

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service
Commission held at its office in
Jefferson City on the 4th day of
November, 2009.

In the Matter of The Empire District Electric)	<u>File No. ER-2010-0105</u>
Company's Application to Modify FAC Rate)	Tariff No. YE-2010-0244

**ORDER APPROVING TARIFF TO ADJUST RATE SCHEDULES
FOR FUEL ADJUSTMENT CLAUSE**

Issue Date: November 4, 2009

Effective Date: December 1, 2009

On October 1,¹ The Empire District Electric Company ("Empire") submitted an application and tariff designed to implement an adjustment to its Fuel Adjustment Clause ("FAC"). On October 27, after participating in discussions with the Commission's Staff, Empire filed a substitute tariff to implement minor corrections. The tariff, as substituted and corrected, bears an effective date of December 1.

The Commission's rule regarding FACs requires the Commission to issue an order approving or rejecting the company's tariff within 60 days of its filing.² The rule further requires the Commission's Staff to submit a recommendation within 30 days indicating whether the proposed FAC tariff complies with Section 386.266, RSMo, 4 CSR 240-20.090, and the company's FAC mechanism.³

On October 27, Staff filed its recommendation indicating Empire's tariff complies with the Commission's order that established the company's FAC and with all applicable

¹ All dates throughout this order refer to the year 2009 unless otherwise noted.

² Commission Rule CSR 240-20.090(4).

³ *Id.*

statutes and regulations. Staff recommends the Commission approve Empire's tariff as an interim rate adjustment, subject to true-up and prudence reviews. No other party has opposed Staff's recommendation, objected to the tariff, or requested a hearing.

The Commission has reviewed Empire's tariff filings, and Staff's verified recommendation, and considering all relevant factors finds that the tariff sheet is in compliance with the Commission's order establishing the FAC and with all applicable statutes and regulations. Consequently, 4 CSR 240-20.090(4) requires the Commission to approve Empire's tariff or allow it to go into effect by operation of law.

THE COMMISSION ORDERS THAT:

1. The tariff issued on October 1, 2009, by The Empire District Electric Company, and assigned Tariff No. YE-2010-0244, is approved, as substituted and corrected, to be effective December 1, 2009, as an interim rate adjustment, subject to true-up and prudence reviews. The tariff approved is:

MO. P.S.C. No. 5, Section 4

2nd Revised Sheet No. 17c, Canceling 1st Revised Sheet No. 17c

2. This order shall become effective on December 1, 2009.
3. This file shall be closed on December 2, 2009.

(S E A L)

BY THE COMMISSION



Steven C. Reed
Secretary

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

Stearley, Senior Regulatory Law Judge