## STATE OF MISSOURI PUBLIC SERVICE COMMISSION

At a session of the Public Service Commission held at its office in Jefferson City on the 18<sup>th</sup> day of November, 2015.

In the Matter of the True-Up of The Empire District ) Electric Company's Fuel Adjustment Clause (FAC) ) File No. ER-2016-0082

## ORDER RESOLVING ANNUAL FUEL ADJUSTMENT CLAUSE TRUE-UP

Issue Date: November 18, 2015 Effective Date: December 1, 2015

On October 1, 2015, The Empire District Electric Company ("Empire"), submitted an application containing its twelfth true-up filing for its Fuel Adjustment Clause ("FAC"), as required by Section 386.266.4(2), RSMo, and Commission Rules 4 CSR 240-3.161(8) and 4 CSR 240-20.090(5). Empire requests that the Commission authorize a true-up adjustment and implement it under its FAC tariff for the recovery period ending May 31, 2015. The submitted tariff bears an effective date of December 1, 2015.

The true-up amount identified in this filing is the result of an over-collection of \$183,134 from customers during Recovery Period 12 ("RP12") that includes the billing months of December 2014 through May 2015. The true-up amounts for RP12 are included in the calculation of the Fuel and Purchased Power Adjustment ("FPA") amount included in Empire's Accumulation Period 14 ("AP14") adjustment filing, also filed on October 1, 2015 in File No. ER-2016-0080, in compliance with Empire's FAC.

Staff examined the direct testimony of Todd W. Tartar, the supporting schedules Empire provided with its application in this case, and the monthly information Empire has submitted to the Commission. Staff also reviewed Empire's monthly interest calculations and agrees with them. Staff has verified that Empire has filed its 2014 annual report and is not delinquent on any assessment. Empire is current on the filing of its Surveillance Monitoring reports as required by 4 CSR 240-20.090(10) and its monthly reports as required by 4 CSR 240-3.161(5). Staff is not aware of any other matter before the Commission that affects or is affected by this filing, except as noted herein. Staff recommends the Commission approve Empire's RP12 true-up filing, which indicates Empire over-collected \$183,134 from its customers, with interest, for inclusion in the calculation of the FPA amount included in Empire's AP14 adjustment filing in File No. ER-2016-0080.

Neither the governing statute<sup>1</sup> nor any other law requires a hearing before approving the unopposed application.<sup>2</sup> Because this is a non-contested case, the Commission acts on evidence that is not formally adduced and preserved.<sup>3</sup> There is no evidentiary record.<sup>4</sup> Consequently, the Commission bases its decision on the parties' verified filings.

Based on the Commission's independent and impartial review of the verified filings, the Commission finds that it is in the public interest to approve Empire's application and authorize Empire to include the calculated amounts in its next FAC accumulation period as previously described.

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<sup>&</sup>lt;sup>1</sup> Section 386.266, RSMo Supp. 2013. This section provides for a hearing when the FAC is approved, modified or rejected. It does not require a hearing when annual true-ups are filed by the company. Commission Rule 4 CSR 240-20.090(5) states the Commission may hold a hearing if needed, but one is not required.

<sup>&</sup>lt;sup>2</sup> Section 536.010(4), RSMo Supp. 2013, defines a contested as "a proceeding before an agency in which legal rights, duties or privileges of specific parties are required by law to be determined after hearing." *State ex rel. Rex Deffenderfer Ent., Inc. v. Public Service Commission*, 776 S.W.2d 494, 496 (Mo. App., W D. 1989)

<sup>&</sup>lt;sup>3</sup> State ex rel. Public Counsel v. Public Service Comm'n, 210 S.W.3d 344, 353-355 (Mo. App. 2006).

⁴ Id.

## THE COMMISSION ORDERS THAT:

- 1. The true-up amounts for Recovery Period 12 are established for The Empire District Electric Company as an over-collection of \$183,134 from its customers and shall be reflected in the rate adjustment as approved in Commission File No. ER-2016-0080.
  - 2. This order shall become effective on December 1, 2015.
  - 3. This file shall close on December 2, 2015.

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BY THE COMMISSION

Morris L. Woodruff Secretary

Hall, Chm., Stoll, Kenney, Rupp, and Coleman, CC., concur.

Bushmann, Senior Regulatory Law Judge