

**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)	Case No. EO-2017-0065
Clause of The Empire District Electric Company)	

**REPLY SUGGESTIONS IN SUPPORT OF EMPIRE'S
APPLICATION FOR RECONSIDERATION**

COMES NOW The Empire District Electric Company ("Empire"), by and through counsel, and, with regard to the Motion to Compel filed herein by the Office of the Public Counsel ("OPC"), respectfully submits these reply suggestions in support of Empire's application for reconsideration of the *Order Regarding Motion to Compel Discovery* issued on April 26, 2017, by the Missouri Public Service Commission ("Commission").

1. OPC correctly notes in its response to Empire's application for reconsideration that Empire seeks reconsideration and reversal of the Commission's holding that a request for "each and every report, analysis, memo or similar communication" between Empire and a third party seeks only legally relevant information. The request is overly broad in terms of both time and scope, asking for documents from a four-year period, including 8+ months following the close of the audit period, and containing absolutely no topic limitation.

2. The fact that an item came from ABB, or was provided to ABB, does not make it relevant to this proceeding. To determine relevance, the subject matter of the item must be considered.

3. Empire initially responded to the data request by stating that there are no reports, analyses, memos, or similar communications between Empire and ABB on the topic of hedging price decisions. This is true as to the audit period and all other times stated in the data request. OPC filed its motion to compel, arguing this was not broad enough.

4. Empire has now offered to produce the proprietary reference case information purchased from ABB and used in the development of the 2014, 2015, 2016, and 2017 five-year budget projections (the topic of price forecasts). OPC, however, still insists this is not broad enough and urges the Commission to compel Empire to produce "each and every report, analysis, memo or similar communication" - no matter the topic.

5. Empire estimates that there are more than 2,000 pages that could be produced in response to OPC's generic production request, containing a combination of highly confidential, proprietary, and public information, and covering topics such as Renewable Energy Standards, Demand Side Management assumptions, and capital structures, in addition to all facets of resource planning. Empire would be happy to schedule a call with OPC and ABB, so that OPC may better understand the extensive breadth of services provided by ABB.

6. Empire responded to the data request on the topic of hedging price decisions, and Empire has offered to respond to the data request on the topic of price forecasts. Nothing more should be required. Without particular topics specified in the data request, the request is overly broad and unduly burdensome, and Empire's objections must be sustained.

WHEREFORE, Empire respectfully requests that the Commission reconsider its ruling and issue an order sustaining Empire's objections to subpart (4) of OPC DR 1318. Empire requests such other and further relief as is prudent under the circumstances.

BRYDON, SWEARENGEN & ENGLAND P.C.

By:

/s/ Diana C. Carter

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CERTIFICATE OF SERVICE

I hereby certify that the above and foregoing document was filed in EFIS on this 3rd day of May, 2017, with notice of the same being sent to all counsel of record.

/s/ Diana C. Carter