

**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	)	<b>Case No. ER-2011-0004</b>
Provided to Customers in the Missouri Service	)	
Area of the Company.	)	

**RESPONSE REGARDING TRUE-UP**

COMES NOW the Staff (“Staff”) of the Missouri Public Service Commission (“Commission”), by and through Staff Counsel’s Office, and for its *Response Regarding True-Up* states as follows:

1. On March 31, 2011, the Commission ordered that no later than April 7, 2011, the parties inform the Commission as to whether a true-up hearing is required.

2. In the *Stipulation and Agreement* filed as Attachment 1 to the February 25, 2010, *Non-Unanimous Stipulation and Agreement Regarding Treatment of Empire’s Investment in Iatan 1 Environmental Upgrades (AQCS), Iatan 2, Iatan Common Plant, and Plum Point Facilities; and Joint Proposal Regarding Certain Procedural Matters* in File No. ER-2010-0130

Staff agreed to the following provision:

II.B.4.(iv) that Empire’s Rate Filing (2009 RATE CASE) called for in Section III.D.7. of the Empire Experimental Regulatory Plan Stipulation, Case No. EO-2005-0263, will be the next succeeding general rate case after the effective date of compliance tariffs filed in Case No. ER-2010-0130, and following the conclusion of Case No. ER-2010-0130, the Signatory Parties agree to discuss in good faith a procedural schedule for that general rate case filing called for in Section III.D.7. of the Empire Experimental Regulatory Plan Stipulation, Case No. EO-2005-0263, **which may allow the Commission to issue a Report and Order regarding that general rate case filing in less than eleven (11) months.** [emphasis added]

3. On April 5, 2011, Empire filed its request for a true-up, and recommended a “true-up of its revenue, expense, rate base and rate of return components be conducted through March 31, 2011.”

4. While Staff does not object to the request for a true-up, Staff considers seriously its obligations under the *Stipulation and Agreement*. In general, Staff does not view the utilization of a true-up hearing as compatible with an intent to adopt a procedural schedule that would allow the Commission to issue a Report and Order in less than eleven months.

5. Staff notes that Empire’s list of items for true-up is quite extensive, and appears to include all items traditionally studied in a rate case. Staff requests that the Commission issue an order requiring Empire to state a specific list of true-up items in its rebuttal testimony, such that the parties may respond to that list in their surrebuttal testimony.

**WHEREFORE** the Staff (1) states that it does not object to Empire’s request that a true-up be utilized, and (2) requests that the Commission order Empire to state a specific list of true-up items in its rebuttal testimony, such that the parties may respond to that list in their surrebuttal testimony.

Respectfully submitted,

/s/ Sarah Kliethermes  
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**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 7<sup>th</sup> day of April, 2011.

/s/ Sarah Kliethermes