

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

In the Matter of the Sixth Prudence Review)
of Costs Subject to the Commission-Approved)
Fuel Adjustment Clause of The Empire District)
Electric Company)
File No. EO-2017-0065

**ORDER DENYING MOTION FOR EXTENSION OF TIME TO FILE APPLICATION
FOR REHEARING**

Issue Date: January 12, 2018

Effective Date: January 12, 2018

On January 3, 2018, the Commission issued a report and order to resolve all issues in this case. That report and order will, by its express terms, become effective on February 2. On January 9, the Office of the Public Counsel filed a Motion for Extension of Time to File Application for Rehearing. That motion claims it needs additional time to review an as yet unpublished dissenting opinion that Commissioner Rupp indicated he would be filing “to follow.” In addition, the motion expresses concern that the application for rehearing would be due on January 16 (accounting for the weekend and holiday). Finally, counsel for Public Counsel indicates he is new to this case and needs additional time to familiarize himself with the record.

Public Counsel’s motion is based on two misunderstandings regarding procedure before this Commission. First, applications for rehearing of a final decision of the Commission must be filed “before the effective date of such order or decision.”¹ The report and order in this case will become effective on February 2, so Public Counsel has until February 1 to file any application for rehearing it may choose to file.² Second, the report and order issued by the Commission on January 3 is the complete and final order of the

¹ Section 386.500.2, RSMo 2016.

² See. *Harter v. Mo. Pub. Serv. Com’n.*, 361 S.w.3d 52 (Mo. App. W.D. 2011)

Commission. Any dissenting opinion that may be filed by a Commissioner at some future date will not change the report and order of the Commission.³ Thus, the timing of the publication of that dissent does not justify any request for additional time to file an application for rehearing of the Commission's report and order.

The Commission will deny Public Counsel's motion.

THE COMMISSION ORDERS THAT:

1. Public Counsel's Motion for Extension of Time to File Application for Rehearing is denied.
2. This order shall be effective when issued.



BY THE COMMISSION

A handwritten signature in black ink that reads "Morris L. Woodruff".

Morris L. Woodruff
Secretary

Morris L. Woodruff, Chief Regulatory Law Judge
by delegation of authority
pursuant to Section 386.240, RSMo 2016..

Dated at Jefferson City, Missouri,
on this 12th day of January, 2018.

³ The Commission may choose to change the report and order if it decides to grant any as yet unfiled application for rehearing.

STATE OF MISSOURI

OFFICE OF THE PUBLIC SERVICE COMMISSION

I have compared the preceding copy with the original on file in this office and I do hereby certify the same to be a true copy therefrom and the whole thereof.

WITNESS my hand and seal of the Public Service Commission,
at Jefferson City, Missouri, this 12th day of January 2018.




Morris L. Woodruff
Secretary

MISSOURI PUBLIC SERVICE COMMISSION

January 12, 2018

File/Case No. EO-2017-0065

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Enclosed find a certified copy of an Order or Notice issued in the above-referenced matter(s).

Sincerely,



**Morris L. Woodruff
Secretary**

Recipients listed above with a valid e-mail address will receive electronic service. Recipients without a valid e-mail address will receive paper service.