

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

In the Matter of an Investigation of the Effects)	
of Rate Design Modifications Associated with)	File No. EW-2011-0372
Demand-Side Cost Recovery.)	

Proposed Regulatory Language of The Empire District Electric Company

COMES NOW The Empire District Electric Company (“Empire” or “Company”), by and through the undersigned counsel, and respectfully makes this filing in response to the *Order Directing Filings and Scheduling a Conference* issued herein on January 30, 2013, by the Missouri Public Service Commission (“Commission”):

1. This docket was opened by the Commission in May of 2011 in response to the enactment of the Missouri Energy Efficiency Investment Act (“MEEIA”), codified at RSMo. §393.1075. Section 393.1075.5 provides, in part, that “(p)rior to approving a rate design modification associated with demand-side cost recovery, the commission shall conclude a docket studying the effects thereof and promulgate an appropriate rule.”
2. The *Order Directing Filings and Scheduling a Conference* issued herein by the Commission on January 30, 2013, provides that interested utilities and other stakeholders may submit “specific proposed regulatory language to assist the Commission in meeting the statute’s requirement to promulgate an appropriate rule or rules.”
3. The Commission currently has wide discretion in relation to rate design matters. It appears that the MEEIA was not designed to limit that discretion, and Empire submits that the basis for approval for a rate design modification associated with demand-side resources should be no different than exists today and that any rate design

4. Empire submits that the directive of §393.1075.5 with regard to the Commission concluding a docket studying the effects of rate design modifications associated with demand-side cost recovery and promulgating an appropriate rule will be satisfied if the Commission adopts a rule in line with the following suggested language:

WHEREFORE, Empire respectfully submits this filing in response to the *Order Directing Filings and Scheduling a Conference* issued herein by the Commission on January 30, 2013.

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