

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

In the Matter of The Empire District Electric)
Company's Application for Variance and Request)
For Clarification Concerning Selected Provisions of) File No. _____
Commission Rules Related to Electric Utility)
Resource Planning.)

**APPLICATION FOR VARIANCE AND
REQUEST FOR CLARIFICATION**

COMES NOW The Empire District Electric Company (Empire or Company), and, in support of its Application for Variance and Clarification (Application) concerning select provisions of Missouri Public Service Commission (Commission) rules related to electric resource planning, states as follows:

1. Empire is a Kansas corporation with its principal office and place of business at 602 South Joplin Avenue, Joplin, Missouri 64802. Empire is qualified to conduct business and is conducting business in Kansas as well as in the states of Missouri, Arkansas and Oklahoma. Empire is engaged, generally, in the business of generating, purchasing, transmitting, distributing and selling electric energy in portions of said states. Empire also provides water service in Missouri. Natural gas distribution service in Missouri is provided by Empire's subsidiary, The Empire District Gas Company. Empire's Missouri operations are subject to the jurisdiction of the Commission as provided by law.

2. A certified copy of Empire's Restated Articles of Incorporation, as amended, was filed in Case No. EF-94-39 and is incorporated herein by reference in accordance with Commission rule 4 CSR 240-2.060(1)(G). A Certificate from the Missouri Secretary of State that Empire, a foreign corporation, is authorized to do business in Missouri was filed with the Commission in Case No. EM-2000-369 and is

incorporated by reference in accordance with Commission rule 4 CSR 240-2.060(1)(G). This information is current and correct. Empire has no pending actions or final unsatisfied judgments or decisions against it from any state or federal agency or court that involve customer service or rates. Empire's annual report and assessment fees are not overdue.

3. Communications in regard to this Application should be addressed to the undersigned counsel and:

Mr. Todd Tarter
The Empire District Electric Company
602 South Joplin Avenue
P.O. Box 127
Joplin, Missouri 64802
Phone: (417) 625-6533
Fax: (417) 625-5173
E-mail: ttarter@empiredistrict.com

4. Empire is seeking a variance of portions of 4CSR 240-22.030. **Appendix A** attached to this Application (Variance Request) identifies the specific portions of the rules for which Empire is requesting a variance and the justification. Empire further requests clarification concerning portions of 4 CSR 240-22.030 and 4 CSR 240-22.040, as also detailed in **Appendix A**.

5. The variance requests have been discussed with the parties that have participated in Empire's semi-annual integrated resource planning (IRP) meetings. Empire obtained similar variances and clarifications (as well as others) in Commission Case No. EE-2008-0025 (August 30, 2007), prior to its 2007 IRP filing.

6. Empire will file an integrated resource plan with the Commission in September 2010. This plan will contain a load forecast by customer class. Empire will produce a base forecast and at least two additional load forecasts for a high-growth case and a low-growth case. The study will be in compliance with the Commission's Rule

with regards to supply-side resource analysis, demand-side resource analysis, and integrated resource analysis and risk analysis and strategy selection. The study will also be in compliance with the Commission's Rule with regards to Load Analysis and Forecasting, except for those aspects of the rule where a variance is specifically requested.

7. According to 4 CSR 240-22.010 Policy Objectives, "the fundamental objective of the Missouri resource planning process at electric utilities is to provide the public with energy services that are safe, reliable and efficient, at just and reasonable rates, in a manner that serves the public interest." The variances requested by Empire will not compromise this objective. In fact, the granting of the requested variances will save considerable time and expense in a very time consuming and detailed integrated resource planning endeavor. Approval of this Application would therefore be in the public interest.

WHEREFORE, Empire respectfully requests that the Commission issue its order granting Empire a variance and provide clarification concerning the selected provisions of Commission rules related to electric utility resource planning as described in the

Variance Request (Appendix A).

Respectfully submitted,



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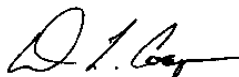
ATTORNEYS FOR THE EMPIRE DISTRICT
ELECTRIC COMPANY

CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of the foregoing document has been sent by electronic mail this 26th day of February, 2010, to:

Kevin Thompson
Missouri Public Service Commission
Governor's Office Building
200 Madison Street
P.O. Box 360
Jefferson City, Missouri 65102
kevin.thompson@psc.mo.gov

Lewis Millsn
Governor's Office Building
200 Madison Street
P.O. Box 7800
Jefferson City, Missouri 65102
lewis.mills@ded.mo.gov



VERIFICATION

STATE OF MISSOURI)
)
COUNTY OF Jasper)

SS

I, W. Scott Keith, state that I am employed by The Empire District Electric Company ("Empire") as Director Planning & Reg.; 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.

W. Scott Keith

Subscribed and sworn to before me this 26th day of February, 2010.

Wicki L. Kramer-Gibson
Notary Public

My Commission Expires:

10-10-30

