CIVIL PROCEDURE FORM NO. 8-A(2)



IN THE ______ JUDICIAL CIRCUIT, _____

COUNTY, MISSOURI

WD83975

Judge or Division:	Public Service Commission Case Number: ER-2019-0374			FILED August 21, 2020 Data Center
Plaintiff/Petitioner: The Office of the Public Counsel	Appellate Number:		Filing as an Indigent	Data Center Missouri Public Service Commissior
	Date of Judgment/Decree/Order: (Аттасн а сору) Issued July 1, 2020, effective July 11, 2020, clarified July 23 and August 5, 2020.		Court Reporter:	
vs. Defendant/Respondent: Public Service Commission of the State of Missouri	Date Post Trial Motion Filed: July 10, 2020		Sound Recording Equipment	
	Date Ruled Upon: July 23, 2020		The Record on Appeal will consist of: Legal File only or	
			Legal File and Transcript	(Date File Stamp)
Notice of	Appeal to Miss	souri Cou	rt of Appeals - Civil	
ז	District: 🔀 Wester	rn 🗌 Eas	stern	
Notice is given that The Office of t	he Public Counsel_ap	peals from the	e judgment/decree/order entered in	this action on
<u>July 23, 2020</u> (date).				
Appellant's Name (If multiple, list all or attach additional pages) The Office of the Public Counsel		Respondent's Name (If multiple, list all or attach additional pages) Public Service Commission of the State of Missouri		
Address 200 Madison Street, Suite 650 PO Box 2230 Jefferson City, MO 65102-2230		Address 200 Madison Street PO Box 360 Jefferson City, MO 65102-0360		
Appellant's Attorney/Bar Number (If multiple, list all or attach additional pages) Nathan Williams, Mo. Bar No. 35512 Marc Poston, Mo. Bar No. 45722		Respondent's Attorney/Bar Number (If multiple, list all or attach additional pages) Shelley Brueggemann, Mo. Bar No. 52173		
Address 200 Madison Street, Suite 650 PO Box 2230 Jefferson City, MO 65102-2230		Address 200 Madison Street PO Box 360 Jefferson City, MO 65102-0360		
E-mail Address nathan.williams@opc.mo.gov marc.poston@opc.mo.gov		E-mail Address Shelley.brueggemann@psc.mo.gov		
Telephone 573-526-4975 573-751-5318	Telephone 573-526-4975		Telephone 573-751-7393	
Brief Description of Case (May be com The Empire District Electric Compa			s retail electric service rates in Misso	ouri.
 The legality and reasonableness prospective general rates in Ju plant on December 12, 2019— 	ss of the Commission Ily 2020 as if Empire d the date when Empire ered January 31, 2020	deciding Emp lid not last ope consumed th), true-up cuto	page. Appellant is not bound by this list. bire's annual revenue requirement for erate its 200 MW Asbury coal-fired g ne last of its burnable onsite coal sup off date, and when Empire withdrew	or setting generating pply—which

2) The legality of the Commission deciding Empire's annual revenue requirement for setting prospective general rates by including Empire's annual \$100 million in historical costs for Empire's transactions with its affiliates in the Commission's ordered revenue requirement without evidence Empire prudently incurred those costs.

Docket Fee Information				
The docket fee in the amount of \$70.00 is being tendered with this notice of appeal.				
No docket fee is being tendered because:				
\boxtimes a docket fee is not required by law pursuant to <u>Supreme Court Opera</u> statute or other authority).	ating Rule 21.01(c) (cite specific			
\Box a motion to prosecute the appeal in forma pauperis has been or will l	be filed.			
a docket fee in the amount of \$70.00 cannot be tendered at this time this appeal will be subject to dismissal pursuant to Rule 84.08(a).	but will be submitted at a later date or			
Signature of Attorney or Appellant /s/ Nathan Williams	Date August 21, 2010			
Certificate of Service on Persons other than Registered Users of the	e Missouri eFiling System			
I certify that on <u>August 21, 2020</u> (date), a copy of the foregoing was se delivery, electronic mail or U.S. mail postage prepaid to their last known addresses <u>See attached service list.</u>				
	n Williams ant or Attorney for Appellant			
Directions to Clerk				
Transmit a copy of the notice of appeal and all attached documents to the clerk of the Court of Appeals and to any person other than registered users of the eFiling system in a manner prescribed by Rule 43.01. Clerk shall then fill in the memorandum below. See Rule 81.08(i). Forward the docket fee to the Department of Revenue as required by statute.				
Memorandum of the Clerk				
I have this day served a copy of this notice by regular mail registered mail certified mail facsimile transmission to each of the following persons at the address stated below. If served by facsimile, include the time and date of transmission and the telephone number to which the document was transmitted.				
I have transmitted a copy of the notice of appeal to the clerk of the Court of Appeal	s, District.			
Docket fee in the amount of \$70.00 was received by this clerk on	(date) which will be			
No docket fee was received.				
Date	Clerk			

Electronically Filed - WESTERN DISTRICT CT OF APPEALS - August 21, 2020 - 03:31 PM

Additional Parties and Attorneys

List every party involved in the case not listed on page 1, indicate the position of the party in the circuit court (e.g. plaintiff, defendant, intervenor) and in the Court of Appeals (e.g. appellant or respondent) and the name of the attorney of record, if any, for each party. Attach additional pages to identify all parties and attorneys if necessary.

