

**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-2011-0004

REQUEST FOR CLARIFICATION OF ORDER APPROVING GLOBAL AGREEMENT

COMES NOW the Staff of the Missouri Public Service Commission (“Staff”), and for its *Request for Clarification of Order Approving Global Agreement* (“Request”) states as follows:

1. On May 27, 2011, certain parties filed a *Global Agreement* in this matter, which was not opposed by any party.

2. The *Global Agreement* provided, *inter alia*, as follows:

13. As part of any order approving this Agreement, the signatories request that the Commission:

- a. Order Empire to continue utilizing its existing depreciation rates for all plant accounts other than the Iatan 2 plant accounts.
- b. Order Empire to utilize the depreciation rates described in Appendix C for the Iatan 2 plant accounts.
- c. Order Empire to create the subaccounts identified below, and:
 - 1. To assign the \$37,312,953 of regulatory amortizations collected by Empire through June 15, 2011, to newly created accounts 311.05, 312.05, 314.05, 315.05, and 316.05 on a dollar weighted Missouri jurisdictional cost basis of the additions to plant accounts resulting from the construction of Iatan 2, and assigning to accounts 311.06, 312.06, 314.06, 315.06, and 316.06 the depreciation expense accruals resulting from applying the ordered depreciation rates to plant-in-service for Iatan 2.
 - 2. To record in its books the reserve transfers for Iatan 2 updated through June 15, 2011 as follows:

311.05	Structures and Improvements	10.47%
312.05	Boiler Plant Equipment	46.92%
314.05	Turbogenerator Units	7.82%
315.05	Accessory Electrical Equip	7.80%
316.05	Misc Power Plant Equip	<u>26.99%</u>
TOTAL	100%	

- d. Authorize continued amortization of the DSM regulatory asset for costs incurred during the Regulatory Plan for a term of 10 years. The costs of the DSM market potential study will be included in the regulatory asset.
- e. Authorize an amortization for DSM program costs incurred after the end of the Regulatory Plan and prior to any program implementation under MEEIA for a term of six years.
- f. Authorize a tracker mechanism for the Southwest Power Administration (SWPA) payment associated with the capacity restrictions to be implemented for the Ozark Beach hydro facility. Empire shall track both the payment and associated Federal and State income taxes.
- g. Authorize a tracker mechanism related to Plum Point and Iatan 2 and Common plant operating expenses. The tracker will exclude consumables and SO2 emission allowances which are recovered through the FAC. Empire shall record a regulatory asset or liability for the difference between the actual expense and annual costs of \$2,518,440, Missouri jurisdictional, for Plum Point. Empire shall record a regulatory asset or liability for the difference between the actual expense and annual costs of \$2,818,683, Missouri jurisdictional, for Iatan 2 and Common.

3. In the prayer for relief of the *Global Agreement*, the signatories requested that the Commission “issue its Order approving the specific terms and conditions of this agreement, and include in that Order, the items described in paragraph 13, here-in.”

4. On June 1, 2011, the Commission entered its *Order Approving Global Agreement* (“*Order*”).

5. In its *Order*, under the heading “The Agreement,” the Commission stated that “...the Commission incorporates the terms of the Agreement into this order.” Also in its *Order*, the first ordered paragraph states that “[t]he non-unanimous global Agreement filed on May 27, 2011 is approved. The signatory parties shall comply with the terms of the Global Agreement....”

6. Staff requests clarification that by its incorporation of the terms of the *Global Agreement* into the *Order*, the Commission did in fact specifically and expressly order and authorize, as appropriate, the various items described in paragraph 13 of the *Global Agreement*.

WHEREFORE, Staff respectfully requests (1) that the Commission clarify that by its incorporation of the terms of the *Global Agreement* into the *Order*, the Commission did in fact specifically and expressly order and authorize, as appropriate, the various items described in paragraph 13 of the *Global Agreement*, and (2) any such other relief as the Commission deems necessary and appropriate.

Respectfully submitted,

THE STAFF OF THE
MISSOURI PUBLIC SERVICE COMMISSION

/s/ Sarah Kliethermes

Kevin A. Thompson MBE 36288
Sarah L. Kliethermes MBE 60024
Attorney for the Staff of the
Missouri Public Service Commission
P. O. Box 360
Jefferson City, MO 65102
Phone: (573) 751-6726
Fax: (573) 751-9285
E-mail: sarah.kliethermes@psc.mo.gov

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 1st day of June, 2011.

/s/ Sarah Kliethermes