

B. The electric utility shall provide documentation of the actual test/monitoring procedures. The electric utility may, in lieu of filing the documentation of these procedures with the commission, provide them to the staff, OPC, and to other parties as part of the workpapers it provides in connection with its direct case filing. If the electric utility submits the results in workpapers, it will provide a statement in its testimony as to where the results can be found in workpapers;

3. Liberty-Empire is able to satisfy the minimum filing requirements found in Rule subpart 20.090(2)(A)(15) as to all but one of its generating units, and, as such, a partial waiver of the Rule is being requested for this one generating unit.

4. Commission Rule 4 CSR 240-20.090(22) provides that “(p)rovisions of this rule may be waived by the commission for good cause.” Additionally, Commissioner Rule 4 CSR 240-2.205 provides that the Commission “may grant variance from or waive any rule or provision of a rule promulgated by the commission upon a finding of good cause.” Liberty-Empire respectfully submits that good cause, as set forth below, exists to grant a partial waiver of Rule subpart 20.090(2)(A)(15).

5. Heat rate testing information, as required by Rule subpart 20.090(2)(A)(15), is being providing for twelve of Liberty-Empire’s thirteen generating units. Heat rate testing, however, was performed on Liberty-Empire’s Riverton 11 generating unit just outside the 24-month time period prescribed by the Rule.

6. The required testing was performed at the Riverton 11 unit on August 3, 2017 – eleven days outside the 24-month time period. It would not have been a sound use of Liberty-Empire’s resources to race to perform a new heat rate test on this unit when it was determined that the general rate case filing would be made just over 24 months following the date of the last heat rate test. Additionally, Riverton 11 was unavailable for operation for much of July. Because the Riverton plant has only one fuel meter, heat rate tests on a unit can only be performed with all

other units turned off. Since Riverton 11's return to service, the Riverton Combined Cycle unit has been running to serve the Southwest Power Pool's load, thus preventing a heat rate testing of Riverton 11 within 24 months preceding the general rate case filing. The operations staff at the Riverton plant is aware of the requirement to perform heat rate testing for Riverton 11 and will do so when the next feasible opportunity presents.

WHEREFORE, for the good cause shown above, Liberty-Empire requests an order of the Commission, pursuant to Commission Rules 4 CSR 240-20.090(22) and 4 CSR 240-2.20, granting a partial wavier of Rule 20-090(2)(A) as to heat rate testing for Liberty-Empire's Riverton 11 generating unit. Liberty-Empire requests such other and further relief as is just and proper under the circumstances.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that the above document was filed in EFIS on this 14th day of August, 2019, with notification of the same being sent to all counsel of record.

/s/ Diana C. Carter