

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

In the Matter of the Consideration of Adoption	)	
of the PURPA Section 111(d)(12) Fuel Sources	)	
Standard as Required by Section 1251 of the	)	Case No. EO-2006-0494
Energy Policy Act of 2005	)	

**SUPPLEMENTED AND RESTATED APPLICATION TO INTERVENE**

The Empire District Electric Company (Empire), pursuant to the Missouri Public Service Commission's (Commission) *Order Directing Filing*, dated July 5, 2006, hereby supplements and restates the Application to Intervene previously filed in the above-entitled matter. In support of its supplemented and restated application, Empire states as follows:

1. On July 3, 2006, Empire filed an application to intervene in the above-entitled matter. That application erroneously stated the reasons why Empire seeks to intervene in this case. To correct that error, Empire hereby supplements and restates its previous application.

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

3. 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 2000, and is subject to the jurisdiction and supervision of the Commission, as provided by law.

4. Empire has no final, unsatisfied judgments or decisions against it from state or federal regulatory agencies or courts that involve customer service and that have occurred within the three (3) years immediately preceding the filing of this application, and has no overdue Commission annual reports or assessment fees. Empire has a general rate case pending before the Commission, Case No. ER-2006-0315.

5. 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.

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

Kelly Walters  
Vice President – General and Regulatory Services  
The Empire District Electric Company  
602 Joplin Street  
P.O. Box 127  
Joplin, MO 64802  
Telephone: (417) 625-6188  
E-mail: [kwalters@empiredistrict.com](mailto:kwalters@empiredistrict.com)

7. As an electric utility, Empire's interests differ from those of the general public. Although the company does not currently know what position it will take in this case, Empire's interests will be directly affected and could be adversely affected by any changes to the PURPA Section 111(d)(12) Fuel Sources Standard that are ordered by

the Commission. It is, therefore, important that Empire be allowed to fully participate in this case so that it can protect its own interests as well as those of its stakeholders. In addition, allowing Empire to participate as an intervenor would serve the public interest because it will afford the company an opportunity to provide useful and relevant information that may aid the Commission in its deliberations.

WHEREFORE, Empire prays that the Commission issue its order granting the company permission to intervene in the above-entitled matter.

Respectfully submitted,

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L. Russell Mitten                      MBE #27881  
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ATTORNEYS FOR THE EMPIRE DISTRICT  
ELECTRIC COMPANY

### CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of the foregoing document has been sent by electronic mail on July 6, 2006, to:

Mr. Steve Dottheim/Mr. Denny Frey  
Missouri Public Service Commission  
Governor's Office Building  
200 Madison Street, P.O. Box 360  
Jefferson City, MO 65102  
[Steve.dottheim@psc.mo.gov](mailto:Steve.dottheim@psc.mo.gov)  
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//S//  
L. Russell Mitten