

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.)	

NOTICE OF COMPLAINT

Issue Date: June 5, 2008

The Empire District Electric Company
602 Joplin Street
P.O. Box 127
Joplin, Missouri 64802

CERTIFIED MAIL

On June 4, 2008, Complainant Daniel E. Brown filed a formal complaint with the Missouri Public Service Commission against Respondent The Empire District Electric Company ("Empire"), a copy of which is enclosed. Under Commission Rule 4 CSR 240-2.070(7), Respondent shall have 30 days from the date of this notice to file an answer or to file notice that the complaint has been satisfied. Since this notice is being issued on June 5, 2008 and July 5, 2008 is a Saturday, under Commission Rule 4 CSR 240-2.050(1), Empire's response is due no later than July 7, 2008.

In the alternative, the Respondent may file a written request that the complaint be referred to a neutral third-party mediator for **voluntary mediation** of the complaint. Upon receipt of a request for mediation, the 30-day time period shall be tolled while the Commission ascertains whether the Complainant is also willing to submit to voluntary mediation. If the Complainant agrees to mediation, the time period within which an answer is due shall be suspended pending the resolution of the mediation process. Additional information regarding the mediation process is enclosed.

If the Complainant declines the opportunity to seek mediation, the Respondent will be notified in writing that the tolling period has ceased and will also be notified of the date by which an answer or notice of satisfaction must be filed. That period will usually be the remainder of the original 30-day period.

All pleadings (including the answer, the notice of satisfaction of complaint, or request for mediation) shall be mailed to:

Secretary of the Missouri Public Service Commission
P.O. Box 360
Jefferson City, Missouri 65102-0360

A copy of such pleadings shall be served upon the Complainant at his home address as listed within the enclosed complaint. A copy of this notice has been mailed to the Complainant.

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)

Dated at Jefferson City, Missouri,
on this 5th day of June, 2008.

Lane, Regulatory Law Judge

Copy to: Daniel E. Brown
9953 County Road 200
Carthage, Missouri 65836

Dear Sirs

Friday, May 30th, 2008

Please accept my feeble attempt to fill this complaint application out as requested. Now as to the actual request was it to be filled out in free hand, because if that was the case then I'd have to beg off and request a wavier of some sort. Because my penmanship was dreadful enough before I severed both tendons in right index finger last year and I am right handed. So what's that "adding insult to injury" as my Daddy would say trying to get anyone to be able to read my penmanship.

Thank you very much for your time and understanding, I hope I haven't completely confused anyone by the time they get to the end of this. Please let me know if there is anything else needed from me.



Daniel E. Brown

FILED²

JUN 04 2008

Missouri Public
Service Commission

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE
STATE OF MISSOURI

FILED²

JUN 04 2008

Missouri Public
Service Commission

Name: Daniel E. Brown
Complainant

VS.

Case No.

Company Name: Empire District Electric
Respondent

COMPLAINT

Complainant resides at 9953 County Road 200, Carthage, MO, 65836
(address of complainant)

1. Respondent, Empire District Electric
(company name)
of 602 Joplin St. PO Box 127, Joplin, MO, 64802 is a public utility under the
(location of company)

jurisdiction of the Public Service Commission of the State of Missouri.

2. As the basis of this complaint, Complainant states the following facts:

My attempt to settle this issue with Empire Electric was futile as you can see from the attached copies of the letter I sent them dated January 21st, of 2008 and their response dated January 25th of 2008 from Rick Hendricks. That my claim was declined and then went on to suggest that I file this claim with my home owners insurance. I know from previous experience working in the utility industry as a Journeyman Lineman for Kansas Gas and Electric and as a Regional Operation Supervisor for Aquila for 35 years, what loses that could have been preventable and those that couldn't. I know what I am talking about when it comes to service restoration. I know that Empire is a state regulated utility, and they should have a restoration plan on file with you all. And I would like for someone to look it over, because once someone does I'm sure that you all will see that my loses and those of the other customers on this section of line could have been prevented, if Empire's staff had followed the procedures that they reportedly have. I refer you to Mr. Hendricks letter dated on the 25th of January, and on paragraph 2 that stated that it was the responsibility of the Restoration Manager to use all of the resources available in the most efficient manner, to restore as many customers as quickly and as safely as possible. Empire may have a response on file, but it is either not shared with their personnel or not in force. I know that utility companies are rated on their outage indices for their stock holders and financial supporters. I'd like to see what they reported for both of these storms.

3. The Complainant has taken the following steps to present this complaint to the Respondent:

I have attached a letter dated on the 21st of January 2008, of my attempt to try and settle this matter with Empire by pointing out their mistakes and oversights. It was then after receiving Mr. Hendricks's response attached letter dated on the 25th of January that I then tried to resolve this with an informal complaint with the Commission, see attached letter dated on the 26th of January, hoping that someone from Empire would see that I was serious about this. And that they should know that I was not going to set back and forget about it. I wanted Empire to look at how they handled both of these ice storms, because it really bothered and concerned me that Empire's Management was willingly accepting their poor response for both of these incidents. And to add salt to the wounds was listening to one of their representative being interviewed by a local news channel on the January storm. Boasting about how well things were going and that they tried to learn form each storm, each unpleasant incident. That Empire had service restoration plans in place and those plans were continually up dated. She said that Empire was continually looking at anyway possible to improve on how they handled these storms. She adds that Empire would always put the needs and service to their customers as their first priority and would always be looking at getting as many customers back in service as safely and as fast as possible. It is my hope to show the Commission that there were several mistakes made and that the Commission with its influence and authority can step in and get this settled. Because if this is indeed their restoration plan to disregard back feeding and making temporary repairs to expedite the restoration of service then we the unfortunate customers are the ones that will truly suffer one storm after another if there is no interference and corrective action taken by the Commission. Please see continuing documents for Complainant Response

Also please see the attached supporting documents.

