

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service Commission held by telephone and internet audio conference on the 24th day of November, 2020.

In the Matter of the Purchased Gas Adjustment of)	<u>File No. GR-2021-0121</u>
The Empire District Gas Company d/b/a Liberty)	Tariff No. YG-2021-0115
(Empire))	

ORDER APPROVING PGA TARIFF

Issue Date: November 24, 2020

Effective Date: December 5, 2020

On November 5, 2020,¹ The Empire District Gas Company (Empire) filed proposed tariff sheets to reflect changes in its Regular Purchased Gas Adjustment (PGA) factor as a result of estimated changes in the cost of natural gas. The tariff sheets bear an effective date of December 5. Noting that it had missed by one day the PGA/ACA tariff filing deadline established in its tariff, Empire filed a motion asking for a variance from its tariff to allow for the late filing of the PGA/ACA tariff

On November 6, the Commission directed that no later than November 16 the Staff of the Commission (Staff) file a recommendation and that any party wishing to do so file a response to the tariff sheets. Staff filed a recommendation on November 16, 2020. No other party filed a response.

Empire's proposed PGA tariff will have the following effects:

- For Empire's South System, the change will increase the total PGA to \$0.39040 per Ccf from the current total PGA of \$0.32308 per Ccf. This is an increase of \$0.067320 per Ccf.

¹ All dates are in 2020 unless otherwise indicated.

- For Empire's North System, this filing will increase the total PGA to \$0.36195 per Ccf from the current total PGA of \$0.34649 per Ccf. This is an increase of \$0.015460 per Ccf.
- For Empire's Northwest System, this filing will decrease the total PGA to \$0.32579 per Ccf from the current total PGA of \$0.35092 per Ccf. This is a decrease of \$0.02513 per Ccf.

In its recommendation, Staff explained that this file was established to track Empire's PGA factors to be reviewed in its 2019-2020 ACA filing and File No. GR-2020-0124 was established to track Empire's PGA factors to be reviewed in its 2018-2019 ACA filing. Staff recommended the proposed rate changes be approved on an interim basis, subject to refund, pending final Commission decisions in File Nos. GR-2021-0121 and GR-2020-0124. Staff also requested the Commission order it to file the results of its 2019-2020 ACA review in this case no later than December 15, 2021.

Staff's recommendation also addresses Empire's request for a variance from its tariff to allow it to file its PGA tariff a day late. Staff concludes that Empire's tariff contains no provision that would permit the company to seek a variance or waiver of its tariff. Staff recommends the Commission deny Empire's request for waiver, but nevertheless advises the Commission to *sua sponte* take up and approve the tariff.

Empire's PGA tariff requires it to make a winter PGA filing between October 15 and November 4 of each year. This year Empire filed its PGA tariff a day late. Staff contends the Commission has no authority to grant Empire a variance from its own tariff. But, the tariff also requires Empire to make a PGA tariff filing and even though it was filed a day late, there is nothing to prevent the Commission from approving the PGA tariff.

The Commission has reviewed the proposed tariff sheets and Staff's

recommendation. The Commission finds that the proposed tariff sheets conform to Empire's Commission-approved PGA tariff, other than their having been filed a day late. The Commission concludes the proposed tariff sheets should be approved to become effective on December 5, 2020, on an interim basis, subject to refund, pending final Commission decision in this file and File No. GR-2020-0124. Further, the Commission will also direct its Staff to file the results of its ACA review in this case no later than December 15, 2021.

THE COMMISSION ORDERS THAT:

1. The tariff sheets assigned Tracking No. YG-2021-0115, are approved on an interim basis and subject to refund, pending final Commission decisions in this file and in File No. GR-2020-0124. The tariff sheets approved are:

P.S.C. MO No. 2

16th Revised Sheet No. 62, Cancelling 15th Revised Sheet No. 62
16th Revised Sheet No. 63, Cancelling 15th Revised Sheet No. 63
16th Revised Sheet No. 65, Cancelling 15th Revised Sheet No. 65

2. On or before December 15, 2021, Staff's Procurement Analysis Department shall submit the results of its ACA review of the changes included in Empire's November 5, 2020, filing.

3. This order shall become effective on December 5, 2020.



BY THE COMMISSION

A handwritten signature in black ink that reads "Morris L. Woodruff".

Morris L. Woodruff
Secretary

Silvey, Chm., Kenney, Rupp, Coleman, and
Holsman CC., concur.

Woodruff, Chief Regulatory Law Judge