

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

In the Matter of the Consideration of)	
Adoption of the PURPA §111(d)(13) Fossil)	
Fuel Generation Efficiency Standard as)	Case No. EO-2006-0495
Required by §1251 of the Energy Policy Act)	
Of 2005)	

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

The Empire District Electric Company ("Empire"), through its undersigned attorney 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 posed questions. Those questions and their associated responses are in reference to the PURPA §111(d)(13) Fossil Fuel Generation Efficiency 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, 4 CSR 240-22 (1) explicitly addresses this standard.

b) Can this case be consolidated with any, some, or all of the following cases—EO-2006-0493, EO-2006-0494, EO-2006-0496, 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 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. Alternatively, this case could be consolidated with EO-2006-0494 if all are not to be combined. The following definitions are applicable to both cases:

(12) Fuel sources.--Each electric utility shall develop a plan to minimize dependence on 1 fuel source and to ensure that the electric energy it sells to consumers is generated using a diverse range of fuels and technologies, including renewable technologies.

(13) Fossil fuel generation efficiency.--Each electric utility shall develop and implement a 10-year plan to increase the efficiency of its fossil fuel generation.

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 no proceeding should be required because the standard is already addressed in existing state regulations.

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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