

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

In The Matter Of The Empire)
District Electric Company's)
Application for Variance Concerning) Case No. EE-2012-0095
Commission Rule 4 CSR 240-22.080)

**MISSOURI DEPARTMENT OF NATURAL RESOURCES'
APPLICATION TO INTERVENE**

COMES NOW the Missouri Department of Natural Resources (MDNR) and, pursuant to Commission Rule 4 CSR 240-2.075, respectfully requests that the Commission issue its order granting MDNR's Application to Intervene. For its Application, MDNR states as follows:

1. On September 29, 2011, Empire District Electric Company filed an application for variance concerning its Integrated Resource Planning. The Commission issued an *Order Directing Notice and Establishing Time to Intervene* on September 29, 2011. The Order set an October 17, 2011, deadline for interested parties to file applications to intervene.

2. MDNR, and specifically its Division of Energy, is a state agency vested with the powers and duties set forth in § 640.150, RSMo.

3. MDNR has an interest different than that of the general public, and its intervention will serve a public interest in that the Division of Energy will be looking at the proposed filing from a formal policy and planning perspective as well as looking at the potential impacts on environmental

quality. The Division of Energy's review also will be in relation to the mandate set forth in § 640.150, RSMo, which includes planning for energy resource development; analyzing energy management issues; consulting and cooperating with all state and federal governmental agencies on matters of energy research and development, management, conservation and distribution; assessing the potential impacts on environmental quality; and analyzing the potential for increased use of energy alternatives and making recommendations for the expanded use of such alternate energy sources and technologies.

4. MDNR has not determined its position at this time, but does have some concerns regarding Empire's variance request.

5. Communications, correspondence, orders and decision in this matter should be addressed to:

Jennifer Frazier
Deputy Chief Counsel
Agriculture & Environment Division
P.O. Box 899
Jefferson City, Missouri 65102
Phone: 573-751-8795
Fax: 573-751-8796
Jenny.Frazier@ago.mo.gov

with copies to:

Mary Ann Young
Legal Counsel, Division of Energy
Missouri Department of Natural Resources
P.O. Box 176
Jefferson City MO 65102
Phone: 573-526-7052
Fax: 573-526-7553
Email: DNREnergycases@dnr.mo.gov

WHEREFORE, the Missouri Department of Natural Resources respectfully requests that it be allowed to intervene in the above-styled matter.

Respectfully submitted,

CHRIS KOSTER
Attorney General

/s/ Jennifer S. Frazier
Jennifer S. Frazier
Deputy Chief Counsel
Agriculture & Environment Division
Bar No. 39127
P.O. Box 899
Jefferson City, MO 65102
Phone: 573-751-8795
Fax: 573-751-8796
Jenny.Frazier@ago.mo.gov
**Attorney for Missouri Department of
Natural Resources**

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been served electronically on all counsel of record this 17th day of October, 2011.

/s/ Jennifer S. Frazier
JENNIFER S. FRAZIER
Deputy Chief Counsel
Agriculture & Environment Division