Party Name	Attorney Name	
The Empire District Electric Company, applicant / respondent	Diana C. Carter	
Address	Address	
602 S. Joplin Avenue, PO Box 127	428 E. Capitol Avenue, Suite 303	
City, State, Zip Code	City, State, Zip Code	
Joplin, MO 64802	Jefferson City, MO 65101	
	E-mail Address	
	Diana.Carter@LibertyUtilities.com	
	Telephone	
	417-626-5976	
Party Name	Attorney Name	
See attached Service list.		
Address	Address	
City, State, Zip Code	City, State, Zip Code	
	E-mail Address	
	Telephone	
Party Name	Attorney Name	
Address	Address	
City, State, Zip Code	City, State, Zip Code	
	E-mail Address	
	Telephone	
Party Name	Attorney Name	
Address	Address	
City, State, Zip Code	City, State, Zip Code	
	E-mail Address	
	Telephone	

Missouri Public Service Commission

Service List for Case No. ER-2019-0374 Last Updated: 4/10/2020

Missouri Public Service Commission

Staff Counsel Department 200 Madison Street, Suite 800 P.O. Box 360 Jefferson City, MO 65102 Phone: 573-751-2690 Fax: 573-751-9285 staffcounselservice@psc.mo.gov

Empire District Retired Members & Spouses Association, LLC

Douglas Healy 3010 E. Battlefield, Suite A Springfield, MO 65804 Phone: 417-864-7018 doug@healylawoffices.com

IBEW Local Union 1474

Michael E Amash 753 State Ave, Suite 475 Kansas City, KS 66101 Phone: 913-321-8884 Fax: 913-321-2396 mea@blake-uhlig.com

Missouri Public Service Commission Whitney Payne 200 Madison Street, Suite 800 P.O. Box 360 Jefferson City, MO 65102 whitney.payne@psc.mo.gov

Renew Missouri

Tim Opitz 409 Vandiver Dr Building 5, Suite 205 Columbia, MO 65202 Phone: 573-825-1796 tim@renewmo.org

Office of the Public Counsel

Marc Poston 200 Madison Street, Suite 650 P.O. Box 2230 Jefferson City, MO 65102 Phone: 573-751-5318 Fax: 573-751-5562 opcservice@opc.mo.gov

Empire District Retired Members & Spouses Association, LLC Terry M Jarrett 514 E. High Street, Suite 22

Jefferson City, MO 65101 Phone: 573-415-8379 terry@healylawoffices.com

Midwest Energy Consumers Group

David Woodsmall 308 E. High Street, Suite 204 Jefferson City, MO 65101 Phone: 573-797-0005 Fax: 573-636-6007 david.woodsmall@woodsmalllaw.com

National Housing Trust

Andrew J Linhares 3115 S. Grand Ave Suite 600 St. Louis, MO 63118 Phone: 314-471-9973 Fax: 573-303-5633 Andrew@renewmo.org

Sierra Club

Henry B Robertson 319 N. Fourth St., Suite 800 St. Louis, MO 63102 Phone: 314-231-4181 Fax: 314-231-4184 hrobertson@greatriverslaw.org

Empire District Electric Company, The

Diana C Carter 428 E. Capitol Avenue, Suite 303 Jefferson City, MO 65101 Phone: 417-626-5976 Diana.Carter@LibertyUtilities.com

IBEW Local Union 1464

Michael E Amash 753 State Ave, Suite 475 Kansas City, KS 66101 Phone: 913-321-8884 Fax: 913-321-2396 mea@blake-uhlig.com

Missouri Division of Energy

Jacob Westen 1101 Riverside Drive P.O. Box 176 Jefferson City, MO 65102-0176 Phone: 573-751-5464 Fax: 573-526-3444 Jacob.Westen@dnr.mo.gov

Natural Resources Defense Council

Henry B Robertson 319 N. Fourth St., Suite 800 St. Louis, MO 63102 Phone: 314-231-4181 Fax: 314-231-4184 hrobertson@greatriverslaw.org

The Empire District Electric Company SERP Retirees, LLC

David Woodsmall 308 E. High Street, Suite 204 Jefferson City, MO 65101 Phone: 573-797-0005 Fax: 573-636-6007 david.woodsmall@woodsmalllaw.com