

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

In the Matter of the Empire District Electric	)	
Company's Infrastructure Standards	)	
Compliance Plan Pursuant to	)	Case No. EO-2018-0402
4 CSR 240-23.020(3)	)	

MOTION TO OPEN FILE FOR COMMENTS
OR IN THE ALTERNATIVE ACCEPT LATE FILED COMMENTS

COMES NOW, the Office of the Public Counsel (OPC), by and through counsel, and states as follows:

1. While the OPC is cognizant that this filing is technically filed beyond the ten day period provided after Empire's filing on June 29, 2018, the OPC requests that the Commission take notice that their facilities were closed for half of a working day on July 3, 2018, and a full day thereafter. Due to this closures, the OPC requests that the Commission receive this motion and comments below.

2. In its 2017 Reliability Compliance Report, Empire District Electric Company (Empire) disclosed that **they failed to inspect 327 underground distribution structures and 5,380 overhead transmission structures and equipment** during the 2017 calendar year. In explanation, Empire maintained that **a full transmission detail inspection could not occur because of "budget constraints" and that Empire "plans to resume detail inspections in the future." A corrective action summary was then included in Empire's filing.**

3. Commission Rule 4 CSR 240-23.020(3)(C) provides that annual inspection reports identify facilities not inspected and provide why those inspections did not occur. ***"Budget constraints"*** alone is an insufficient basis for a failure to inspect facilities, and is so vague as to provide the Commission with no detail as to how this deficiency may be corrected in the future.

4. **Budget constraints alone should also never be a basis for failing to complete inspections as Commission Rule 4 CSR 240-23.020(4) allows for full recovery of expenses incurred in compliance of inspection requirements.**

5. Commission Rule 4 CSR 240-23.020(3)(C) also provides that subject electrical corporations provide a recovery plan for performing the required inspections that were overlooked in previous years. **Empire's demonstration of intent to perform future inspections, although appreciated, is insufficient in detail for a recovery plan. Furthermore, the corrective action summary fails to detail how the aforementioned overlooked inspections will be completed under the required 6-year cycle.**

WHEREFORE, the OPC requests that the Commission open the case file on Empire's 2017 Reliability Compliance Report, and compel Empire to provide full documentation in compliance with Commission Rule 4 CSR 240-23.020(3)(C).

Respectfully,

OFFICE OF THE PUBLIC COUNSEL

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served, either electronically or by hand delivery or by First Class United States Mail, postage prepaid, on this 10th day of July, 2018, with notice of the same being sent to all counsel of record.

/s/ Caleb Hall

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