

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

Daniel E. Brown,)	
)	
Complainant,)	
)	
v.)	<u>Case No. EC-2008-0384</u>
)	
Empire District Electric,)	
)	
Respondent.)	

ORDER DIRECTING STAFF TO FILE AN AMENDED REPORT OF ITS
INVESTIGATION

Issue Date: August 12, 2008

Effective Date: August 12, 2008

Daniel E. Brown filed a formal complaint against The Empire District Electric Company ("Empire") on June 4, 2008.¹ Empire filed its answer to the Complaint on July 7, and the Commission's Staff filed the report of its investigation on July 21. It is unclear, however, from "Staff's Report of Investigation" that the investigation performed is complete in that much of which is reported by Staff is stated in conclusory terms, rather than in fact form. As such, the Commission is interested in those facts which are relevant to the Complaint that form the basis for Staff's alleged "findings."

In as much as Commission Rule 4 CSR 240-2.070(10) states that a staff investigation is to be directed to "the cause of the complaint" it is not evident from "Staff's Report of Investigation" that the "cause of the complaint" was identified or explained. Mr.

¹ All dates throughout this order refer to the year 2008 unless otherwise noted.

Brown details with great precision his complaints, but the response provided by Staff is neither specific nor detailed and fails to respond to each individualized aspect of Mr. Brown's Complaint. Staff's recitations of general principles of utility management and practice are not adequate.

While the information upon which the conclusions reached by Staff in its Investigative report may exist, it does not exist in the report itself, nor is it referenced with sufficient detail to allow the Commission to determine how it will proceed in this matter. Consequently, Staff shall be directed to reexamine its investigation, perform additional investigation, and amend their report to include sufficient details, and information (which may have already been ascertained) such that the Commission can appropriately review the matter.

Staff shall specifically address each item constituting the Complaint and the Respondent's answer to the Complaint. Staff will provide an analysis of what evidence factually supports all of its conclusions and opinions. Staff's amended report should address the "who, what, when, where, why and how" of all pertinent issues raised in the Complaint. Staff shall file its amended report no later than August 31.

IT IS ORDERED THAT:

1. No later than August 31, 2008, the Staff of the Missouri Public Service Commission shall file an amended report of its investigation into this matter as directed in the body of this order.

2. This order shall become effective immediately upon issue.

BY THE COMMISSION

A handwritten signature in black ink, appearing to read 'Colleen M. Dale', written over a horizontal line.

Colleen M. Dale
Secretary

(S E A L)

Harold Stearley, Senior Regulatory Law Judge,
by delegation of authority under
Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 12th day of August, 2008.