

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

In the Matter of the Application of The Empire        )  
District Electric Company d/b/a Liberty to        )  
Implement Robust and Mutually-Beneficial        )        Case No. \_\_\_\_\_  
Energy Efficiency Offerings Under the        )  
Framework Prescribed by MEEIA        )

**EMPIRE’S MEEIA CYCLE 1 APPLICATION**

COMES NOW The Empire District Electric Company d/b/a Liberty, pursuant to Missouri Public Service Commission (“Commission”) Rules 20 CSR 4240-2.060, 2.065(4), 2.205, 4.017, and 20.092-20.094 and RSMo. §393.1075, and submits this MEEIA Cycle 1 Application, seeking approval of demand-side programs and a Demand-Side Investment Mechanism (“DSIM”) as prescribed by the Missouri Energy Efficiency Investment Act (“MEEIA”). The documents which are being filed concurrently with this Application, together with this Application, are sometimes referred to collectively herein as Empire’s MEEIA Cycle 1 Filing. This Application includes requests for waiver of the 60-day notice requirement, variance from certain rule provisions, a shortened intervention period, and the scheduling of an early procedural conference, so that Empire’s MEEIA Cycle 1 tariff may take effect by November 14, 2021.

**General Information**

1.        The Empire District Electric Company d/b/a Liberty (“Empire” or the “Company”) is a Kansas corporation with its principal office and place of business at 602 Joplin Street, Joplin, Missouri. Empire is qualified to conduct business and is conducting business in Missouri, as well as in the states of Arkansas, Kansas, and Oklahoma, and is engaged, generally, in the business of generating, purchasing, transmitting, distributing, and selling electricity in portions of the referenced four states. Empire’s Missouri operations are subject to the jurisdiction of the Commission as provided by law.

2. Empire has no pending or final unsatisfied judgements or decisions against it from any state or federal agency or court that involve customer service or rates that have occurred within the three years immediately preceding the filing of this Application. Empire has no overdue Commission annual reports or assessment fees. Empire's documents of incorporation have been previously filed with the Commission in Case No. EF-94-39 and said documents are incorporated herein by reference. A Certificate of Authority from the Missouri Secretary of State to the effect that Empire, a foreign corporation, is duly authorized to do business in the state of Missouri was filed with the Commission in Case No. EM-2000-369 and is incorporated herein by reference.

3. In addition to the undersigned counsel, all correspondences, pleadings, orders, and communications regarding this proceeding should be sent to:

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**Request for Waiver of the 60-Day Notice Requirement**

4. Commission Rule 4.017(1) provides, in part, that "(a)ny person that intends to file a case shall file a notice with the secretary of the commission a minimum of sixty (60) days prior to filing such case. Such notice shall detail the type of case and issues likely to be before the commission and shall include a summary of all communication regarding substantive issues likely to be in the case between the filing party and the office of the commission that occurred in the ninety (90) days prior to

filing the notice. The filing of such notice shall initiate a new noticed case and be assigned an appropriate case designation and number.”

5. On February 3, 2021, Empire filed a Notice of Intended Case Filing, initiating Case No. EO-2021-0247 and indicating the Company’s intent to submit a MEEIA filing no earlier than 60 days from that date. That docket was closed by the Commission, an application having not been filed within 180 days. At this time, Empire seeks waiver of Commission Rule 4.017(1), allowing the filing of the Application at this time.

6. Pursuant to 20 CSR 4240-4.017(1)(D), waivers of the 60-day notice requirement may be granted for good cause shown. In this regard, the Company declares (as verified) that they have had no ex parte communications with the Office of the Commission (as defined in Commission Rule 20 CSR 4240-4.015(10)) within the prior 150 days regarding any substantive issue likely to be in this case. Additionally, it would serve no purpose to delay the Commission’s consideration and approval of Empire’s MEEIA Cycle 1 Filing for an additional 60 days, especially given the Company’s filing of a 60-day notice on February 3, 2021.

#### **Rule Compliance and Request for Variances**

7. Commission Rule 22.080(18) requires the Company to certify this Application as substantially consistent with its preferred resource plan in its most recent Integrated Resource Plan (“IRP”) or to explain why it is not consistent. The Company hereby certifies that Empire’s MEEIA Cycle 1 Filing, including this Application, is substantially consistent with its preferred resource plan in its current IRP.

8. With the granting of the rule variances requested below, Empire’s MEEIA Cycle 1 Filing is also in compliance with Commission Rules 20.092-20.094. Contemporaneously with the filing of this Application, the Company is filing the Direct Testimony of Kimberly Dragoo, Senior Manager-Energy Efficiency for Liberty’s East and Central Regions. Ms. Dragoo’s Direct Testimony

addresses Empire's current energy efficiency offerings, introduces Empire's new portfolio of energy efficiency programs developed under the framework prescribed by MEEIA, and describes Empire's proposed DSIM.

