

**STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION**

At a session of the Public Service Commission held at its office in Jefferson City on the 17<sup>th</sup> day of July, 2015.

In the Matter of The Empire	)	
District Electric Company for Authority	)	<b><u>File No. ER-2014-0351</u></b>
to File Tariffs Increasing Rates for	)	Tracking Nos. YE-2015-0074
Electric Service Provided to Customers	)	YE-2016-0008
in the Company's Missouri Service Area	)	

**ORDER APPROVING COMPLIANCE TARIFF AND MOTION FOR  
EXPEDITED TREATMENT**

Issue Date: July 17, 2015

Effective Date: July 26, 2015

On June 24, 2015, the Commission issued a *Report and Order* that rejected the tariff (Tracking No. YE-2015-0074) filed by The Empire District Electric Company ("Empire") and directed the utility to file tariff sheets in compliance with the Commission's determination. Empire filed compliance tariff sheets (Tracking No. YE-2016-0008) and a *Motion for Expedited Treatment* on July 1. Rather than the August 6 effective date listed on the compliance tariff sheets, Empire requests the Commission authorize a July 26 effective date.

On July 8, the Commission issued an order setting a July 16 deadline for the filing of objections to Empire's tariff sheets or the request for expedited treatment. No objections were received. On July 15, the Staff of the Commission filed Staff's *Recommendation Regarding Compliance Tariffs*. Staff states that the Energy Unit-Tariffs/Rate Design, Economic Analysis and Energy Resource Analysis Staff has reviewed the tariff sheets

submitted by Empire and finds them to be in compliance with the Commission's *Report and Order* and *Order Clarifying Report and Order*. Staff recommends the tariff sheets be approved to go into effect on July 26, since it reflects the same effective date of the originally filed tariff that initiated Empire's general rate case.

The Commission finds that Empire's tariff sheets comply with the Commission's *Report and Order* and its *Order Clarifying Report and Order*, and will therefore approve them. Furthermore, the Commission finds good cause exists for Empire to be excused from the requirement in § 393.140(11), RSMo 2000, that tariffs provide at least thirty days of notice before the effective date. To constitute good cause, the reason or legal excuse given, "...must be real not imaginary, substantial not trifling, and reasonable not whimsical."<sup>1</sup> The Commission finds and concludes that good cause is present in this situation since the public has been aware of Empire's request for a rate increase since August 29, 2014, the day the company submitted its revised rate schedule. Furthermore, a July 26, 2015 effective date still provides more than thirty days of notice from the Commission's June 24 *Report and Order*, while avoiding any harm to Empire from a delay in collecting the approved rates.

For this reason, the Commission will approve the tariffs becoming effective on July 26, 2015. That effective date is nine days after the issue date of this order. That period is reasonably sufficient in this case because the parties have already had ten days to review Empire's tariff and have not raised any objections to its approval.<sup>2</sup>

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<sup>1</sup> *Belle State Bank v. Indus. Comm'n*, 547 S.W.2d 841, 846 (Mo. App. 1977). See also *Barclay White Co. v. Unemployment Compensation Bd.*, 50 A.2d 336, 339 (Pa. 1947) (To show good cause, reason given must be real, substantial, and reasonable).

<sup>2</sup> See *State ex rel Office of Public Counsel v. Public Serv. Com'n*, 236 S.W.3d 632 (Mo. banc 2007).

**THE COMMISSION ORDERS THAT:**

1. The following tariff sheets filed by The Empire District Electric Company on July 7, 2015, and assigned Tracking No. YE-2016-0008, are approved to become effective on July 26, 2015:

**P.S.C. MO. No. 5**

Section A, 28th Revised Sheet No. 1, Canceling Section A, 27th Revised Sheet No. 1  
Section 1, 18th Revised Sheet No. 1, Canceling Section 1, 17th Revised Sheet No. 1  
Section 2, 17th Revised Sheet No. 1, Canceling Section 2, 16th Revised Sheet No. 1  
Section 2, 17th Revised Sheet No. 2, Canceling Section 2, 16th Revised Sheet No. 2  
Section 2, 17th Revised Sheet No. 3, Canceling Section 2, 16th Revised Sheet No. 3  
Section 2, 18th Revised Sheet No. 4, Canceling Section 2, 17th Revised Sheet No. 4  
Section 2, 17th Revised Sheet No. 6, Canceling Section 2, 16th Revised Sheet No. 6  
Section 2, 17th Revised Sheet No. 7, Canceling Section 2, 16th Revised Sheet No. 7  
Section 2, 13th Revised Sheet No. 9, Canceling Section 2, 12th Revised Sheet No. 9  
Section 2, 12th Revised Sheet No. 13, Canceling Section 2, 11th Revised Sheet No. 13  
Section 4, 6th Revised Sheet No. 8c, Canceling Section 4, 5th Revised Sheet No. 8c  
Section 4, 9th Revised Sheet No. 17, Canceling Section 4, 8th Revised Sheet No. 17  
Section 4, 3rd Revised Sheet No. 17a, Canceling Section 4, 2nd Revised Sheet No. 17a  
Section 4, 3rd Revised Sheet No. 17b, Canceling Section 4, 2nd Revised Sheet No. 17b  
Section 4, 7th Revised Sheet No. 17c, Canceling Section 4, 6th Revised Sheet No. 17c  
Section 4, 3rd Revised Sheet No. 17d, Canceling Section 4, 2nd Revised Sheet No. 17d  
Section 4, 7th Revised Sheet No. 17e, Canceling Section 4, 6th Revised Sheet No. 17e  
Section 4, Original Sheet No. 17l  
Section 4, Original Sheet No. 17m  
Section 4, Original Sheet No. 17n  
Section 4, Original Sheet No. 17o  
Section 4, Original Sheet No. 17p  
Section 4, Original Sheet No. 17q  
Section 4, Original Sheet No. 17r  
Section 4, Original Sheet No. 17s  
Section 4, Original Sheet No. 17t  
Section 5, 8th Revised Sheet No. 10, Canceling Section 5, 7th Revised Sheet No. 10  
Section 5, 3rd Revised Sheet No. 17a, Canceling Section 5, 2nd Revised Sheet No. 17a  
Section 5, 3rd Revised Sheet No. 17b, Canceling Section 5, 2nd Revised Sheet No. 17b  
Section 5, 3rd Revised Sheet No. 17c, Canceling Section 5, 2nd Revised Sheet No. 17c  
Section 5, 3rd Revised Sheet No. 17d, Canceling Section 5, 2nd Revised Sheet No. 17d  
Section 5, 3rd Revised Sheet No. 17e, Canceling Section 5, 2nd Revised Sheet No. 17e  
Section 5, 3rd Revised Sheet No. 17f, Canceling Section 5, 2nd Revised Sheet No. 17f

2. This order shall become effective on July 26, 2015.

**BY THE COMMISSION**



*Morris L. Woodruff*

Morris L. Woodruff  
Secretary

R. Kenney, Chm., Stoll, W. Kenney,  
and Rupp, CC., concur;  
Hall, C., concurs with concurring opinion attached.

Burton, Regulatory Law Judge.