

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

In the matter of The Empire Dis-)	
trict Electric Company of Joplin,)	
Missouri for authority to file)	
tariffs increasing rates for elec-)	ER-2006-0315
tric service provided to customers)	
in the Missouri service area of the)	
Company)	

MOTION FOR EXPEDITED DISCOVERY

COMES NOW, Praxair, Inc. ("Praxair") and Explorer Pipeline, Inc. ("Explorer"), pursuant to 4 CSR 240-2.015, for and in support of their Motion For Expedited Discovery respectfully state as follows:

1. On March 24, 2006, The Empire District Electric Company ("Empire") filed its Motion for Clarification ("Motion"). In its Motion, Empire requests a Commission determination or finding that it may unilaterally and prematurely terminate its existing three-year rate adjustment mechanism identified as an Interim Energy Charge ("IEC") agreed to in the February 22, 2005 Nonunanimous Stipulation in Case No. ER-2004-0570 and, in its place, implement a different rate adjustment mechanism apparently more suitable to Empire in this pending case.

2. Recognizing the magnitude of the issue addressed by Empire's Motion for Clarification, as well as the time necessary to fully respond to this Motion, Public Counsel filed its Request for Extension of Time on March 20, 2006. As indicated in its Request, Public Counsel notes that the extension "will also

allow time for discovery, if necessary, to investigate any statements that Empire made about the ER-2004-0570 Stipulation and Agreement at the time that agreement was entered into, and to examine whether those statements are consistent with Empire's current interpretation." Praxair and Explorer fully concur in Public Counsel's request for an extension of time to respond to Empire's Motion.

3. Consistent with the rationale underlying Public Counsel's request, Praxair and Explorer submitted 24 Data Requests to Empire on March 29 and 30, 2006. In general, these Data Requests seek information and/or documents that are already in existence and should be readily accessible for Empire to identify and disclose. As provided in 4 CSR 240-2.090(2), Empire would normally have 20 days to respond to these Data Requests.

4. In order to: (1) complete the discovery described above; (2) conduct all the depositions that may be deemed necessary as a result of those discovery responses; and (3) integrate the information revealed by this discovery into its Response to Empire's Motion, within the 20 day extension anticipated in Public Counsel's request, Praxair and Explorer require expedited responses to its Data Requests.

5. In fact, absent the relief requested in this Motion, Empire could effectively negate the rationale underlying Public Counsel's request by merely taking advantage of the full

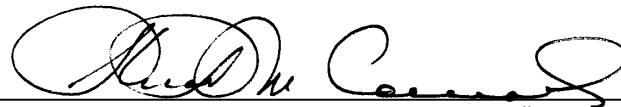
amount of time available under the Commission's rule to respond to Praxair / Explorer's discovery.

6. Recognizing that the information requested in its Data Requests should be readily identifiable by Empire, the magnitude of the issue to be addressed, as well as the brief amount of time in which Praxair / Explorer have in which to respond to Empire's Motion, Praxair and Explorer respectfully request that the Commission order Empire to respond to the previously described data requests within 10 days.

WHEREFORE, Praxair and Explorer respectfully request the Commission issue its Order Expediting Responses to Praxair / Explorer's Data Requests.

Respectfully submitted,

FINNEGAN, CONRAD & PETERSON, L.C.



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ATTORNEY FOR PRAXAIR, INC. and
EXPLORER PIPELINE, INC.

March 31, 2006

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this day served the foregoing pleading by email, facsimile or First Class United States Mail to all parties to this proceeding on their attorneys of record as provided by the Secretary of the Commission.



Stuart W. Conrad

Dated: March 31, 2006