

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

In the Matter of The Empire District Electric)
Company's Submission of its 2013 Renewable)
Energy Standard (RES) Compliance Plan)

File No. EO-2013-0458

**ORDER DENYING MOTION FOR EXPEDITED TREATMENT AND HOLDING
REQUEST FOR WAIVER IN ABEYANCE**

Issue Date: May 22, 2013

Effective Date: May 22, 2013

On April 15, 2013, The Empire District Electric Company ("Empire") filed with the Missouri Public Service Commission ("Commission") its Annual Renewable Energy Standard Compliance Plan ("Plan") pursuant to Commission Rule 4 CSR 240-20.100. On the same date, Empire also filed a *Request for Waiver or Variance from 4 CSR 240-20.100(7)(B)1.F and Motion for Expedited Treatment* (respectively, "Request for Waiver" and "Motion"). Empire asserts that its Plan sufficiently explains the calculation of the RES retail rate impact as required by Commission Rule 4 CSR 240-20.100(7)(B)1.F, but Empire has submitted a Request for Waiver of that requirement in case the Commission determines otherwise. Empire also requests that the Commission grant expedited treatment of its Request for Waiver.

The Commission directed notice and provided an opportunity for parties to respond to Empire's Request for Waiver and Motion. Earth Island Institute d/b/a Renew Missouri ("Renew Missouri") filed a response opposing the Request for Waiver and Motion. Renew Missouri states that the Plan does not meet the requirements of 4 CSR 240-20.100(7)(B)1.F because it does not provide specific, detailed information about its calculation of the RES retail rate impact. Renew Missouri argues that requiring utilities to

provide this information about the RES retail rate impact serves several valuable purposes and that Empire has failed to demonstrate good cause to grant the Request for Waiver.

The Staff of the Commission filed a *Staff Recommendation on Empire's Request for Waiver or Variance from 4 CSR 240-20.100(7)(B)1.F*. Staff recommends that the Commission determine that Empire does not need the waiver or variance it requests. In the alternative, if the Commission finds that relief from the rule is required, then Staff recommends that it grant a waiver or variance from the rule.

On January 30, 2013, Renew Missouri and other organizations filed separate complaints against four electric utilities, including Empire, alleging that the utilities violated Commission Rule 4 CSR 240-20.100(7)(B)1.F in the same manner as alleged in this proceeding. Those complaint cases were consolidated by the Commission into File No. EC-2013-0379, which is currently pending and scheduled for an evidentiary hearing on October 22, 2013. The issues and allegations in the complaint case and this matter are the same, except that the complaint case involves the RES compliance plan from a different calendar year. In the interest of administrative economy, the Commission determines that the resources of the parties should be directed toward the resolution of the complaint pending in File No. EC-2013-0379. Therefore, Empire's Request for Waiver will be held in abeyance pending the resolution of that complaint case. This determination will prevent the Commission from resolving the Request for Waiver in an expedited manner as requested by Empire, so Empire's motion for expedited treatment will be denied.

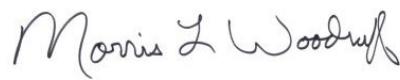
THE COMMISSION ORDERS THAT:

1. The Empire District Electric Company's Motion for Expedited Treatment is denied.

2. The Empire District Electric Company's Request for Waiver or Variance from 4 CSR 240-20.100(7)(B)1.F will be held in abeyance until the resolution of File No. EC-2013-0379. This order does not affect any other filing that may be required in this case under Commission Rule 4 CSR 240-20.100.

3. This order shall become effective immediately upon issuance.

BY THE COMMISSION

A handwritten signature in cursive script, reading "Morris L. Woodruff".

Morris L. Woodruff
Secretary

Michael Bushmann, Regulatory Law
Judge, by delegation of authority
pursuant to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 22nd day of May, 2013.