

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

In the Matter of the Consideration of)
Adoption of the PURPA §111(d)(14) Time-)
Based Metering and Communications Standard))
As Required by §1251 of the Energy Policy Act)
Of 2005)

Case No. EO-2006-0496

**THE EMPIRE DISTRICT ELECTRIC COMPANY
RESPONSE TO ORDER DIRECTING FILING**

The Empire District Electric Company ("Empire"), through its undersigned counsel and pursuant to the Missouri Public Service Commission's ("Commission") August 17, 2006, Order Sustaining Motion for Late Filing of Procedural Schedule, Setting Technical Conference, and Directing Filing, hereby submits the following responses to the questions posed in that order. Those questions and their associated responses are in reference to the PURPA §111(d)(14) Time-Based Metering and Communications Standard.

a) Can this case be closed based on "prior state actions" as provided in Section 1251 (b)(3) of the Act [16 U.S.C. 2622(d)], and why or why not?

Yes, Empire's tariff (Optional Time of Use Adjustment, Rider OTOU), already addresses this issue.

b) Can this case be consolidated with any, some, or all of the following cases—EO-2006-0493, EO-2006-0494, EO-2006-0495, and EO-2006-0497—because the issues addressed in one or more of these cases are similar, and why or why not?

If the Commission does not close this case for the reasons stated in the response to the previous question, this case could be combined with all of the dockets mentioned, since the subjects deal with the Energy Policy Act of 2005. However, Empire believes that this case should be addressed on its own since it does not fit neatly with the other cases.

- c) *What type of proceeding (e.g., rulemaking, rate case implementation, etc.) should the Commission use to address the issues in this case in order to meet the Public Utility Regulatory Policies Act of 1978 ("PURPA") Section 111(a) and 111(b) "consideration and determination" requirements [16 U.S.C. 2621(a), 2621(b)], and why?*

It would seem that no proceeding would be required in order to comply with the requirement for offering a time-based rate schedule. Any changes warranted in rates should be addressed in a rate case because it may result in cost shifting. Rate design deals with total system costs which are allocated to customer classes. If only one class is considered then costs may be over or under recovered.

Respectfully submitted,

_____/s/_____
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Certificate of Service

The undersigned hereby certifies that a true copy of the foregoing document was served upon the following by electronic mail, facsimile or U.S. mail, postage prepaid, this 15th day of September, 2006:

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