9. Additionally, attached to Ms. Dragoo's Direct Testimony as Schedule KD-1 is a Report explaining in further detail the elements of the Company's proposed demand-side programs and DSIM. The appendices attached to Direct Schedule KD-1 provide the following additional materials:

- Dir. Sch. KD-1, Appendix A – Program Descriptions;
- Dir. Sch. KD-1, Appendix B – Savings;
- Dir. Sch. KD-1, Appendix C – Sample Bill;
- Dir. Sch. KD-1, Appendix D – Draft Proposed Notice;
- Dir. Sch. KD-1, Appendix E – Tariff; and
- Dir. Sch. KD-1, Appendix F – Earnings Opportunities.

10. In order to implement the DSIM and the portfolio of demand-side programs proposed in Empire's Cycle 1 MEEIA Filing, certain waivers or variances are needed from Commission rules, as discussed below. In accordance with 20 CSR 4240-20.094(11), the Company seeks waivers or variances from Commission Rule 20 CSR 4240-20.093(2)(I) with regard to EM&V and Commission Rule 20.093(9) with regard to the filing of annual reports.

11. Due to the abbreviated time period associated with Empire's MEEIA Cycle 1, an EM&V cycle cannot be completed as contemplated by Rule 20.093(2)(I). As detailed in the Company's Direct Testimony, Empire proposes the earnings opportunity be based on a combination of participation and program spending. The proposed calculation for the Company's earnings opportunity is attached as Appendix F to Dir. Sch. KD-1. This variance is requested only for Empire's MEEIA Cycle 1.

12. Additionally, in variance from Rule 20.093(9), Liberty is proposing the filing of a single report at the conclusion of Cycle 1, with an additional variance from the requirement that the

report contain a copy of the EM&V report for the most recent annual reporting period.

13. Commission Rule 20.094(2), regarding annual energy and demand savings goals, prescribes guidelines to review progress toward the expectation an electric utility's demand-side programs can achieve a goal of overall cost-effective demand-side savings. The rule, however, expressly states that the prescribed guidelines are not mandatory and that no penalty or other adverse consequence will result if a utility is unable to achieve annual savings goals specified in those guidelines. To eliminate any confusion regarding whether Empire's Cycle 1 MEEIA Filing is required to meet these "soft" goals related to kWh and kW load reductions, the Company seeks a waiver of this rule. Alternatively, the Commission could include a statement in its final order approving Empire's MEEIA Cycle 1 Filing that Empire will not be penalized in any way if it fails to meet goals expressed in the rule's guidelines.

14. Commission approval of the Company's proposed demand-side programs and DSIM, as detailed in the Company's Direct Testimony, is necessary to fulfill MEEIA's mandate that the Commission align utility financial incentives with helping customers to use energy more efficiently and in a manner that sustains or enhances utility customers' incentives to use energy more efficiently.

15. For Cycle 1, Empire, through discussions with stakeholders, determined it would be prudent to have an abbreviated program length. Empire wishes to significantly expand the scope and comprehensiveness of its offerings from the level of Empire's MEEIA Cycle 1 Filing. Empire believes this Cycle 1 portfolio is realistically ambitious, while serving as a bridge to build momentum, infrastructure, and vendor relationships to support an even more ambitious and robust three-year portfolio, for implementation in 2023. This abbreviated program length for Cycle 1 provides good cause for the variances requested above, and the Commission's grant of the requested variances will help to allow the Company to achieve its objective of reducing energy use and demand as cost-effectively as possible.

**Request for Abbreviated Intervention Period and Tariff Approval**

16. The MEEIA tariff attached to Ms. Dragoo’s Direct Testimony as Appendix F to Dir. Sch. KD-1 is also being filed separately, with an issue date of September 15, 2021, and a proposed effective date sixty days thereafter.

17. As detailed in Ms. Dragoo’s Direct Testimony, the Company has collaborated extensively with regulatory stakeholders in order to expedite the post-filing regulatory process associated with Empire’s MEEIA Cycle 1. Empire worked closely with stakeholders throughout the planning process to review portfolio topics such as program offerings, implementation contractors, avoided costs, the DSIM, and other MEEIA characteristics. As such, the Company asks the Commission to set a short intervention deadline and schedule an early procedural conference in this matter, so that Empire’s MEEIA Cycle 1 tariff may take effect by November 14, 2021.

**WHEREFORE**, The Empire District Electric Company respectfully requests that the Commission approve the demand-side programs and the DSIM proposed in its MEEIA Cycle 1 Filing. Empire requests such additional relief as is just and proper under the circumstances.

Respectfully submitted,

/s/ Diana C. Carter  
Diana C. Carter MBE #50527  
THE EMPIRE DISTRICT ELECTRIC COMPANY  
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**VERIFICATION**

On behalf of the applicant, The Empire District Electric Company, and pursuant to Commission Rule 20 CSR 4240-2.060(1)(M), the undersigned, upon his oath and under penalty of perjury, hereby states that the above MEEIA Application is true and correct to the best of his information, knowledge, and belief.

/s/ Nathaniel W. Hackney  
Nathaniel W. Hackney  
Senior Reporting and Systems Analyst –  
Liberty Central Region

**CERTIFICATE OF SERVICE**

I hereby certify that the above document was filed in EFIS on this 15<sup>th</sup> day of September, 2020, and sent by electronic transmission to the Staff of the Commission and the Office of the Public Counsel.

/s/ Diana C. Carter