

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

The Empire District Electric Company's)
2007 Utility Resource Filing Pursuant) Case No. EO-2008-0069
to 4 CSR 240 – Chapter 22)

MOTION FOR VARIANCE

COMES NOW The Empire District Electric Company (Empire) and, as its Motion for Variance from Commission Rule 4 CSR 240-22.080(8) and 4 CSR 240-22.080(9), states the following to the Missouri Public Service Commission (Commission):

1. The Commission Staff (Staff), the Office of the Public Counsel (Public Counsel) and the Missouri Department of Natural Resources (DNR) have filed comments regarding what they contend to be deficiencies in the Integrated Resource Plan filed by Empire. In its Notice Regarding Further Proceedings issued January 16, 2008, the Commission noted that Commission Rule 4 CSR 240-22.080(8) allows the parties 45 days to work with the utility to submit a plan to remedy the alleged deficiencies. The Commission further noted that Commission Rule 4 CSR 240-22.080(9) allows the utility and the other parties until the 60th day after the filing of comments to file a response to the alleged deficiencies.

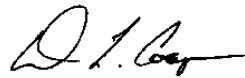
2. Empire has met with the parties to this case to discuss the alleged deficiencies and a list of items to be addressed has been developed. In order to further this process, Empire has agreed to provide additional data, to better identify the location of certain data within its original filing and to expand its analysis as to certain items. Thereafter, the parties will need additional time in order to further discuss the alleged deficiencies and whether they have been remedied.

3. Empire believes that this process will take approximately sixty (60) days, or until April 29, 2008. Accordingly, Empire asks that the Commission grant a variance from the provisions of 4 CSR 240-22.080(8) and 4 CSR 240-22.080(9) such that the parties have until April 29, 2008, to submit a plan to remedy the alleged deficiencies and until 15 days thereafter (or until May 14, 2008) for Empire and the other parties to file a response to the alleged deficiencies, if necessary.

4. Counsel for Staff, Public Counsel, DNR, Explorer Pipeline and Praxair, Inc. have stated that they concur with this Motion for Variance.

WHEREFORE, Empire respectfully requests that the Commission grant the variance requested herein.

Respectfully submitted,



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ATTORNEYS FOR THE EMPIRE DISTRICT
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Certificate of Service

I hereby certify that on the 29th day of February, 2008, a true and correct copy of the above and foregoing was sent by electronic mail to the following:

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