

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

In the Matter The Empire District Electric)
Company's Application for Certificate of)
Public Convenience and Necessity and)
Approval of an Experimental Regulatory)
Plan Related to Generation Plant.)

Case No. EO-2005-0263

STAFF'S PROPOSED PROCEDURAL SCHEDULE

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

1. On February 4, 2005, The Empire District Electric Company ("Empire" or "Company") filed with the Commission an Application requesting, in pertinent part, Commission approval of its experimental regulatory plan.

2. On June 22, 2005, Empire filed its Second Proposed Procedural Schedule, suggesting, among other things, an expedited procedural schedule in the event that the parties are unable to reach a Stipulation And Agreement in this case.

3. On July 6, 2005, pursuant to a Commission Order, the Staff filed its Response to Empire's June 22 pleading. The Staff noted that Empire's alternative proposed procedural schedule, which called for preparatory filings on July 11 and on July 14, as well as an evidentiary hearing on July 21-22, 2005, was unrealistic.¹ However, the Staff suggested that a Stipulation And Agreement could possibly be filed by July 11, 2005. The Staff requested an opportunity to propose an alternative procedural schedule by July 11, in the event that the parties

¹ Also on July 6, 2005, the Office of the Public Counsel, and Intervenors Praxair, Inc. and Explorer Pipeline Company filed pleadings in opposition to the Company's proposed procedural schedule.

were unable to reach agreement by that time. On July 8, the Commission issued an Order directing the Staff to file an alternative proposed procedural schedule by July 11, in the event that a Stipulation And Agreement is not filed by that time.

4. Although, the process has not moved as quickly as the Staff anticipated at the time it filed its July 6 Response, the Staff believes there is a high probability that an agreement will be reached. The parties met on July 8, and again on July 11, the filing date of the instant pleading. Considerable progress has been made. The Staff believes that what appears to be the last remaining significant issue has been resolved, and that an agreement will be concluded and filed some time this week.

5. In light of the above, the Staff suggests that the Commission schedule, for July 21, 2005, an on-the-record presentation of an anticipated Stipulation And Agreement. If a Stipulation And Agreement cannot be concluded, July 21 can serve as a date for a prehearing conference. The parties can, at that time, work to develop a realistic alternative procedural schedule, which the parties could likely file by July 25, 2005.

WHEREFORE, the Staff respectfully recommends that the Commission schedule an on-the-record presentation of a Stipulation And Agreement for July 21, 2005, subject to the contingency noted in paragraph 5 above.

Respectfully submitted,

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/s/ Dennis L. Frey

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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 11th day of July 2005.

/s/ Dennis L. Frey