

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service Commission held at its office in Jefferson City on the 25th day of January, 2023.

In the Matter of the Application of The Empire)
District Gas Company d/b/a Liberty for a Certificate)
of Convenience and Necessity to Construct, Install,)
Own, Operate, Maintain, and Otherwise Control and) **File No. GA-2023-0110**
Manage a Natural Gas Distribution System in and)
Around Platte County, Missouri as an Expansion of)
its Existing Certified Areas)

**ORDER GRANTING CERTIFICATE
OF CONVENIENCE AND NECESSITY**

Issue Date: January 25, 2023

Effective Date: February 24, 2023

Procedural History

On September 21, 2022, The Empire District Gas Company d/b/a Liberty (EDG) filed the above-referenced application. EDG seeks permission and approval and a certificate of convenience and necessity (“CCN”) to construct, install, own, operate, maintain, and otherwise control and manage a natural gas distribution system to provide gas service in Platte County, Missouri, as a further expansion of its existing certificated area. The project will extend service a new development known as Logistics Park. The application further requests a waiver of the Commission’s 60-day notice rule.¹

The Staff of the Commission filed its Recommendation on January 9, 2023. Staff recommends that the Commission grant the certificate, subject to conditions. The conditions are that the Commission should:

¹ Commission Rule 20 CSR 4240-4.017(1).

- reserve all rate making determinations regarding the revenue requirement impact of this service area extension request until Liberty’s next general rate making proceeding;
- require EDG to file an updated tariff sheet incorporating the requested Sections for Platte County;
- during its next general rate case, require EDG to provide the Logistics Park acreage development documentation to Staff;
- require that EDG shall hold customers receiving service outside of the requested CCN area harmless of any expenses and investments in excess of billed non-gas revenues, excluding infrastructure system replacement surcharge (ISRS) revenues;
- require EDG to provide an updated list of customers to be referenced for this application.

No party has responded to Staff’s Recommendation.

Decision

EDG is a gas corporation and a public utility subject to Commission jurisdiction.²

The Commission may grant a gas corporation a certificate of convenience and necessity to operate after determining that the construction and operation are either “necessary or convenient for the public service.”³ The Commission has stated five criteria that it will use to make this determination:

- 1) There must be a need for the service;
- 2) The applicant must be qualified to provide the proposed service;
- 3) The applicant must have the financial ability to provide the service;
- 4) The applicant’s proposal must be economically feasible; and
- 5) The service must promote the public interest.⁴

² Section 386.020(18), (43) RSMo 2016.

³ Section 393.170, RSMo. 2016.

⁴ *In re Tartan Energy Company*, 3 Mo. P.S.C. 173, 177 (1994).

Based on the verified pleadings, the Commission finds the application for a certificate of convenience and necessity to provide gas service meets the above listed criteria.⁵ The application will be granted.

Commission Rule 20 CSR 4240-4.017(1)(D) states that a waiver may be granted for good cause. Good cause exists in this case. EDG has had no communication with the office of the Commission within the prior 150 days regarding any substantive issue likely to be in this case, other than those pleadings filed for record. Accordingly, for good cause shown, the Commission waives the 60-day notice requirement of Commission Rule 20 CSR 4240-4.017(1).

THE COMMISSION ORDERS THAT:

1. Commission Rule 20 CSR 4240-4.017(1) is waived.
2. EDG is granted permission, approval, and a certificate of convenience and necessity to construct, install, own, operate, control, manage, and maintain gas plant as more particularly described in its application and Staff Recommendation.
3. The certificate of convenience and necessity is subject to the condition that the Commission will reserve all ratemaking determinations regarding the revenue impact of this service area extension request until Spire's next general ratemaking proceeding.
4. EDG shall file an updated tariff sheet incorporating the requested sections for Platte County.
5. During its next general rate case, EDG shall provide the Logistics Park acreage development documentation to Staff.

⁵ The requirement for a hearing is met when the opportunity for hearing is provided and no proper party requests the opportunity to present evidence. No party requested a hearing in this matter; thus, no hearing is necessary. *State ex rel. Deffenderfer Enterprises, Inc. v. Public Service Comm'n of the State of Missouri*, 776 S.W.2d 494 (Mo. App. W.D. 1989).

6. EDG shall hold customers receiving service outside of the requested CCN area harmless of any expenses and investments in excess of billed non-gas revenues, excluding infrastructure system replacement surcharge (ISRS) revenues.

7. EDG shall provide an updated list of customers to be referenced for this application.

8. This order shall become effective on February 24, 2023.



BY THE COMMISSION

A handwritten signature in black ink that reads "Morris L. Woodruff". The signature is written in a cursive, flowing style.

Morris L. Woodruff
Secretary

Rupp, Chm., Coleman, Holsman, and
Kolkmeier CC., concur.

Pridgin, Regulatory Law Judge

STATE OF MISSOURI

OFFICE OF THE PUBLIC SERVICE COMMISSION

I have compared the preceding copy with the original on file in this office and I do hereby certify the same to be a true copy therefrom and the whole thereof.

WITNESS my hand and seal of the Public Service Commission, at Jefferson City, Missouri, this 25th day of January, 2023.




Morris L. Woodruff
Secretary

MISSOURI PUBLIC SERVICE COMMISSION

January 25, 2023

File/Case No. GA-2023-0110

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Commission**
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Enclosed find a certified copy of an Order or Notice issued in the above-referenced matter(s).

Sincerely,



**Morris L. Woodruff
Secretary**

Recipients listed above with a valid e-mail address will receive electronic service. Recipients without a valid e-mail address will receive paper service.