

**BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI**

In the Matter of the 2022 Triennial Compliance        )  
Filing Pursuant to 20 CSR 4240-22 by The            )  
Empire District Electric Company d/b/a Liberty        )        Case No. EO-2021-0331

**NOTICE OF AGREEMENT REGARDING APPLICATION FOR VARIANCES**

**COMES NOW** The Empire District Electric Company d/b/a Liberty (“Empire” or “Company”) and respectfully submits to the Missouri Public Service Commission (the “Commission”) this Notice of Agreement Regarding Application for Variances with regard to Empire’s Application filed herein pursuant to 20 CSR 4240-22.080(13).

1. Pursuant to Commission Rule 20 CSR 4240-22.080(1)(B), Empire’s next triennial IRP filing is due April 1, 2022.
2. With its Application timely filed on April 1, 2021, Empire seeks variances from portions of Commission Rules 20 CSR 4240-22.030 and 20 CSR 4240-20.094 with regard to Empire’s 2022 IRP triennial compliance filing. Application Appendix A (Demand-Side Resource Analysis) and Appendix B (Load Analysis and Load Forecasting) identified the specific portions of the Rules for which Empire is requesting variances and the justification for the granting of those requests. The variances being requested have previously been requested by Empire and granted by this Commission in other IRP dockets.
3. Since filing its Application, Empire has continued to discuss the requests with the Staff of the Commission (“Staff”) and the Office of the Public Counsel (“OPC”); and Empire, Staff, and OPC have reached an agreement as described below.
4. In Application Appendix A (Demand-Side Resource Analysis), regarding subparts two and three of Commission Rule 20 CSR 4240-22.094(3)(A), Empire requests relief from the obligation to collect primary data in support of the 2022 market potential study.
5. During Empire’s post-filing discussions with Staff and OPC, it was agreed that it would be beneficial to collect primary data for Empire’s future Missouri Energy Efficiency Investment Act

(“MEEIA”) filings. However, due to time constraints, collecting this data and incorporating the data into the 2022 IRP analysis would not likely be feasible, since it could jeopardize submission by the 2022 IRP filing deadline. Therefore, it was agreed that the demand-side analysis variance requests should be approved for the 2022 IRP, but on the condition that the Company agree to begin conducting residential and commercial surveys to collect the primary data needed for future market potential studies as soon as practical.

6. This primary data would be used for Empire’s MEEIA application that follows the current MEEIA application<sup>1</sup> (e.g., it is assumed that the subsequent MEEIA application in which the primary data would be utilized would be filed at least 18 months or more from now) and for future IRPs. If the primary residential data would be available in a timely manner, the Company would make a good faith effort to include it in the 2022 IRP study, but this would not be a requirement if timing becomes an issue. Empire, however, will file the primary residential and commercial data in the file opened in the Commission’s EFIS for Empire’s 2022 IRP file when it is available, regardless of whether Empire includes the data in its 2022 IRP study.

7. Staff and OPC have no objection to the Commission granting the variance request as detailed in Application Appendix B (Load Analysis and Load Forecasting).

8. According to Commission Rule 20 CSR 4240-22.010, Policy Objectives, the fundamental objectives of the resource planning process for electric utilities are to provide the public with energy services that are safe, reliable, and efficient, at just and reasonable rates, in compliance with all legal mandates, and in a manner that serves the public interest and is consistent with state energy and environmental policies. The variances requested by Empire will not compromise these objectives.

WHEREFORE, Empire respectfully requests, with regard to its 2022 IRP triennial filing, that the Commission issue an order granting Empire variances from the provisions of Commission Rules 20 CSR 4240-22.030 and 20 CSR 4240-20.094 related to the Demand-Side Resource

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<sup>1</sup> Empire’s Notice of Intended Case Filing was filed on February 3, 2021, in Case No. EO-2021-0247. A MEEIA application has not yet been filed, however Empire expects its MEEIA application to be filed in the near future.

Analysis and Load Analysis and Forecasting of Electric Utility Resource Planning that are described in the Application Appendix A, as modified above, and Application Appendix B.

Respectfully submitted,

/s/ Diana C. Carter

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**CERTIFICATE OF SERVICE**

I hereby certify that the above document was filed in EFIS on this 25<sup>th</sup> day of April, 2021, with notification of the same being sent to all parties of record.

s/ Diana C. Carter