

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

In the Matter of The Empire District Electric)
Company's Application for Approval of)
Demand-Side Programs and for Authority to) File No. EO-2012-0206
Establish a Demand-Side Programs Investment)
Mechanism.)

In the Matter of The Empire District Electric)
Company's 2010 Utility Resource Filing) File No. EO-2011-0066
Pursuant to 4 CSR 240-22.)

EMPIRE'S NOTICE OF WITHDRAWAL OF MEEIA APPLICATION

COMES NOW The Empire District Electric Company ("Empire"), by and through counsel, and, pursuant to the *Order Approving Second Nonunanimous Stipulation and Agreement* issued by the Missouri Public Service Commission ("Commission") in File Nos. EO-2012-0206 and EO-2011-0066, withdraws its Application submitted in File No. EO-2012-0206 on February 28, 2012, and submits this Notice of Withdrawal. In support thereof, Empire respectfully states as follows:

1. On February 28, 2012, Empire filed its Application in Commission File No. EO-2012-0206 seeking approval, pursuant to RSMo. §393.1075 (the Missouri Energy Efficiency Investment Act ("MEEIA")), of a new Missouri demand-side management ("DSM") portfolio, including four new DSM programs, and for the authority to establish a Demand Side Management Investment Mechanism ("DSIM") rider. Numerous technical conferences were held in the matter to discuss Empire's proposed DSM portfolio and DSIM rider.

2. On June 6, 2012, Empire and certain other parties to Empire's 2010 Integrated Resource Planning ("IRP") proceeding, Commission File No. EO-2011-0066, filed their Second Nonunanimous Stipulation and Agreement ("Second Agreement"). This Second Agreement was approved by the Commission in its *Order Approving Second Nonunanimous Stipulation and Agreement* dated June 27, 2012, effective July 3, 2012, issued in the IRP proceeding and in the MEEIA proceeding (File No. EO-2012-0206). The Second Agreement provides for Empire to

withdraw its MEEIA Application, and the Commission's *Order Approving Second Nonunanimous Stipulation and Agreement* directs Empire to "file notice of withdrawing its pending Missouri Energy Efficiency Investment Act filing in File No. EO-2012-0206 no later than seven days after the effective date of this order."

WHEREFORE, pursuant to the Second Agreement and the Commission's *Order* approving the same, Empire hereby withdraws its MEEIA Application and respectfully submits this Notice of Withdrawal. Empire requests such relief as is just and proper under the circumstances.

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 on this 5th day of July, 2012, to all counsel of record.

/s/ Diana C. Carter