

BEFORE THE PUBLIC SERVICE COMMISSION

OF THE STATE OF MISSOURI

In the Matter of Program Criteria of) **Case No. EO-2005-0386**
The Empire District Electric Company.)

ORDER DIRECTING FILING

On April 26, 2005, The Empire District Electric Company, together with Praxair, Inc., Explorer Pipeline, the Energy Center of the Missouri Department of Natural Resources, the Public Counsel, and the Staff of the Missouri Public Service Commission, filed a Notice advising the Commission that these parties had not yet been able to meet and cooperatively develop program criteria as provided by Paragraph 11 of the Stipulation and Agreement as to Certain Issues approved by this Commission on March 10, 2005, as part of its resolution of Case No. ER-2004-0570, the general rate case of The Empire District Electric Company. The cited Stipulation and Agreement required that this meeting occur within 30 days of the effective date of the Commission's approval thereof, that is, by April 27, 2005. The Notice expressed the parties' hope that the required meeting and cooperative criteria development would occur within the course of the 90 days following. For that reason, the parties stated that they did not require the Commission to set the criteria – the cited Stipulation and Agreement provides that the Commission will do so if the parties are unable to reach agreement.

The Commission will direct its Staff to file a status report on May 26, 2005. The Commission expects that the status report will show that the first meeting of the parties has

occurred. In the event that it does not, the Commission will set a meeting and require the parties' attendance.

IT IS THEREFORE ORDERED:

1. That the Staff of the Missouri Public Service Commission shall, not later than 4:00 p.m. on Thursday, May 26, 2005, file its Status Report as described above.
2. That this order will become effective on May 3, 2005.

BY THE COMMISSION

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

Kevin A. Thompson, Deputy Chief
Regulatory Law Judge, by delegation
of authority pursuant to
Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 3rd day of May, 2005.