

**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) Case No. ER-2011-0004
Service Provided to Customers in the)
Missouri Service Area of the Company.)

EMPIRE’S RESPONSE TO ORDER DIRECTING FILING

COMES NOW The Empire District Electric Company (“Empire” or “Company”), by and through the undersigned counsel, and hereby responds as follows with regard to the *Order Regarding the Empire District Electric Company’s Motion to Admit Testimony and Exhibits from File No. ER-2010-0355* (the “Order”) issued herein on March 30, 2011, by the Missouri Public Service Commission (the “Commission”):

1. In an effort to avoid the re-litigation of the alleged imprudence on the part of Kansas City Power & Light Company (“KCPL”) as operator of the Iatan facilities in the context of this Empire rate case, while the same or similar issues are pending before the Commission in KCPL’s rate case, Case No. ER-2010-0355, Empire sought an order of the Commission to admit into the record in this proceeding, Case No. ER-2011-004, the following:

All of the evidence admitted into the record in Case No. ER-2010-0355, including all live testimony (including cross examination and Commissioner questions and responses thereto), the parts of all pre-filed testimony and schedules which were admitted into the record, and all other exhibits, concerning the Iatan 1 and 2 and common issues.

The Commission denied said request with the issuance of its Order on March 30, 2011. The Commission, however, directed Empire “to file the testimony and exhibits from File No. ER-2010-0355 that it believes are relevant to this matter” no later than April 4, 2011.

2. In response to the Commission’s Order, attached hereto for filing are portions of the pre-filed testimony and schedules of the KCPL witnesses who presented testimony on the

Iatan issues in KCPL's Case No. ER-2010-0355. Empire believes the attached testimony and schedules are responsive to the Construction Audit and Prudence Review – Iatan Construction Project Costs Reported as of October 31, 2010, filed by the Commission Staff on February 24, 2011, as part of Staff's direct testimony in this Empire case, to-wit:

Brent C. Davis

Direct Testimony (Appendix A-HC)

Rebuttal Testimony (excluding p. 73, ln. 6 – p. 113, ln. 20) (Appendix B-HC)

Surrebuttal Testimony (Appendix C-HC)

Robert N. Bell

Direct Testimony (excluding p. 11, lns. 18-22) (Appendix D-HC)

Rebuttal Testimony (excluding p. 16, lns. 13 – 19) (Appendix E-HC)

Forrest Archibald

Rebuttal Testimony (Appendix F-HC)

Kenneth M. Roberts

Direct Testimony (Appendix G-HC)

Rebuttal Testimony (Appendix H-HC)

Surrebuttal Testimony (Appendix I-HC)

Steven Jones

Direct Testimony (Appendix J-HC)

William H. Downey

Direct Testimony (Appendix K-HC)

Rebuttal Testimony (excluding p. 6, ln. 18 – p. 8, ln. 8; p. 53, ln. 22 – p. 85, ln. 5) (Appendix L-HC)

Chris B. Giles

Direct Testimony (Appendix M-HC)

Rebuttal Testimony (excluding p. 3, lns. 13-16; p. 42, ln. 18 – p. 43, ln. 16; p. 52, ln. 23 – p. 53, ln. 11; p. 54, ln. 22 – p. 58, ln. 5) (Appendix N-HC)

True-Up Rebuttal Testimony (excluding p. 2, lns. 10-22; p. 12, ln. 12 – p. 14, ln. 23) (Appendix O-HC)

Daniel F. Meyer

Direct Testimony (Appendix P-HC)

Rebuttal Testimony (Appendix Q-HC)

Curtis D. Blanc

Rebuttal Testimony (excluding p. 40, ln. 16 – p. 54, ln. 11; Sch. CDB2010-3, CDB2010-4) (Appendix R)

Surrebuttal Testimony (excluding p. 1, ln. 17 – p. 6, ln. 20) (Appendix S)

Dr. Kris R. Nielsen

Rebuttal Testimony (excluding p. 27, ln. 15 – p. 30, ln. 18; p. 96, ln. 1 – p. 102, ln. 2; p. 120, ln. 20 – p. 122, ln. 16; p. 123, lns. 3-11; p. 136, ln. 5 – p. 149, ln. 6; p. 175, ln. 17 – p. 176, ln. 9; p. 203, ln. 15 – p. 210, ln. 15; p. 212, ln. 9 – p. 214, ln. 19; p. 227, ln. 3 – p. 228, ln. 21; p. 277, ln. 12 – p. 278, ln. 4; p. 281, ln. 10 – p. 285, ln. 4; p. 302, ln. 3 – p. 318, ln. 10; p. 320, ln. 3 – p. 331, ln. 20) (Appendix T-HC)