1. A one line of Empire's three phase line showing the location of their Load brake switches
2. Two list for the lost food that had to be disposed of for both ice storms.
3. A full detailed response of what was done or should have been done

WHEREFORE, Complainant now requests the following relief:

I am 100% disabled with a chronic and crippling disease and rely on my hot tub as a very important part of my daily therapy. This was prescribed and installed under my Doctors orders and request, to help control the very painful side affects of my illness and to lose the use of this invaluable asset really sat me back. I use this hot tub everyday to try the control the pain associated with this illness. Everyday that I can use it instead of some chemical that have to ingest or force my system to endure is one more day that I do not have to put up with the side affects of that medications. Plus it saves me from the additional cost of prescriptions. We work hard to get by on a fixed income and when we lose several hundred dollars because of incompetence it really hurts. I have attached copies of the losses for both storms, and that total for both was \$583.67. Mr. Hendricks suggested that I turn this over to my insurance company, and I would have if it was truly something out of Empire's control. But this wasn't and I could not in good faith try to get my insurance to pay for Empire's mistakes.

I have attached a list of groceries that we lost, but that doesn't cover the heart ache and inconvenience we had to endure trying to sleep in a cold house the first night with no running water to cook with, to shower and to flush the stools the loss of use for my hot tub. This also does not cover the trouble for us to pack up and move in with our then pregnant daughter and son in law and their two little girls for 5 days let alone of how much stress this caused us all.

Attached is an itemize list of our losses for both storms

30 Mar 2008

Date



Signature of Complainant

Attach additional pages, as necessary.

Attach copies of any supporting documentation.

3

ICE storm of January 2007

I live on the south west side of the intersection of Highways 96 and O, and during the outage in January we were being feed off of the Alba line. I have attached a one line of how Empire circuits feed at the start of the 5 day outage in January of 2007. It will show that the service to my house and another estimated 140 other customers could have been restored so simple and easy if anyone cared to look at their alternate sources of feed for this area. They could have back feed this section from two routes, routes that seem to me as ones that were planed and set up for this course of action because of the load pick up style switches in place. The first one was from a three phase feeder coming from Oronogo running east on 96 Hwy and the second one was from a three phase feeder coming down Jack Pine Road.

The cause of this outage was of a large dead tree just south of Alba, about 2 miles north of my house; it went thru all three phases. With nothing else to do and with time on my hands I sat to patrol this section of line. I went from the troubled area all the way to the furthest end of this three phase line. That took me to Empire's switch number 12172 on Jack Pine road, this switch was standing open and with a little further patrol I found out that the circuit that feed this switch was coming from a sub station on the East side of 71 Hwy. This is the sub station that serves the cold storage plant on the north side of Carthage. What should have been an hour to two hour outage at the very least turned into a 5 day mess, because no one from Empire knew enough to back feed this section of line. Just for the record switch number 12166, switch number 12165 and switch number 12172 are L&B style three phase switches. My question for Empire is why have them in service and on the line if they are not going to use them for the reason they were installed?

I went to the Carterville Service Center to talk with anyone who could help me get my lights back on. I was told that the supervisor was in the field because they were short handed. I was able to talk with a couple members of Empire's personnel that were waiting in their show up for their next job assignment! I was able to share my dilemma and frustration with being needlessly out of service, when all it would take is to close one three phase switch. I readily admit that I was not familiar with their circuit loading capabilities. This is a very important factor to take under consideration when you are trying to juggle the additional load. Empire's personnel were more then happy to agree with me about my lack of knowledge of their system. They were very quick to come to the support of their Supervisor, this support I found very endearing, they told me that he was working short handed and was doing the best that he could with what he had to work with. I agreed with them, but for the sake of getting estimate 140 customers back on line with temperatures forecasted to be in the low teens the rest of that week. I definitely would have tried to pick this load up from one of the two other feeders with those forecasted low temperatures!

Empire's service personal have to be at least a Journeyman Lineman before they can bid on their service trucks, they have experience in the operation side of the house. They should know their circuits, their tie points what sections can be back feed from to restore service. With a functioning restoration plan that same serviceman that was sent on this

outage should have helped the supervisor on call. He should have given that Supervisor options as to what they had seen in the field especially if it was someone on call that wasn't familiar with that part of the system. He should have informed the supervisor on call that they could open switch number 12165 to isolate this section of line from the troubled area and closed switch number 12166 or switch number 12172. But because it seems that no one knew how to back feed from one sub station feeder to another or from one sub station to another, 140 customers was left out of service for 5 full days.

Well imagine my surprise and outrage to find out that later the same month that we were being feed from the same three phase line coming from Oronogo. That's the same circuit that could have been switched during the January ice storm. This was the same line that I was told in not so many words that I didn't know anything about their system or their systems loading. I do a small amount of wood working and before this outage experienced some problems with circuit breakers tripping and when I went to trouble shoot the cause I found that my service voltage was low around 118 volts to ground at my panel, but with the change my voltage now runs around 122 to 123 volts at my panel.

