

**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 Tariff Increasing    )     Case No. ER-2010-0130  
Rates for Electric Service Provided to Customers in the     )  
Missouri Service Area of the Company                         )

**EMPIRE’S PROPOSED PROCEDURAL SCHEDULE**

COMES NOW The Empire District Electric Company (“Empire” or “Company”), by and through the undersigned counsel, and hereby requests that the Commission accept and adopt the proposed procedural schedule set forth below. In support of this request, Empire respectfully states to the Missouri Public Service Commission (the “Commission”) as follows:

1. Empire appreciates the work of the Commission Staff (“Staff”) with regard to this rate case and its efforts to put together a proposed procedural schedule. Despite these efforts, however, it appears that the parties have been unable to agree on a proposed procedural schedule by today’s filing deadline. Consequently, Empire is submitting herewith its own proposed schedule. Empire, however, expects discussions to continue among the parties with regard to the procedural schedule and other related matters. To the extent possible, Empire has concurred with and adopted the dates being proposed by Staff at this time.

2. Pursuant to communications from Staff counsel, it is Empire’s understanding that the Staff intends to submit a proposed bifurcated procedural schedule for the Commission’s consideration, with, for example, one date for the filing of direct testimony on all issues except Plum Point and another, later date for the filing of direct testimony pertaining to Plum Point, which would include testimony on a Plum Point-specific revenue requirement, class cost of service, and rate design.

3. It is Empire's position that a bifurcated procedural schedule is not required. All substantive issues related to Plum Point can be tried along with all other issues in the case based upon the expense and investment estimates that Empire has included in its filing. The subsequent true-up phase of the case will allow the parties to substitute actual levels of expense and investment through the April 30, 2010 true-up cutoff date, as is intended with a true-up. Replacing cost and expense estimates with numbers reflecting actual expenditures through April 30, 2010, will not give rise to any new or additional substantive issues related to Plum Point.

4. As there is no need for a bifurcated schedule, Empire proposes the following procedural schedule for the Commission's consideration:<sup>1</sup>

|  |   |                             |
|--|---|-----------------------------|
| Direct – Revenue Requirement (other than Empire) | - | February 26, 2010           |
| Direct – CCOS/Rate Design (other than Empire)    | - | March 9, 2010               |
| Preliminary Reconciliation (not to be filed)     | - | March 10, 2010              |
| Prehearing/Settlement Conferences                | - | March 10-12 and 15-16, 2010 |
| Preliminary List of Issues (not to be filed)     | - | March 22, 2010              |
| Rebuttal Testimony (all parties)                 | - | April 2, 2010               |
| Surrebuttal Testimony (all parties)              | - | April 23, 2010              |
| Joint List of Issues and Order of Witnesses      | - | April 26, 2010              |
| Staff Reconciliation                             | - | April 28, 2010              |
| Statements of Positions                          | - | April 28, 2010              |
| Evidentiary Hearings                             | - | May 3-7 and 10-14, 2010     |
| True-Up Direct Testimony (all parties)           | - | June 3, 2010                |
| True-Up Rebuttal Testimony (all parties)         | - | June 17, 2010               |

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<sup>1</sup> As noted, to the extent possible, Empire has concurred with and adopted the dates which Empire believes Staff will be proposing for the Commission's consideration (based upon Staff's e-mail communication of January 15, 2010, 6:30 a.m.).

|   |   |                      |
|---|---|----------------------|
| Initial Post-Hearing Briefs                     | - | June 22, 2010        |
| True-Up Hearings                                | - | June 28-July 2, 2010 |
| Post-Hearing Reply Brief and True-Up Briefs     | - | July 30, 2010        |
| Staff Filing on Plum Point Status as of 8/15/10 | - | August 18, 2010      |
| Suggested Date for Report and Order             | - | August 27, 2010      |
| Operation of Law Date/Effective Date of Tariffs | - | September 28, 2010   |

5. When Empire initiated this case on October 29, 2009, it was Empire’s expectation that the Iatan II generating facility, being constructed by Kansas City Power & Light Company (“KCPL”), would be fully operational and used for service in late-summer of 2010, prior to the September 28, 2010 operation of law date in this case. Thus, when this case was filed, Empire expected its investment in Iatan II to be reflected in rates in late 2010.

6. On January 13, 2010, KCPL made an announcement that the projected in-service date for Iatan II has been shifted approximately two months into the fall of 2010. The operation of law date in this case is September 28, 2010. Accordingly, Empire does not consider this case to be its “Iatan II case.”

7. The situation with Empire’s Plum Point generating facility, however, is quite different. When Empire initiated this case on October 29, 2009, it was Empire’s expectation that its Plum Point generating facility would be fully operational and used for service prior to the effective date of revised tariffs that would result from this case, and Empire has no information indicating that this will not be the case.

8. As noted above, Empire submits that the date to determine whether Plum Point is fully operational and used for service – which would also determine whether costs associated with that facility can be included in Empire’s revenue requirement in this case – should be August 15,

2010.<sup>2</sup> All cost issues related to Plum Point will be litigated through pre-filed testimony and at the evidentiary hearings, and the only issue remaining will be whether Plum Point satisfies applicable in-service and/or legal criteria for being fully operational and used for service. The August 15<sup>th</sup> date proposed by Empire is almost a month and a half before the September 28<sup>th</sup> operation of law date in this case, which means the Commission will have adequate time to incorporate in its final order in this case the effect of this in-service determination.

9. Pursuant to communications from Staff counsel, it is Empire's understanding that Staff's proposed procedural schedule will request a true-up cutoff date of April 30, 2010, with the exception of Plum Point, which Staff submits should have a true-up cutoff date of December 31, 2009. There is no need, however, to have the true-up cutoff date for Plum Point expenditures be December 31, 2009, while the cut-off date for all other items of revenue, expense, and investment is April 30, 2010. The parties should be able to deal with updated figures related to Plum Point through April 30, 2010, just as they are with all other elements of Empire's revenue requirement in this case. As such, Empire submits that the true-up cutoff date should be April 30, 2010, for all purposes.

WHEREFORE, Empire respectfully requests that the Commission accept and adopt the procedural schedule set forth above, as well as the proposed true-up cutoff date of April 30, 2010, and a Plum Point in-service date of August 15, 2010. Empire seeks such other and further relief as the Commission deems just and proper under the circumstances.

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<sup>2</sup> Empire further submits that "in service" for Plum Point should be determined by utilizing the same in-service criteria as have been agreed to by the Company and Staff with respect to Iatan II (as set forth in Appendix B to Empire's Regulatory Plan Stipulation, Case No. EO-2005-0263).

Respectfully submitted,

BRYDON, SWEARENGEN & ENGLAND P.C.

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ATTORNEYS FOR THE EMPIRE DISTRICT  
ELECTRIC COMPANY

**Certificate of Service**

I hereby certify that copies of the foregoing have been mailed, hand-delivered, or transmitted by facsimile or electronic mail to all counsel of record on this 15<sup>th</sup> day of January, 2010.

/s/ Diana C. Carter