

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

Daniel E. Brown)	
)	
Complainant,)	
)	
v.)	
)	Case No. EC-2008-0384
The Empire District Electric Company)	
)	
Respondent.)	

STAFF’S REPORT OF INVESTIGATION

COMES NOW the Staff of the Missouri Public Service Commission (Staff) and respectfully submits as follows:

1. On June 4, 2008, Daniel E. Brown (Complainant) filed his formal complaint against The Empire District Electric Company (Company, or Empire), alleging inadequate or improper response to ice-storm related outages affecting his residence. Mr. Brown also requested the recovery of money damages for the loss of food items caused by the extended outages.

2. On June 5, 2008, the Commission issued its Order Directing Staff to Investigate and File a Report no later than three weeks after the Company filed its Answer, which was due no later than July 7, 2008. Thus, Staff’s Investigative Report was ordered due July 28, 2008.

3. On July 9, 2008, the Commission entered its Order Setting Date Certain for Staff to Investigate and File a Report, which directed the Staff to complete its investigation and submit its report no later than July 21, 2008.

4. Commission Rule 4 CSR 240-2.070(10) states as follows:

The commission may order, at any time after the filing of a complaint, an investigation by its staff as to the cause of the complaint. The staff shall file a report of its findings with the commission and all parties to the complaint case. The investigative report shall not be made public unless released in accordance with sections 386.480, 392.210(2) or 393.140(3), RSMo, or during the course of a hearing involving the complaint.

Thus, the Staff's Report, attached hereto and incorporated by reference herein, is a non-public document and the Staff is filing it as a "Highly Confidential" document.

5. Based on its investigation and the analysis of information provided by the Complainant and the Company, Staff did not find any facts to indicate that the Company's responses to Mr. Brown's outages were inadequate or inappropriate.

6. Based on its investigation and the analysis of information provided by the Complainant and the Company, Staff did not find any evidence that the activities carried out by the Company in the restoration of Complainant's electrical service in these instances constituted a violation of applicable statutes, the Commission's rules, or the Company's tariff.

7. The Commission, being an agency of limited jurisdiction, is unable to order the award of money damages. "The Public Service Commission has full authority to investigate complaints about rates or service and can make orders to remedy the situation in the future, but it cannot grant monetary relief for compensation for past overcharges or damages." *May Department Stores Company vs. Union Electric Light & Power Company et al.*, 107 S.W. 2d 41, 58 (1937). Therefore, the Commission is unable to award the relief that the Complainant has requested.

WHEREFORE, Staff requests that the Commission accept Staff's attached Report.

Respectfully submitted,

/s/ Sarah Kliethermes

Sarah L. 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 21st day of July 2008.

/s/ Sarah Kliethermes