Now for the ICE storm of December 2007

We lost power on this storm on Saturday when a three phase cross arm broke because of the ice loading on the three phase lines located on the north side of Highway 96 just west of the intersection of Hwys 96 and Hwy O this killed power to the same estimated 140 customers, that were mentioned in the ice storm in January as well as the whole town of Oronogo. I assume that a serviceman was dispatched on this outage and he would have had to patrol this section of line because either a sub station breaker or an OCR wouldn't have held with a phase to phase condition or phase to ground. So a serviceman would have had to patrol this section of line, it was at this time he would have found that he had two phases down on the ground because of a cross arm that failed, just one span east of switch number 12166 now a normally closed switch that feed east on Hwy 96 as can be seen on the one line that I have attached and shown as pole number 1, pole number 2 is the location of the bad cross arm, pole 3 is the location of the double dead ended structure. We know that a switching order was given to open and tag switch 12166. This was a good call because it allowed service to be restored to Oronogo and all the way to the west side of switch number 12166, I would have made the same call but this is where Empire's operations and craftsmen and I differ in our operations practices.

Because with a efficient working restoration plan in place that same serviceman who found this troubled area, would have reported back in what the problem was and if it was something that he could do safely or if a crew was going to be needed. If it was something he could do safely then he would handle what was needed. Now I do not expect a serviceman to turn into a one man line crew to attempt to repair sections of line, when a line crew is needed. But as I stated before there was a cross arm broken and two phases were down on the ground. The location of the failed cross arm was between a visual opened three phase switch and a double end structure. What I did expect from that serviceman was to inform that same supervisor that he could safely cut these two conductors in the clear, the booms on their trucks are insulated and so are their hot

cutters. This would have isolated this troubled area and then after a quick patrol of the remaining circuit providing there was no other troubled areas switch 12172 could have been closed. As it was there was some single phase primary on the ground just past a sub lateral cut out south of the RR tracks on County Road 200 that could have been opened and made safe and service could have been restored to an estimated 100 customers.

But what happened was this section of line was left out of service and the lights were left off to an estimated 100 customers for 8 very long and grueling days, and most of us suffered not only the loss the use of our homes we also economic hardship of having to seek shelter in hotels and motels or with friends and families else where, and that doesn't include the material loses of all the spoiled products that had to dispose of as well.

To further prove my issues that Empire has no functioning restoration plan in place or in use. I saw first hand their lack of control over their crews and the out side contractors that were called in to restore service. On Wednesday while I was out working in my yard cleaning up downed limbs and trash, I saw 8 contract tree crews come east on Hwy 96 and turn north on Hwy O . That was 8 bucket trucks, they were using two bucket trucks at each site along the way, while one truck was working or in the air the other one was blocking traffic or acting as a road guard. The section they started on had trees that were near any of the lines, these trees were well below the phone lines on this feeder. If Empire wanted to clear cut this line why didn't they do it before the storm not after. That was one case of the lack of control, that tree contractor will bill for all of those bucket trucks and equipment and that improper cost will be past right on to the customer. The day they got my power back on was worse, I was out in my yard working on the tree limbs and trash when *11* that's right eleven Empire trucks pulled in to fix the bad cross arm and splice out the downed two phases. There was two if not three bucket trucks, four digger derricks trucks, a flat bed truck loaded with a couple spools of wire and material, the rest were service trucks. You should have seen this mob, there was two bucket trucks set up one on either side of this pole, something that one man and one bucket could have taken care of. They had one of the digger derricks with a bucket on it set up to install the grounds. I stopped what I was doing and went to the nearest member of this group and told him that there were a couple sections of a single phase line down connected to this section of line that needed repair. He told me that he would pass it on, the foreman in charge. There were five or six men acting as ground men, splicing in a short section of conductor and using their hand lines pulled it up to the men in the bucket trucks. You would have thought that the with information that this group would have either spilt up and some of the people or at least one service truck would have been sent to patrol this section of line to get a feel for what was needed. But what happened was we had several of these men set back watch two men work on replacing one bad cross arm. I don't know if they have no action plan that works and they just can't figure it out or they don't have a clue how to effectively and safely expedite service restoration.

If you would kindly look at the second paragraph of Mr. Hendricks letter dated on January the 25th where he said that his Restoration Mangers were to use their resources available in the most efficient manner to restore as many customers as quickly and as safely as possible. This is an area where they really need to rewrite their game plan,

because their plan does not work. Because a 2 hour outage turning into 5 days and another 2 to 3 hour outage turning into an 8 day nightmare. He says one thing but his staff does another. Was his Supervisor in Carterville in charge of the whole state or just his area?

As I stated before I worked for Missouri Public Service Company, now Aquila for 20 years as a Regional Operations Supervisor and before that I worked for Kansas Gas and Electric in Wichita. With both companies we had our own service territory and we had to know our circuits and our loading for summer or winter. We took load checks every year in both our summer peak as well as our winter peak. All of our on call staff of supervisors and all of our service and crew personnel knew that they were to always look at ways to safely back feed, for ways to safely isolate troubled sections in order to get as many of our customers back on as soon as possible.

I know several Empire employees both active and retired and they all say the same thing, no one has a clue as to what they are doing. I had a retired lineman from Empire tell me that he watched his lights go on and off again for eleven times, in a row. It was readily apparent that someone was at the feeder controls trying to pick up this circuit with its entire cold load. The correct procedure would have been to split up the load but someone didn't want to take the time to do it right. This lack of common sense really hits the customer's service entrance hard with all of that in rush current and voltage, it's like snapping a whip as you all well know. That doesn't even account for the damage this does to the companies sub station's equipment the breakers, that really shortens their service ability, and this cost gets pushed on the customers in the end as operating cost.

