

**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 Tariffs Increasing Rates)
for Electric Service Provided to)
Customers in the Missouri Service Area of)
the Company.)

Case No. ER-2010-0130

REQUEST TO DEFER ORDER REGARDING PROCEDURAL SCHEDULE

Comes now the Staff of the Missouri Public Service Commission (Staff), by and through the Staff Counsel's Office of the Missouri Public Service Commission (Commission) and requests that the Commission defer entering an Order Regarding Procedural Schedule so as to permit responsive pleadings until January 25, 2010, pursuant to 4 CSR 240-2.080(15). Such a deferral also will permit the parties to continue discussions, in the hope of reaching a resolution or narrowing the gap that presently exists between the Staff and Empire on the matter of a procedural schedule. In support thereof, the Staff states as follows:

1. On October 29, 2009, The Empire District Electric Company (Empire), submitted to the Missouri Public Service Commission tariff sheets, proposing to implement a general rate increase for electric service to customers in its Missouri service area.

2. In a November 20, 2009 pleading, Empire recommended that the Commission adopt a True-Up audit period and hearing to allow the rate recovery of the capital expenditures associated with the Company's participation in the construction and ownership of the Iatan 2 and Plum Point coal-fired generating facilities. Empire noted that discussions among the parties to the Empire Experimental Regulatory Plan, Case No.

EO-2005-0263, were pending that may impact the procedural schedule desired in this case. Empire stated that those discussions may cause Empire to modify its True-Up Recommendation. Empire noted that the discussions involved the procedures to be used in this case including the timing of the consideration and rate recovery of Empire's investments in Iatan 1, Iatan 2, and the Plum Point coal-fired generating facilities and other expenditures.

3. In its November 30, 2009 filing, the Staff recommended a True-Up cut-off of April 30, 2010, and reserved the right to address this matter further if the Staff reached a different conclusion as to the appropriateness of the April 30, 2010 date.

4. On December 23, 2009, pursuant to a request filed by the Staff, the Commission ordered that the date for filing a procedural schedule be extended to January 8, 2010. On January 8, 2010, the Staff filed a request that the date for filing a procedural schedule be extended further to January 15, 2010. That request was granted by the Commission's January 11, 2010 Order.

5. On January 15, 2010, the Staff and Empire filed separate proposed procedural schedules for the instant rate case. While many of the dates identified in these filings were identical or similar, the Staff proposed bifurcated filings and proceedings for the Plum Point generating facility facet of the case, including different proposed cut-off and true-up dates for Plum Point.

6. The discussions noted by Empire in its November 20, 2009 pleading, now including entities granted intervention in this proceeding that were not parties to the Empire Experimental Regulatory Plan, are still ongoing. The preferred resolution respecting a procedural schedule for this case is still by agreement of the parties, and is

dependent upon resolution of the ongoing discussions. Regardless of whether the discussions may prove successful, the Commission now at least has two procedural schedule proposals before it.

7. The Staff has spoken with the other parties to the instant case and none objects to the Staff's Request that the Commission defer entering an Order Regarding Procedural Schedule so as to permit responsive pleadings to be filed until January 25, 2010, pursuant to 4 CSR 240-2.080(15). The Staff does not make this request so as to unduly delay these proceedings.

WHEREFORE, the Staff submits this request that the Commission defer entering an Order Regarding Procedural Schedule so as to permit responsive pleadings until January 25, 2010, pursuant to 4 CSR 240-2.080(15). Such a deferral also will permit the parties to continue discussions, in the hope of reaching a resolution or narrowing the gap that presently exists between the Staff and Empire.

Respectfully submitted,

/s/ Sarah Kliethermes

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or electronically mailed to all counsel of record this 20th day of January 2010.

/s/ Sarah Kliethermes