness of rate schedules for a period of ten months beyond the proposed effective date. The purpose of the suspension is to allow the Commission ample time to consider the request, including scheduling evidentiary hearings so that the propriety of the request can be fully vetted. That process has been completed and a *Report and Order* has been issued fixing the amount of rate increase to which Empire is entitled. There is no reason for further delay in implementing the increase that has been authorized. Pursuant to 4 CSR 240-2.080(16)(C), Empire states that this motion is being filed as soon as practical, given that Empire is authorized to file compliance tariffs by August 9, 2008, and the compliance tariffs were filed on the date of this motion (August 6, 2008).

WHEREFORE, for the reasons stated herein, Empire moves the Commission to grant the Company's motion for expedited consideration and approval of the compliance tariff sheets that were filed by the Company on August 6, 2008, and to authorize those tariff sheets to become effective as requested above.

Respectfully submitted,

/s/ Diana C. Carter
BRYDON, SWEARENGEN & ENGLAND P.C.
James C. Swearengen MBE 21510
Diana C. Carter MBE 50527
L. Russell Mitten MBE 27881
312 East Capitol Avenue
P.O. Box 456
Jefferson City, MO 65102
(573) 635-7166
(573) 635-7431 (facsimile)

lrackers@brydonlaw.com (e-mail)

ATTORNEYS FOR THE EMPIRE DISTRICT
ELECTRIC COMPANY

Certificate of Service

I hereby certify that the foregoing has been sent by United States mail, hand-delivered, or transmitted by facsimile or electronic mail to all counsel of record on the 6th day of August, 2008.

_____/s/ L. Russell Mitten_____