I know that no plan works the same everywhere but that's where you work it over and make it fit your needs. I chaired a committee that helped set up the major incident plan for Aquila (formally Missouri Public Service) where we were covered in the event of an ice storm, tornadoes, major gas out ages. In the section of territory that came under my supervision all of my Field Supervisor, Construction Coordinators, Line crews, Electric Servicemen, Local Maintencemen, Meter readers and Storekeepers all knew of their assigned tasks and areas because it covered and practiced several times throughout the year. The Operation Manager / Supervisor stepped into the role of the Disaster Coordinator and this was a person who was the most knowledgeable of the area affected. This person oversaw the entire operation and made the all of assignments, made all of the switching orders with the input of his field staff. As I would think that you and your staff have seen the disaster plan that is in place with Aquila maybe because I've been gone for 6 or so many years now, all I can say it was a very safe and workable plan. Still the key to any plan's success is to make it simple and to empower your personnel to step up, to get that trust built between all of the players. To get that buy in and use of their experience and for the supervisors to be open and secure in them selves and to accept and foster a successful Teaming with their union personnel.

Thanks, Daniel E. Brown
9953 County Road 200
Carthage, Missouri, 64836
417.673.2186

Attached supporting documents

Copy of my letter to Empire

Copy of Empire's letter of denial

Copy of my informal complaint to the PSC

One line sketch showing the location of switches and the State Highways

Itemize list of losses



Commissioners

JEFF DAVIS
Chairman

CONNIE MURRAY

ROBERT M. CLAYTON III

LINWARD "LIN" APPLING

TERRY JERRET

Missouri Public Service Commission

POST OFFICE BOX 360
JEFFERSON CITY MISSOURI 65102
573-751-3234
573-751-1847 (Fax Number)
<http://www.psc.mo.gov>

WESS A. HENDERSON
Executive Director

DANA K. JOYCE
Director, Administration

ROBERT SCHALLENBERG
Director, Utility Services

NATELLE DIETRICH
Director, Utility Operations

COLLEEN M. DALE
Secretary/Chief Regulatory Law Judge

KEVIN A. THOMPSON
General Counsel

December 26, 2007

Daniel Brown
9953 County Road 200
Carthage, MO 64836

Dear Mr. Brown:

This letter is to acknowledge receipt of your informal complaint against **Empire District Electric**. We are in the process of investigating this matter. Given the technical nature of your complaint, we have forwarded your complaint to our Operations Department for their investigation. When the investigation is completed, we will be back in touch with you.

In the meantime, if you have any questions or additional information to provide concerning this matter, please send it to the Missouri Public Service Commission, Operations Department or Consumer Services Department, P.O. Box 360, Jefferson City, MO 65102 or you may **contact our office at 1-800-392-4211 and we will connect you with the appropriate Commission representative handling your complaint.**

Sincerely,

Consumer Services Department
Missouri Public Service Commission

9953 County Road 200
Carthage, Missouri,
64836
January 26, 2008

Missouri Public Service Commission

Ladies and Gentlemen:

I have attached a copy of the letter that I sent to Empire Electric about the December and January ice storms and requesting payment for the amount of food that we lost. I received a response today from Rick Hendricks denying that claim, and it shows that you all were to receive a copy of this denial. If you didn't please let me know and I'll get you all a copy fax over as soon as requested.

Well Mr. Hendricks was nice to point out that I did not know the extent of the ice storms and he was right, I didn't know and I didn't have too. But I do know what expedient restoration of service is and I do know that Empire Electric does not. They do not practice what they preach; even in his letter in the second paragraph he says that Empire always looks to use all of the resources available in the most efficient manner to restore as many customers as quickly and as safely as possible. Well that was the case what happened during the December outage where they could have opened switch 12165 and closed switch 12166 at the onset of that outage, this would have restored service to an estimated 140 customers the very same day. They chose to leave these customers out of service for 5 days then someone makes the call to close switch 12166 which restored service to this section of line. I patrolled this section of line and found it all in the clear. That was the same switch I tried to get them to close at the onset of this outage and it must have been the right choice because they left us feeding off this line the rest of the year.

Mr. Hendricks also went on to point out that their company Manager used what resources he had available in the most efficient and safe manner; I disagree with this part of his letter as well. If I'm not mistaken all of their Servicemen are card carrying journeyman lineman and they report in as to what they find in the field during situations like this and they need to give that same Manager all of his options. This is again where I say they talk out of both sides of their mouths, as I have pointed out in the second paragraph of his letter. They take the easy way out, and turn things over to the crews, instead of relaying options for that same Manager. Just as I outlined in my letter to them, there was steps that their serviceman could have safely handled that would have restored service to my area. This gives me cause to really worry because how many other areas of their service territory were this type of decisions made.

Respectfully,



Daniel E. Brown

dan.brown@yahoo.com

417-673-2186

Rick Hendricks
Empire District Electric
602 Joplin Street,
Joplin, Missouri, 64801

January 21st, 2008

Dear Rick

January Ice Storm of 2007

Let me be the first to say that there is nothing wrong with making a mistake as long as you learn from it. I have made a few during my 39 years in the industry with the last 20 years as an Operations Manager for Missouri Public Service. To fight these storms efficiently takes an experienced and skilled team that is dedicated to their customers. This team should be continually ways to improve their responses and restoration times; as well as ways to enhance and hone their skills and abilities. Rick you know as well as I do, that all utility companies are rated on, the number of outages for each customer per month and per year and the duration of these interruptions. I have first hand experience, with PSC inspections of this nature, from my employment with Kansas Gas and Electric and with Missouri Public Service. One area where your company dropped the ball was not looking at your system one lines, the ice storm in January you could have back feed the area serving my neighborhood restoring power to an estimated 140 customer. I went to your Carterville Service Center trying to convince someone to look at closing the three phase switch number 12166 that is located just four poles west of the intersection of state highway 96 and that of county road O. By back feeding from this line, power could have been restored to your customers, but I couldn't find any company supervisors to talk with and we were out of power for 5 days. We lost over \$200 dollars worth of food and went thru hell trying to survive just as your other 139 or so customers did on this section of line. There was no action taken and this area was left in the dark for 5 days, and the real kicker here is on the sixth day we were switched over to the Oronogo feeder, by closing the same three phase switch 12166 that I tried to get someone to close. A bottle neck occurred in your organization leaving over an estimated 140 customers out of service for no justifiable reason.

