Exhibit No.:	
Issues:	Fuel Model; Purchase Power
Witness:	Leon C. Bender
Sponsoring Party:	MoPSC
Type of Exhibit:	Rebuttal Testimony
Case No.:	ER-2001-299
Date Testimony Prepared:	May 3, 2001

MISSOURI PUBLIC SERVICE COMMISSION

UTILITY OPERATIONS DIVISION

REBUTTAL TESTIMONY

OF

LEON C. BENDER

THE EMPIRE DISTRICT ELECTRIC COMPANY

CASE NO. ER-2001-299

Jefferson City, Missouri
May, 2001

Exhibit No. 37
Date 5/29/01 Case No. ER-2001-299
Reporter Kam

REBUTTAL TESTIMONY

OF

LEON C. BENDER

THE EMPIRE DISTRICT ELECTRIC COMPANY

CASE NO. ER-2001-299

Q. Please state your name and business address.

A. Leon C. Bender, P.O. Box 360, Jefferson City, Missouri, 65102.

Q. Are you the same Leon C. Bender who filed direct testimony in this case?

A. Yes, I am.

Q. What is the purpose of your rebuttal testimony in this case, the Empire District Electric Company (EDE) rate case, Case No. EM-2001-299?

A. The purpose of my rebuttal testimony is to respond to the direct testimony of Greg Sweet of the Empire District Electric Company (EDE) regarding the results of EDE's electric production cost model simulation that is used to establish fuel and purchased power cost for EDE for the test year.

Q. Did you review the inputs and outputs of EDE's production cost model and compare these with the Missouri Public Service Commission Staff's (Staff) inputs and outputs of Staff's production cost model?

A. Yes, I did.

Q. Did you find differences between Staff's inputs to its production cost model and EDE's inputs to its production cost model.

A. Yes. I found differences in the generating units, fuel prices, load, amounts and prices of purchased power, capacity contracts used and numerous minor differences.

Q. Will you discuss these differences in this rebuttal testimony?

A. Although the differences described above were numerous, Staff and EDE were able to reach an agreement during the pre-hearing process of this case on the total fuel and purchased power expense. A Stipulation and Agreement is being prepared at this time and has yet to be filed. The Stipulation and Agreement, if concluded and approved, will remove the need to litigate the issues that comprise fuel and purchase power expense. If for any reason the Stipulation and Agreement is not filed or is filed and not accepted by the Missouri Public Service Commission (Commission), then it will be necessary at some later date to file supplemental rebuttal testimony. If the Commission rejects the Stipulation and Agreement, the parties will attempt to resolve the issues pertaining to fuel expense and purchased power cost. To the extent that these issues cannot be resolved, the parties will need to present them for the Commission's consideration.

Q. Does this conclude your rebuttal testimony?

A. Yes, it does.

BEFORE THE PUBLIC SERVICE COMMISSION

OF THE STATE OF MISSOURI

IN THE MATTER OF THE APPLICATION OF THE EMPIRE DISTRICT ELECTRIC COMPANY FOR A GENERAL RATE INCREASE	))))	Case No. ER-2001-299

AFFIDAVIT OF LEON C. BENDER

STATE OF MISSOURI)
) **ss**
COUNTY OF COLE)

Leon C. Bender, of lawful age, on his oath states: that he has participated in the preparation of the foregoing written testimony in question and answer form, consisting of 2 pages of testimony to be presented in the above case, that the answers in the attached written testimony were given by him; that he has knowledge of the matters set forth in such answers; and that such matters are true to the best of his knowledge and belief.

Leon C. Bender

Subscribed and sworn to before me this 2nd day of May, 2001.

Dawn L. Hake
Notary Public

DAWN L. HAKE
Notary Public – State of Missouri
County of Cole
My Commission Expires Jan 9, 2005

My commission expires