

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

In the Matter of Entergy Arkansas, Inc.'s Notification of     )  
Intent to Change Functional Control of Its Missouri Electric)  
Transmission Facilities to the Midwest Independent     )  
Transmission System Operator Inc Regional Transmission     )  
System Organization or Alternative Request to Change     )  
Functional Control and Motions for Waiver and Expedited     )  
Treatment     )

**File No. EO-2013-0431**

**EMPIRE'S APPLICATION TO INTERVENE**

COMES NOW The Empire District Electric Company (Empire), and, pursuant to Missouri Public Service Commission (Commission) Rule 4 CSR 240-2.075, and the Commission's Order Directing Notice and Setting Intervention Deadline, states as follows:

1. Empire is a Kansas corporation with its principal office and place of business at 602 South Joplin Avenue (P.O. Box 127), Joplin, Missouri 64801 (64802). Empire is engaged in the business of providing electric and water utility services in Missouri to customers in its service areas and has a certificate of service authority to provide certain telecommunications services.

2. Empire is an "electrical corporation," a "water corporation," a "telecommunications company" and a "public utility" as those terms are defined in Section 386.020 RSMo, and is subject to the jurisdiction and supervision of the Commission as provided by law. Empire also has a wholly owned subsidiary that is a "gas corporation."

3. Empire has no pending or final judgments or decisions against it from state or federal regulatory agencies or courts which involve customer service occurring within the three (3) years immediately proceeding the filing of this application. Empire has no overdue Commission annual reports or assessment fees.

4. Empire's documents of incorporation were filed with the Commission in Case No. EF-94-39 and said documents are incorporated herein by reference in accordance with 4 CSR 240-2.060(1)(G). A Certificate of Authority from the Missouri Secretary of State to the effect that Empire, a foreign corporation, is authorized to do business in the State of Missouri, was filed with the Commission in Case No. EM-2000-369 and is also incorporated by reference.

5. Pleadings, notices, orders and other correspondence and communications concerning this application should be addressed to the undersigned counsel and:

Mr. Bary K. Warren  
The Empire District Electric Company  
602 Joplin Street  
P.O. Box 127  
Joplin, MO 64802  
Telephone: (417) 625-4234  
Facsimile: (417) 625-4251  
E-mail: [bwarren@empiredistrict.com](mailto:bwarren@empiredistrict.com)

Mr. Mike Palmer  
The Empire District Electric Company  
602 Joplin Street  
P.O. Box 127  
Joplin, MO 64802  
Telephone: (417) 625-4250  
Facsimile: (417) 625-5153  
E-mail: [mpalmer@empiredistrict.com](mailto:mpalmer@empiredistrict.com)

6. On March 21, 2013, Entergy Arkansas, Inc. (EAI) filed a Notification of Intent to Change Functional Control of Its Missouri Electric Transmission Facilities to The Midwest Independent Transmission System Operator, Inc. Regional Transmission Organization or Alternative Request to Change Functional Control and Motions for Waiver and Expedited Treatment.

7. On March 22, 2013, the Commission issued an Order Directing Notice and Setting Intervention Deadline. The Order, among other things, directed that applications to intervene be filed by April 1, 2013.

8. Empire is a network integration transmission service member of the Southwest Power Pool (SPP) RTO with an ownership share of the Plum Point coal fired power station, located near Osceola, Arkansas, and electrically interconnected to the EAI high voltage transmission system at Plum Point and near the Ozark Beach Hydro Generating Facility near

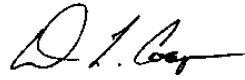
Branson, Missouri. If the Commission should find that it has jurisdiction over this matter, Empire's Missouri customers will be directly impacted as a result of this proceeding which could include, but not limited to, the assignment of the existing Interconnection Agreements between Empire and Arkansas Power and Light (now Entergy Arkansas, Inc.), Plum Point Energy Partners and Entergy Services as well as the reliability, maintenance, outage and service restoration management of such interconnections as well as the scheduling of transmission from its Plum Point generation from the EAI transmission system to the SPP regional system. Empire is also a long term transmission service customer of EAI and it is likely that the rates, terms and conditions of those contracts between Empire and EAI may be impacted by the proposed actions in this docket. Furthermore, as a utility on the seam of the EAI transmission system, Empire has a vested interest in system changes to EAI, including MISO's oversight and functional control of the Ozark Beach interconnection in Missouri, which may affect Empire's operation and delivery of generating capacity and energy to Empire's customers.

9. For the reasons stated above, if the Commission should determine that it has jurisdiction over the subject of this matter, Empire has an interest which is different from that of the general public and which may be adversely affected by a final order arising from the case. Additionally, Empire's status as a public utility and its interests in the subjects of this case indicate that its intervention would serve the public interest.

WHEREFORE, Empire prays that the Commission issue its order granting it permission

to intervene in the above-captioned matters.

Respectfully submitted,



---

Dean L. Cooper MBE #36592  
BRYDON, SWEARENGEN & ENGLAND P.C.  
312 E. Capitol Avenue  
P. O. Box 456  
Jefferson City, MO 65102  
(573) 635-7166 voice  
(573) 635-3847 facsimile  
Email: dcooper@brydonlaw.com

ATTORNEYS FOR THE EMPIRE DISTRICT  
ELECTRIC COMPANY

### **CERTIFICATE OF SERVICE**

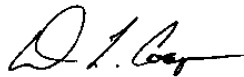
The undersigned certifies that a true and correct copy of the foregoing document was sent by electronic mail, on April 1, 2013, to the following:

Nathan Williams  
Office of the General Counsel  
[nathan.williams@psc.mo.gov](mailto:nathan.williams@psc.mo.gov)

Lewis Mills  
Office of the Public Counsel  
[lewis.mills@ded.mo.gov](mailto:lewis.mills@ded.mo.gov)

Thomas Schwarz  
Fischer & Dority, P.C.  
[tschwarz@bbdlc.com](mailto:tschwarz@bbdlc.com)

Carl Lumley  
Curtis, Heinz, et al.  
[clumley@lawfirmemail.com](mailto:clumley@lawfirmemail.com)



---

**VERIFICATION**

STATE OF MISSOURI     )  
                                  )  
COUNTY OF Newton    )     SS

I, Michael E. Palmer, state that I am employed by The Empire District Electric Company ("Empire") as Vice-President of Transmission Policy and Corporate Services; that I have read the attached document; that the statements contained therein are true and correct to the best of my information, knowledge and belief; and, that I am authorized to make this statement on behalf of Empire.

Michael E. Palmer

Subscribed and sworn to before me this 1 day of April, 2013.

Shenni J. Blalock  
Notary Public

My Commission Expires:

Nov. 16, 2014