December Ice Storm 2007

An instant replay of the January storm, the same estimated 140 customers out of service, with the exception this time; you lost a cross arm and had two primary phases down on your feeder running east to west on State Highway 96 just east of your three phase switch 12166 also some single phase down feeding off this feeder on Ivy Street. Your serviceman opened switch 12166 thus isolating the section of damage line clearing the way for service to be restored to the town of Oronogo. At this time an action plan challenging your staff to think out of the box would have come into play. This plan would have stressed looking at each outage for ways to reroute and restore service to as many customers as soon as possible. For example back feeding affected areas.

All that was needed to temporally restore service for this area was to cut all three phases in the clear on the second pole east of pole with the bad cross arm pole, which was a doubled dead

ended structure and to lift a hot line clamp at intersection of County Road 200 and Ivy Street. This would have been a safe repair where there no way a conductor could have pulled loses. And after cutting this section in the clear switch number 12172 could have been closed

Apparently you do not have an action plan in place, because this same section of line was again left out of service for 7 days during the December ice storm which affected the same estimated 140 customers as the January ice storm. Or your spokes woman, Amy Bass has it all wrong when she said that your company learns from each emergency situation on how to better respond. If you had an action plan in place on the December ice storm, that same serviceman would have reported in asking for permission to cut the two down conductors in the clear on the second pole east of this troubled area.

This could have been done safely because this pole was already a double deadened structure. So there was no worry of having the conductor on the other side pull through, thus having another line down. It was on a section of dead line so there should have been no safety concerns for your serviceman to work out an insulated bucket, with set of insulated hot cutters, this line could have been cut in the clear. You could have restored service to a good portion of your 140 customers with this simple action.

It was your company's lack of action, and choosing not to look at all of the alternate sources of feed that you had in place which could have been used to restore our service. I feel that your company is at fault for the losses we had to endure for both of these ice storms; therefore I am submitting an itemized claim for what perishables we lost, in the combined billing of \$583.67 dollars. Your companies blunder and repeated failure to respond to incidents of this type has driven me to also file a complaint with the Missouri Public Service Commission. And after a couple of lengthily conversation with the PSC staff, who by the way agree with me on how badly the recovery was handled for the January outage. As for the December storm, I'm waiting to hear back from them as soon as the middle of this week. I have attached itemized claims, one for each outage, as well a drawing high lighting your three phase feeder for this area, showing location of your company's three phase switches. .

Would you please check into why this section of line has experienced outages on the 11th, 14th and again on the 15th, these interruptions are short in there duration, but outages none the less and they are really hammering our appliances. Rick, I look forward to hearing from you and appreciate your help.

Respectfully,



Daniel E Brown

9953 County Road 200,
Carthage, Missouri, 64836
417-673-2186



January 25, 2008

Mr. Daniel E. Brown
9953 County Rd 200
Carthage, MO 64836

Dear Mr. Brown,

I am in receipt of your letter dated January 21, 2008. I must respectfully deny your claim for lost food and suggest any claim you have be filed with your home owner insurance, where ice is normally a covered peril.

While you are obviously very aware and knowledgeable of how our system serves you and the other customers in your immediate area, I must respectfully point out that we had customers out over a much larger geographic area. If in fact you have worked this type of catastrophic storm during your years in the industry, then you must also know that decisions and the plan being worked dealt with literally ten's of thousands of other customers being out during this same time frame. The responsibility of the restoration Manager is to use the resources available in the most efficient manner to restore as many customers as quickly and as safely as possible. Without knowing what other system issues were on the table and what resources he had available, in my opinion it would be irresponsible to question or second guess the Manager's decisions.

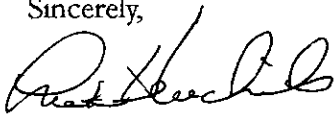
I have myself been in this industry for over 30 years and have worked a lot of storms. I know the Manager whose decisions you are questioning and am confident that he made the right decisions. Perhaps if you had the whole picture to look at, instead of only a small piece of the puzzle, with your industry knowledge, you would have agreed with his decisions.

Finally, we are aware of the breaker operations you experienced on January 11, 14 & 15. In addition we are aware that the breaker operated multiple times yesterday morning, January 24, 2008. We have patrolled the line each time the breaker has operated. We have found a couple of transformer's that while they were not bad order, they were suspect and we have changed them out. In addition we found several insulators that have been shot with a high caliber rifle. Again, with your experience I am sure you know that this is an on going maintenance problem. Those insulators have been changed. We are also in the process of installing a new set of switches on the South side of the elementary school on D Hwy. This project was in process prior to the December ice storm. The engineering is completed and the job is at the line department. This will allow us to shift some of the load on this circuit, which can be a problem on extremely cold mornings like yesterday.

Please let me know if you have any other questions that I might address.

January 25, 2008

Sincerely,

A handwritten signature in black ink, appearing to read "Rick Hendricks". The signature is fluid and cursive, with a large initial "R" and "H".

