

BEFORE THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS

FEB 22 2010

Susan K. Duffy
DJS

In the Matter of the Application of The Empire District)
Electric Company for Approval to Implement its Portfolio)
of Energy Efficiency and Demand Response Programs for)
its Kansas Customers, to Provide for Program Cost)
Recovery and Lost Revenues Through a Rider Mechanism,)
to Obtain any Necessary Waivers from the Commission,)
and for Appropriate Accounting Authority to Defer)
Expenses and Revenues Associated with the Filing.)

Docket No. 10-EPDE-497-TAR

**RESPONSE OF THE EMPIRE DISTRICT
ELECTRIC COMPANY TO MOTIONS OF CURB**

COMES NOW The Empire District Electric Company ("Empire") and files this response to the motion of Citizens' Utility Ratepayer Board ("CURB") to deny Empire's request for expedited approval of its Application in this docket.

1. On January 29, 2010, Empire filed an Application for approval of the following: (1) a portfolio of energy efficiency and demand response programs for its Kansas customers established in conjunction with Docket Nos. 08-GIMX-441-GIV ("441 Docket") and 08-GIMX-442-GIV ("442 Docket"); (2) cost recovery, including a Demand Side Management Cost Recovery Rider ("Rider") to recover the cost associated with its portfolio of energy efficiency and demand response programs and to recognize changes in customer consumption as identified by the Commission in its Final Order in Docket 441; (3) to obtain any necessary waivers of the requirements set forth by the Commission in the 441 Docket and 442 Docket; and (4) specific Commission authority to defer all program costs and accrued revenue pursuant to the proposed Rider.

2. A document entitled "Motions of CURB" was filed February 12, 2009. In part, CURB opposed Empire's request for an expedited schedule in this case.

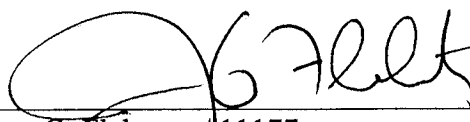
3. As suggested by CURB in its motions, Empire did indicate in its Application it had

coordinated its filing with Staff and had incorporated feedback from Staff into its proposed programs. This was done to satisfy the suggestion set forth in the Kansas Corporation Commission's ("Commission") Order dated April 13, 2009, in the 442 Docket, p. 12, para. 33. However, the statement about Empire's efforts to "coordinate" its filing with Staff was not meant to suggest the Staff had accepted the proposals included in the Application. Empire acknowledges that Staff never indicated to Empire it accepted Empire's proposals.

4. Empire has discussed its request for an expedited schedule in this matter with Staff and CURB and has discussed CURB's objection to said request. Based upon those discussions, Empire has agreed to withdraw its request for an expedited schedule and is currently working with Staff, CURB and the other intervenors on a schedule that might be acceptable to all parties so such can be submitted to the Commission for its approval.

5. Empire has no objection to the other portions of the Motions of CURB.

WHEREFORE, Empire withdraws its request for an expedited schedule in this matter and will work with Staff, CURB and the other intervenors on a schedule that might be acceptable to all parties so such can be submitted to the Commission for its approval.



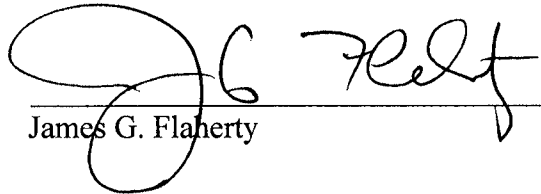
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Attorneys for The Empire District Electric Company

VERIFICATION

STATE OF KANSAS)
)ss:
FRANKLIN COUNTY)

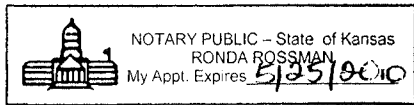
James G. Flaherty, of lawful age, being first duly sworn on oath, states:

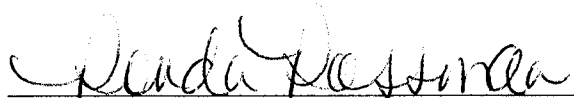
That he is an attorney for The Empire District Electric Company; that he has read the above and foregoing Response to Motions of CURB, knows the contents thereof; and that the statements contained therein are true.



James G. Flaherty

SUBSCRIBED AND SWORN to before me this 22nd day of February, 2010.





Notary Public

Appointment/Commission Expires:

CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing was mailed, postage prepaid, this 22nd day of February, 2010, addressed to:

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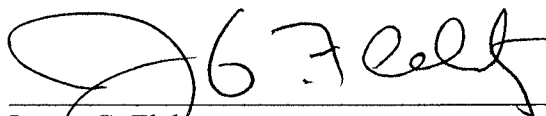
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February 22, 2010

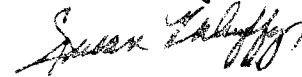
Sent by Facsimile
Original Mailed 2/22/10

Ms. Susan K. Duffy
Executive Director
Kansas Corporation Commission
1500 S. W. Arrowhead Road
Topeka, Kansas 66604-4027

STATE CORPORATION COMMISSION

Re: The Empire District Electric Company
Docket No. 10-EPDE-497-TAR

FEB 22 2010
DJS



Dear Ms. Duffy:

Please file the enclosed Response to Motions of CURB on behalf of The Empire District Electric Company in the above captioned matter. I would appreciate receiving a file stamped copy of this cover letter as well as a file stamped copy of the Response for my files. An envelope is included for your convenience.

Thank you for your assistance. If you have any questions, please call.

Sincerely,

James G. Flaherty

James G. Flaherty
jflaherty@andersonbyrd.com

JGF 
Enclosure