

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service
Commission held at its office in
Jefferson City on the 18th day
of August, 2010.

In the Matter of The Empire District Electric Company)
Of Joplin, Missouri for Authority to File Tariffs Increasing)
Rates for Electric Service Provided to Customers in the) **File No. ER-2010-0130**
Missouri Service Area)

**ORDER APPROVING STIPULATION AND AGREEMENT
AND CANCELLING HEARING**

Issue Date: August 18, 2010

Effective Date: August 28, 2010

On May 29, 2010, the Missouri Public Service Commission approved a Unanimous Stipulation and Agreement, settling all but one issue: whether the Plum Point generating unit would be fully operational and used for service no later than August 15, 2010. The parties agreed that if Plum Point is operational by August 15, then the increase in Empire's revenue would be \$36,800,000.

On August 16, the parties filed a Stipulation and Agreement stating that Plum Point was fully operational on August 13 and that The Empire District Electric Company shall file tariff sheets containing rate schedules in conformance with Appendix A to the May 12, 2010 Stipulation and Agreement, which was approved by the Commission on May 29.

In the Stipulation and Agreement, the signatories request that the Commission: (1) approve the agreement; (2) admit into evidence Exhibit 1 to the Agreement, which is the Memorandum filed by the Staff of the Commission containing an assessment of the parameters relevant to whether Plum Point is operational; (3) determine that Plum Point is fully operational and used for service as of August 13, 2010; (4) order Empire to file revised

tariff sheets containing rate schedules in conformance with Appendix A to the May 12, 2010 Stipulation and Agreement; and (5) cancel the hearing set for August 20, 2010, the purpose of which would have been to resolve the issue of whether Plum Point is operational.

The parties to the agreement represent that those parties¹ who did not sign the agreement do not object to the agreement nor do they object to cancelling the hearing set for August 20.

The Commission has the authority to accept a stipulation and agreement offered by the parties.² Notably, every decision and order in a contested case shall be in writing, and except in default cases or cases disposed of by stipulation, consent order or agreed settlement, shall include findings of fact and conclusions of law.³ Consequently, because this case is being disposed of by stipulation and agreed settlement, the Commission need not make findings of fact or conclusions of law.

On June 6, the Commission, by stipulation of the parties, admitted all pre-filed testimony into the record. Exhibit 1, the Staff Memorandum attached to the Agreement has been offered as evidence without objection. The Commission will admit Exhibit 1 into the record. The record therefore contains substantial and competent evidence. Upon review of the Agreement and all evidence admitted, the Commission independently finds that such evidence weighs in favor of the agreement and determines that Plum Point is fully operational and used for service as of August 13, 2010.

The Commission will order Empire to file revised tariff sheets containing rate schedules in conformance with Appendix A to the May 12, 2010 Agreement. Because the

¹ The Missouri Department of Natural Resources, Midwest Energy Users' Association, Kansas City Power & Light Company, and the City of Joplin, Missouri.

² Section 536.060, RSMo.

³ Section 536.090, RSMo.

present Agreement obviates the need for the hearing set for August 20, the Commission will cancel the hearing

Finally, the Commission has reviewed the Stipulation and Agreement and finds it reasonable. The Agreement will therefore be approved and the parties will be directed to abide by its terms.

THE COMMISSION ORDERS THAT:

1. The Stipulation and Agreement, signed by The Empire District Electric Company, the Staff of the Missouri Public Service Commission and the Office of the Public Counsel and filed on August 16, 2010, is approved.

2. The parties shall abide by the terms of the Unanimous Stipulation and Agreement.

3. The Staff of the Commission's Memorandum, Exhibit 1, is admitted into evidence.

4. The Empire District Electric Company shall file tariff sheets containing the rate schedules in conformance with Appendix A to the May 12, 2010 Stipulation and Agreement.

5. The hearing scheduled for August 20, 2010 is cancelled.

6. This order shall become effective on August 28, 2010.

BY THE COMMISSION

A handwritten signature in black ink, appearing to read 'S. C. Reed', written in a cursive style.

Steven C. Reed
Secretary

(S E A L)

Clayton, Chm., Davis, Jarrett,
Gunn, and Kenney, CC., concur.

Jones, Senior Regulatory Law Judge