Rick Hendricks
Manager of Community Relations

Cc: Missouri Public Service Commission

Project Name: _____


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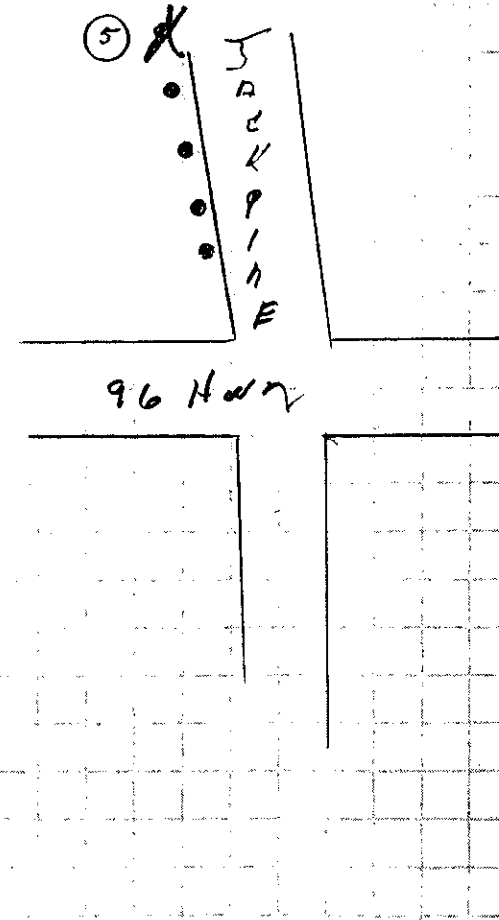
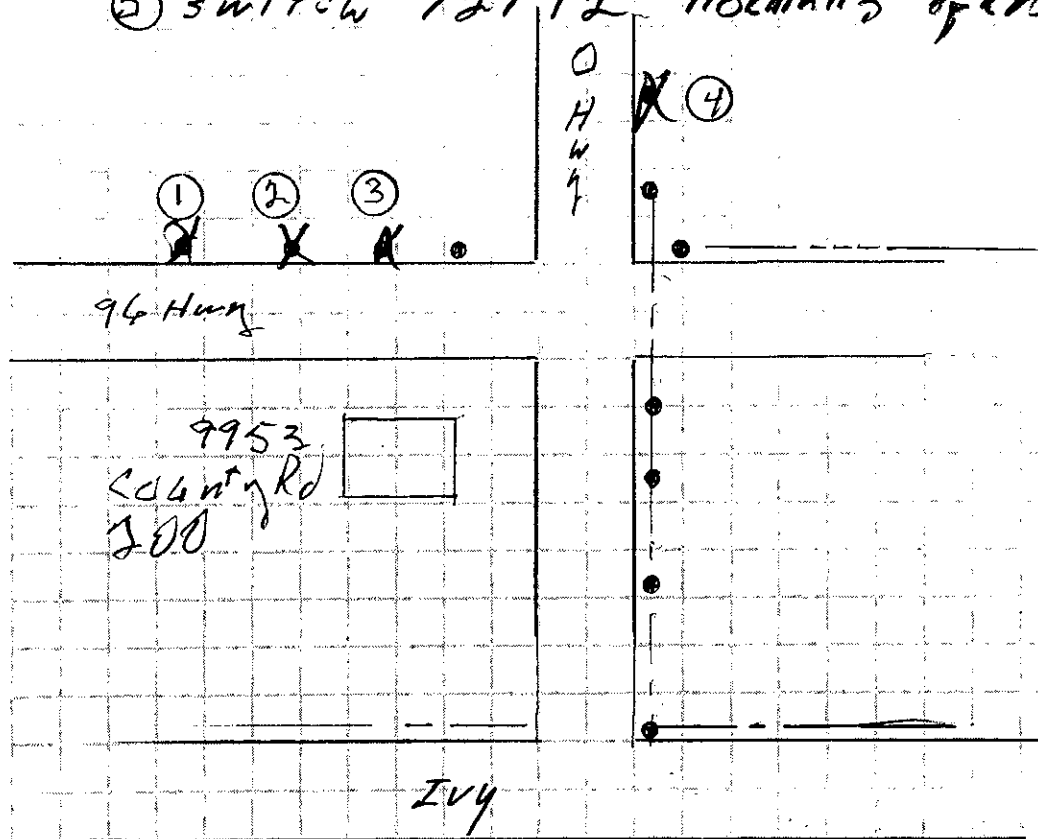
W.O./File # _____

Date _____

By _____

MISSOURI
PUBLIC
SERVICE

- ① switch 12166 normally closed 3Ø 
- ② Location of bad on 856 Arm
- ③ double deadend pole
- ④ switch 12165 normally open 3Ø
- ⑤ switch 12172 normally open 3Ø



