

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI

In the Matter of The Empire District Electric Company's )  
Request for Authority to Increase Rates for Electric ) Case No. ER-2019-0374  
Service Provided to Customers in Missouri )

**NRDC'S RESPONSE TO COMMISSION QUESTIONS**

On April 28, 2020, the Commission issued a set of questions to the parties as a substitute of sorts for the lack of a conventional hearing that has resulted from the global coronavirus pandemic. The Natural Resources Defense Council (NRDC) is a signatory to the Global Stipulation and Agreement but had only a few issues of concern. Therefore NRDC cannot state a position on most of the Commission's questions but will respond to Question 5 on page 19:

All Parties - If the Commission does not approve the Global Stipulation and Agreement, do OPC and the Signatories still support approval of the terms of the agreement that OPC indicated in its Objection to Parts of the Global Stipulation and Agreement that it does not oppose? If not, please identify the terms of agreement that all parties do not oppose?

The Commission's question assumes that "all parties" have arrived at a common answer. Unfortunately, this is not the case. NRDC can give its answer with some confidence that it will contribute to a common answer.

OPC has done a disservice to everyone else involved in the inexplicable format of the Objection it filed on April 16 to the Global Stipulation and Agreement. On page 2

thereof OPC says it “does not object to only the following terms...” By subtracting the long list that comprises the rest of the Objection from the terms of the Stipulation, NRDC has determined that OPC **does** object only to paragraphs 6 a, b and e concerning the FAC; 3 on base rates; 4, phase-in mechanism; 5, no change to customer charges; 8, SRLE and 24–26, Asbury AAO.

The only objections expressly made by OPC, on page 1 of the Objection, are to three “premises” rather than specific terms: (1) assumption of a rate increase; (2) affiliate transactions, and (3) the ratemaking treatment of Asbury’s retirement.

**NRDC’s answer:** NRDC supports all terms of the Global Stipulation, including those that OPC does not object to.

NRDC opposes OPC expressly on issue 5, as to which NRDC supports leaving the residential customer charge unchanged, and issues 24–6, as to which NRDC supports deferral of Asbury retirement expenses until the forthcoming general rate case through the mechanism of an Accounting Authority Order.

As to issues 3, 4, 6 a b and e, and 8, NRDC supports the Stipulation and consequently opposes OPC.

Respectfully submitted,

/s/ Henry B. Robertson  
Henry B. Robertson (Mo. Bar No. 29502)  
Great Rivers Environmental Law Center  
319 N. Fourth Street, Suite 800  
St. Louis, Missouri 63102  
(314) 231-4181  
(314) 231-4184 (facsimile)  
[hrobertson@greatriverslaw.org](mailto:hrobertson@greatriverslaw.org)  
Attorney for NRDC

## **CERTIFICATE OF SERVICE**

I hereby certify that a true and correct PDF version of the foregoing was filed on EFIS and sent by email on this 6th day of May, 2020, to all counsel of record.

/s/ Henry B. Robertson  
Henry B. Robertson