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April 26, 2005

Mr. Dale Hardy Roberts Secretary/Chief Regulatory Law Judge Missouri Public Service Commission P.O. Box 360 Jefferson City, MO 65102

Re: The Empire District Electric Company

Dear Mr. Roberts:

Enclosed for filing on behalf of The Empire District Electric Company, please find an original and eight (8) copies of a Notice.

A copy of this filing will be provided to all parties of record.

Please see that this filing is brought to the attention of the appropriate Commission personnel.

I thank you in advance for your cooperation in this matter.

very truly yours

James C. Swearengen

JCS/lar Enclosure

cc.

John Coffman

Denny Frey Stuart Conrad Ron Molteni

BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

n the matter of Program Criteria)	
of The Empire District Electric Company)	Case No. EO-

NOTICE

Come Now The Empire District Electric Company ("Empire" or "Company"), the Office of the Public Counsel ("Public Counsel"), the Staff of the Missouri Public Service Commission ("Staff"), the Missouri Department of Natural Resources - Energy Center, Praxair, Inc. and Explorer Pipeline and for their Notice respectfully state to the Missouri Public Service Commission ("Commission") as follows:

- In the context of Case No. ER-2004-0570, the parties hereto entered into a Stipulation and Agreement As to Certain Issues which was approved by the Commission's Report and Order issued in said case on March 10, 2005, effective March 27, 2005.
- 2. Paragraph 11 of said Stipulation provided in part that the parties would meet within thirty days of March 27, 2005, on a collaborative basis to determine the design and operational and administrative details of certain described programs. Said paragraph 11 also provided that if the parties failed to reach agreement with respect to the design and other criteria within the 30 day period, the parties would request that the Commission establish the program criteria within 95 days of March 27, 2005.
- 3. The parties have not been able to meet and agree to program criteria and will not be able to do so on or before April 27, 2005. The parties are hopeful, however, that they will be able to meet and agree to the involved criteria within ninety (90) days of

April 27, 2005. Therefore the parties do not believe it necessary, at this time, to request the Commission to establish criteria for the involved programs.

Respectfully submitted,

James C. Swearengen

#21510

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CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing was, on this day of April, 2004, sent via electronic mail, U.S. Postage, or hand delivered, to all parties of record.