January ice storm 2007

5 Totino's pizza	1.25 each
1 Red Baron cheese pizza	3
2 package of two Rib eye steaks 1-15.17, 1-13.46	28.63
3 packs of skinless chicken breast	5.35 each
2 package of chicken tenders at 4.67 each	9.34
2 Krojer cooked cocktail shrimp	6.76
4 Lean Cuisine frozen dinners	2.48 each
3 frozen Broccoli vegetable mix	1.92 each
1 Miracle Whip 16 oz	2.21
2 2 two dozen large eggs at 2.37 each	4.74
2 32 oz Box of egg beater at 4.98 each	9.96
2 1/2 gallon Organic Soymilk at 2.94 each	5.88
1 3 lb package of hamburger	6.93
3 packs of Activia at 1.98 each	5.94
1 bag of Ore-Ida french fries	2.24
4 packs of Hot pockets at 2.16 each	8.64
1 box of corn dogs	4.98
2 box of beef Taquitos at 6.98 each	13.96
2 packs deli lunch meat, ham & turkey at 2.50each	5
3 Tyson boneless pork roast at 3.12 each	9.36
1 bag of Best Value shredded cheese	5.96
1 1 qt of Haagen Dazs ice sherbet	2.76
6 Bags of sugar free ice pops at 1.68 each	10.08
1 bag of 18 count pop sickles	1.74
2 bags of Salmon steaks at 3.36 and 3.58	6.94
2 1 package of Orange Roough fish fillets	8.22
3 16 oz packages of Jimmy Dean sausage at 2.64 each	7.92
1 40oz box of Bisquich pancake mix	2.86
1 5 pound rump roast	13.86
1 24oz KC Masterpiece Barbuque sause	4.98
1 16oz bottle of Kraft Ranch dressing	1.86
1 24 oz bag of frozen broccoli	<u>2.5</u>
	197.25
	<u>13.81</u>
	211.06

December ice storm 2007

7	10.2oz Totino's pizza	.98 x 7	6.86	2	16oz packages of Hillshire sausage	2.50 x 2	5
1	Red Baron cheese pizza	4	4	1	20oz box of State Fair corn dogs	5.94	5.94
1	Package of two Rib eye steaks	12.37	12.37	1	24oz package of Oscar Mayer sliced turkey	5.88	5.88
3	packs of skinless chicken breast	5.96 x 3	17.88	1	two lb package of lean hamburger	7.28	7.28
2	Packages of Krojer cooked cocktail shrimp	9.73 x 2	19.46	2	32oz package of Ore-ida french fries	2.36 x 2	4.72
4	Lean Cuisine frozen dinners	2.82 x 4	11.28	1	16oz package of Oscar Mayer Cotto Salami	2.38	2.38
3	24oz bags of frozen Broccoli	2.50 x 3	7.5	2	16oz packages of frozen mixed vegetables	1.86 x 2	3.72
1	32oz box of Egg Beater Southwestern	4.98	4.98	1	40oz box of Bisquich pancake mix	2.86	2.86
2	1/2 gallon Organic Soymilk	2.86 x 2	5.72	1	26.4oz package of fresh boneless, skinless chicken strips	5.24	5.24
1	3 lb package of hamburger	8.54	8.54	1	4lb rump roast from Wallace Meats		7.99
2	packs of Hot pockets	2.16 x 2	4.32	1	2lb package of lean hamburger from Wallace Meats		5.79
1	box of beef Taquitos	6.81	6.81	1	16oz tub of Ranch chip dip	1.47	1.47
2	Tyson boneless pork roast	6.98 x 2	13.96	1	32oz jar of Kraft Miracle whip	2.5	2.5
1	32oz bag of Best Value shredded cheese	6.98	6.98	1	27oz Hormal center cut pork loin filet	3.94	3.94
2	Phillsbury pie crusts	1.37 x 2	2.74	1	10oz jar of Kraft cocktail sauce	1.54	1.54
3	Bags of sugar free ice pops	1.74 x 3	5.22	2	16oz containers of Great Vaule mustard	.67 x 2	1.34
1	bag of Salmon steaks	3.48 x 3	10.44	1	15oz package of Tostitos salsa con Queso	4.98	4.98
2	18 count package of popsicles	1.66 x 2	3.32	1	16oz jar of mild Riverwalk cantina salsa	0.98	0.98
2	16oz frozen Pescanova Orange Rough fish fillets	8.82 x 2	17.64	1	16oz bottle of Kraft sun dried tomato dressing	1.98	1.98
3	Health Choice French pizza bread	1.98 x 3	5.94	1	24oz bottle of KC Masterpiece Honey Teriyaki marinade	5.16	5.16
1	14oz boxes of Nabisco cream of rice	3.17	3.17	1	11oz bottle of Kikkomau sweet and sour sauce	2.18	2.18
1	14oz box of Nabisco cream of Wheat	3.17	3.17	1	46oz bottle of Hunts ketchup	1.78	1.78
2	19.2oz packages of ground turkey burger	2.42 x 2	4.84	1	32oz bag of Monterey and Cheddar shredded cheese	6.98	6.98
1	28oz boxes of frozen Tyson chicken strips	6.98	6.98				
4	4 packs of Activia	2.13 x 4	8.52				
2	two dozen extra large eggs	1.93 x 2	3.86				91.63
2	8oz containers of cool whip	.97 x 2	1.94				
3	8oz packages of Philadelphia cream cheese	1.66 x 3	4.98				
4	1lb 3 oz Phillsbury butter milk biscuits	1.37 x 4	5.48				
1	32oz container of Egg Beaters	4.98	4.98				
1	24oz bottle of Valasic Baby Kosher dill pickles	2.58	2.58				
1	16oz container Highland sour cream	2.26	2.26				
1	32oz jar of Pace Salsa	3.98	3.98				
2	8oz jars of Sea Queen Cocktail sauce	1.54 x 2	3.08				
1	13oz jar of Wind Stone Farm Blackberry jam	2.64	2.64				
1	12.75oz jar of Smuckers sugar free strawberry jam	2.46	2.46				
2	16oz Great value sliced ham	2.98 x 2	5.96				
1	26oz jar of Sam Choice salsa	1.74	1.74				256.6
1	45oz tub of Country Crock	2.28	2.28				91.63
2	16oz packages of Jimmy Dean sausage	2.87 x 2	5.74				348.23
						tax rate .07%	24.38
			256.6				372.61

Empire should pay

Again our area suffered an extreme blow from Mother Nature, which impacted every segment of our community.

