

**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 RESPONSE TO EMPIRE'S SECOND 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, wherein, among other things, the Company suggested an expedited procedural schedule in the event that the parties are unable to reach a Stipulation And Agreement in this case. This alternative procedural schedule calls for the filing of a List OF Issues, List And Order Of Witnesses, and Order Of Cross-Examination on July 11, Statements Of Positions on July 14, and a hearing on July 21-22, 2005. Empire also requested that the Commission issue an Order that, among other things, allowed the parties until July 6, 2005 to respond to the Company's alternative procedural schedule. The Commission so ordered on June 28, 2005.

3. The parties have met for extensive periods of time on multiple occasions in an effort to reach an agreement in this case. At an all-day meeting held on July 1, the parties

produced a document that reflects the latest changes to the proposed Stipulation And Agreement. The parties are currently in the process of reviewing the document in preparation for another meeting, which may be held as early as July 7.

4. The Staff and the other parties are making every effort to conclude a Stipulation And Agreement as quickly as possible. If a Stipulation And Agreement is reached, the Staff expects it that it will be filed by sometime on July 11, 2005, in which case there will be no need to consider a procedural schedule concluding with an evidentiary hearing and possible post-hearing argument or briefs.

5. In any event, given that the date of this instant filing is already July 6, the Staff does not believe it is possible to develop a realistic procedural schedule calling for an evidentiary hearing prior to Empire's August 1 target date for a Report And Order. The Staff notes that the Commission has set July 12 at 1:30 p.m. for a further evidentiary hearing in the KCPL Regulatory Plan case, EO-2005-0329, and has not set a briefing schedule for that case. Accordingly, the Staff would like an opportunity to propose an alternative procedural schedule for the instant case by sometime on July 11, should the parties be unable to reach a Stipulation And Agreement in the few remaining days before then.

WHEREFORE, the Staff hereby submits its response to Empire's Second Proposed Procedural Schedule, and in the event that a settlement is not reached, requests leave to propose an alternative procedural schedule by no later than sometime on July 11, if necessary.

Respectfully submitted,

DANA K. JOYCE  
General Counsel

**/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 6th day of July 2005.

**/s/ Dennis L. Frey**