3. Also attached hereto for filing are the portions of the transcripts from said Case No. ER-2010-0355 containing the live testimony in response to examination for the above-listed KCPL witnesses pertaining to the Iatan issues, labeled as follows:

Brent C. Davis

Vol. 15, pp. 613-637, 644-655, 657-658, 664-667, 672-690, 694-696, 702-703, 705-721 (Appendix U)

Vol. 16, pp. 638-643, 656, 660-663, 669-671, 692-693, 697-701, 704 (Appendix V-HC)

Vol. 17, pp. 736-747, 750-758, 761-803 (Appendix W)

Vol. 18, pp. 748-749, 759-760 (Appendix X-HC)

Robert N. Bell

Vol. 17, pp. 804-839, 849-886 (Appendix Y)

Vol. 18, pp. 840-848 (Appendix Z-HC)

Forrest Archibald

Vol. 25, pp. 2129-2137, 2152-2195, 2198-2220, 2223-2232 (Appendix AA)

Vol. 26, pp. 2138-2151, 2196-2197, 2221-2222 (Appendix BB-HC)

Kenneth M. Roberts

Vol. 23, pp. 1765-1788, 1791-1793, 1795-1798, 1802-1817, 1844-1878, 1885-1891, 1893-1908, 1919-1930, 1935-1938, 1970-1974, 1978-2001, 2009-2012 (Appendix CC)

Vol. 24, pp. 1789-1790, 1794, 1799-1801, 1819-1843, 1879-1881, 1883-1884, 1892, 1910-1918, 1931-1934, 1939-1969, 1975-1977, 2003-2008 (Appendix DD-HC)

Steven Jones

Vol. 17: 887-997 (Appendix EE)

William H. Downey

Vol. 19, pp. 1180-1193, 1195-1223, 1226-1254, 1258 (Appendix FF)

Vol. 20, pp. 1193-1195, 1224-1225, 1255-1257 (Appendix GG-HC)

Vol. 21, pp. 1270-1283, 1305-1315, 1322-1418, 1424-1453, 1456-1459, 1465-1469, 1489-1544, 1549-1551 (Appendix HH)

Vol. 22, pp. 1284-1304, 1316-1321, 1419-1423, 1454-1455, 1460-1464, 1470-1488, 1545-1548 (Appendix II-HC)

Chris B. Giles

Vol. 19, pp. 1010-1046, 1048-1054, 1059-1069, 1074-1127, 1131-1179 (Appendix JJ)

Vol. 20, pp. 1055-1058, 1070-1073, 1128-1130 (Appendix KK-HC)

Vol. 43, pp. 4571-4580, 4604-4605, 4609-4619 (Appendix LL)

Vol. 44, pp. 4606-4608 (Appendix MM-HC)

Daniel F. Meyer

Vol. 25, pp. 2234-2266, 2271-2278 (Appendix NN)

Vol. 26, pp. 2267-2270 (Appendix OO-HC)

Curtis D. Blanc

Vol. 14, pp. 226-228, 285-288 (Appendix PP)

Vol. 15, pp. 426-508, 511-513, 517-564, 569-612 (Appendix QQ)

Vol. 16, pp. 509-510, 515-516, 565-568 (Appendix RR-HC)

Dr. Kris R. Nielsen

Vol. 23, pp. 2015-2026, 2031-2038 (Appendix SS)

Vol. 24, pp. 2028-2030 (Appendix TT-HC)

Vol. 25, pp. 2049-2065, 2068-2129 (Appendix UU)

Vol. 26, p. 2067 (Appendix VV-HC)

Empire believes these transcript portions from Case No. ER-2010-0355 contain testimony which is responsive to the Construction Audit and Prudence Review – Iatan Construction Project Costs Reported as of October 31, 2010, filed by the Commission Staff on February 24, 2011, in this Empire proceeding.

4. The attached pre-filed testimony and schedules contain information marked as highly confidential (“HC”) pursuant to the Commission’s Rules and are being filed herein accordingly. The NP version of each is available in the case file for Case No. ER-2010-0355. Certain of the transcript excerpts are also being filed as HC documents.

WHEREFORE, pursuant to the Commission's Order, Empire submits for filing as directed by the Commission the attached testimony, schedules, and transcript excerpts from Case No. ER-2010-0355. Empire seeks such relief as the Commission deems just and proper under the circumstances.

Respectfully submitted,

BRYDON, SWEARENGEN & ENGLAND P.C.

By:

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ATTORNEYS FOR THE EMPIRE DISTRICT
ELECTRIC COMPANY

Certificate of Service

I hereby certify that copies of the foregoing have been mailed, hand-delivered, or transmitted by facsimile or electronic mail to all counsel of record on this 4th day of April, 2011.

/s/ Diana C. Carter