A storm such as this and last year's are unavoidable, but much of the tragic consequences, personal suffering, and financial loss could have been avoided if our state's governing board for public utilities did its job by preventing Empire Electric's avarice in the first place. Empire has benefited financially for many years by failing to provide the basic maintenance service to its lines and rights of way.

This lack of maintenance has increased profits for shareholders and management, while exposing their customers to the negative consequences that have been experienced during the past two winters. Be prepared for Empire to ask the Public Service Commission for permission to raise our electric rates once again, due to the cost of restoring power to the many customers after this recent storm. If the PSC is truly watching out for the public, they will deny this request. Empire reaped the benefit once, by failing to provide basic services. Now Empire should be asked to draw from its coffers the brunt of the expenses for the repairs associated to the recent ice storm.

I am sure this will be painful to the company and its many shareholders, but surely not as painful as what many have had to endure during these past two winters.

Steve Chodrick
Joplin

Looking for relief

Last winter I was an Empire booster for all the hard work and effort of the crews.

This time, I think, Empire done bad. I don't know what excuse there is this time when they had all summer to rectify the problems and make sure the lines and transformers were protected.

After the last time, my electric went up 50 more dollars. What will it be this time? I am certainly looking for a way to get some relief by installing my own power.

Don Miller
Joplin

Utilities

Continued from Page 1A

Amy Bass, spokeswoman for Empire, said the investigation is standard procedure with a storm of the magnitude that occurred in December. She said the commission has looked at Empire in the past after an ice storm, but she believes this will be a more formal investigation.

Kelly said Empire has never been a part of this type of investigation, even after the January 2007 ice storm. He said the geographic scope and the length of time people were without power prompted the investigation.

He said the investigation will work with the utility companies' internal investigations, and an initial report will be filed with the commission no later than April 3.

The PSC staff is asking for public comment in the investi-

To participate

Applications to intervene and participate in this case must be filed no later than Jan. 22 with the secretary of the Missouri Public Service Commission, P.O. Box 360, Jefferson City, MO 65102, and the Office of the Public Counsel, P.O. Box 2230, Jefferson City, MO 65102.

Anyone from the public who wants to submit written comments to the commission may do so by mailing the comments to the Public Service Commission, P.O. Box 360, Jefferson City, MO 65102.

Comments also may be submitted electronically at pscinfo@psc.mo.gov or by calling the commission's toll-free number, (800) 392-4211.

gation of how the utility companies performed.

"The customer comments are important," Kelly said. "We want to know if people called to report an outage and couldn't

get through to the company, or if they got through but didn't get a satisfactory response, or if the person on the other end was professional. We want to know if they promised things that they didn't do."

Wes Henderson, executive director of the PSC staff, urged utility customers to submit the comments as soon as possible because a preliminary draft of the report will be ready two weeks before the deadline.

Bass said Empire has not yet assessed its response to the storm. She said the company learns from each emergency situation how to better respond the next time.

Henderson said that after the report goes to the PSC, the commissioners will decide which recommendations to put into place. He said the report could change the rules affecting Missouri utility companies' everyday operations. The report also could result in disciplinary action.

"Disciplinary procedures are possible, but at this point, we are not aware of any violation of the commission's rules," Henderson said.

Kelly said he doesn't think there was a large number of customer complaints or inquiries regarding Missouri utilities' response to the ice storm. While Empire has never been investigated in such a way, Kelly said it is not that unusual considering that some customers across the state were without power for seven to 10 days.

Henderson said the PSC staff did a similar investigation into Ameren a year ago, and into Kansas City Power & Light in 1992.

"We will be taking a detailed look into (the utility companies') storm preparation," Kelly said. "If there is a way we can limit the number of days people have to be without power, we want to find it."

Melissa Dunson is the business writer for The Joplin Globe.



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Missouri Public Service Commission

POST OFFICE BOX 360
JEFFERSON CITY, MISSOURI 65102
573-751-3234
573-751-1847 (Fax Number)
<http://www.psc.mo.gov>

WESS A. HENDERSON
Executive Director

DANA K. JOYCE
Director, Administration and
Regulatory Policy

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Director, Utility Services

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KEVIN A. THOMPSON
General Counsel

Information Sheet Regarding Mediation of Commission Formal Complaint Cases

Mediation is a process where the parties work together to try to resolve their dispute with the aid of a neutral party, the mediator. The mediator's role is help the parties talk to each other. The mediator may offer suggested solutions, but the mediator has no authority to tell the parties what they must do or to determine who "wins." Instead, the mediator simply works with both parties to help them reach an agreement.

Typically, at a mediation session the parties meet for an off-the-record discussion. The mediation session is not a formal proceeding like a hearing and no attorney is required to participate. The Regulatory Law Judges at the Public Service Commission are trained mediators and this service is offered to parties who have formal complaints pending before the Public Service Commission at no charge. If mediation is agreed to by the parties, the Commission will send notice of who the mediator will be and that person will set up the first meeting.

There cannot be a mediation unless both parties to the complaint agree to try in good faith to resolve the dispute. If both parties agree to mediate the complaint, the only information about the mediation that will be disclosed to the Commission is (a) whether the case has been settled and (b) whether the mediation effort was considered to be helpful. The Commission will not ask what was discussed during the mediation.

If the dispute is settled at the mediation, the Commission will require a signed release from the party filing the complaint before the formal complaint case can be dismissed. If the dispute is not resolved through the mediation process, neither party will be penalized for having taken part in the mediation and the formal complaint case will simply pick up where it left off.

A handwritten signature in black ink, appearing to read "Colleen M. Dale".

Colleen M. Dale
Secretary