

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

In the Matter of the Application of The Empire)
District Electric Company for Approval of Its) File No. EO-2018-0092
Customer Savings Plan)

APPLICATION TO INTERVENE OF CITY OF JOPLIN, MISSOURI

COMES NOW the City of Joplin, by and through counsel, pursuant to 4 CSR 240-2.075, and applies to intervene and become a party in the above-referenced case and in support of its Application to Intervene states as follows:

1. The City of Joplin (Joplin) is a municipality located in Jasper County, Missouri. The Empire District Electric Company (Empire) operates within the City of Joplin under a franchise granted by the City, and various parts of its plant occupy City right-of-way. The City has a police power interest in Empire’s exercise of its franchise that is different from the interest of the general public. In addition, the City also has an interest in the welfare of its citizens, who receive their electric service from Empire, that is different from the interest of the general public.

2. The Missouri Public Service Commission has previously recognized Joplin’s interest in proceedings affecting the rates for electric service in the Empire Joplin District in permitting Joplin’s intervention in prior Empire rate-related proceedings, including File Nos. ER-2017-0254, ER-2014-0351, ER-2010-0130 and ER-2011-0004.

3. On October 31, 2017, Empire filed an Application for Approval of its Customer Savings Plan and Application for Variance, and Motion for Waiver. Approval of MAWC’s plan will impact Joplin ratepayers. As part of its Application, Empire seeks the Commission’s approval to close the Asbury plant by April 2019.

4. On November 1, 2017, the Missouri Public Service Commission issued an Order establishing an intervention filing date and scheduling a pre-hearing conference. This Application to Intervene is timely under that Order.

5. Joplin states, pursuant to 4 CSR 240-2.075(2), that it is opposed to any plan that would result in an unreasonable or unjust increase in electric rates or an increase in rates that would create financial hardship or undue discrimination to its citizens and businesses, and to the City of Joplin itself.

6. The Final Rule which Empire claims imposes a looming deadline for environmental compliance was effective on October 19, 2015 (and will require Asbury to be compliant by April 2019). Mertens' Direct, 14:7-13.

7. On August 10, 2016, this Commission approved the Stipulation and Agreement in ER-2016-0023, attached thereto was "Schedule A" showing the "Remaining Life" of the Asbury plant as 20 years.

8. The "Merger Case" (EM-2016-0213) was filed on March 16, 2016 and the Final Order was issued on September 7, 2016.

9. In the Merger Case, the "Stipulation and Agreement" filed on August 23, 2016 and ultimately approved by the Commission, provided that the Joint Applicants agreed "to refrain from filing a rate case until at least one full year of financial and operational information is available following the close of the Transaction."

10. In requesting that the Commission pre-authorize investment in and operational costs of certain wind projects and in requesting that the Commission pre-authorize rate base treatment for the Asbury plant, Empire seeks to circumvent the approved Stipulation and

Agreement. These pre-approvals will necessarily affect Joplin ratepayers.

11. The same Stipulation and Agreement provided: “The non-utility Signatory Parties enter into this Stipulation in reliance upon information provided to them by the Joint Applicants and this Stipulation is explicitly predicated upon the truth of representations made by the Joint Applicants.”

12. On information and belief, nothing regarding the potential use of wind-energy, the possible retirement of the Asbury plant and associated job losses was disclosed to the non-utility parties.

13. Empire’s ratepayers have borne the cost of significant improvements to the Asbury Plant, most recently in the form of the Asbury Air Quality Control System, which are detailed in ER-2014-0351 and ER-2016-0023.

14. Empire listed the “Asbury True-Up” as a “Major Cost Driver” in the last rate case, at \$2.1 million dollars. ER-2016-0023, Owens’ Direct, 5:8-10

15. Empire listed “Asbury Environmental Retrofit” as a “Major Cost Driver” in the 2014 rate case, at \$19.8 million dollars. ER-2014-0351, Walters’ Direct, 3:5-7.

16. The granting of the proposed intervention would serve the public interest.

17. Correspondence, communications, orders and decisions in this matter should be addressed to:

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WHEREFORE, for the foregoing reasons, the Intervenor City of Joplin respectfully requests that the Commission grant this Application to Intervene in this matter.

Respectfully submitted,

BLITZ, BARDGETT & DEUTSCH, L.C.

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing pleading has been served by electronic means on all parties of record as reflected in the records maintained by the Secretary of the Commission through the EFIS system.

 /s/ Marc H. Ellinger
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