

BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

In the Matter of The Empire District Electric Company’s)
Submission of its Interim Report Regarding) Case No. EO-2012-0269
Participation in the Southwest Power Pool, Inc.)

MOTION FOR STAY

COMES NOW The Empire District Electric Company d/b/a Liberty (“Empire”), and for its Motion for Stay regarding the submission of an Interim Report on Empire’s continued membership in the Southwest Power Pool (“SPP”), respectfully states as follows to the Missouri Public Service Commission (“Commission”):

1. On September 11, 2013, the Commission approved a stipulation and agreement that provided for Empire’s continued participation in SPP through August 1, 2019. That stipulation and agreement contained provisions that required Empire to undertake a cost/benefit study and prepare an interim report. On February 15, 2017, a joint motion was filed asking the Commission to modify the 2013 stipulation and agreement, delay the production of the interim report for three years, and extend Empire’s authorization to participate in SPP for the same three-year period.

2. On March 1, 2017, the Commission issued its *Order Modifying Stipulation and Agreement* herein, providing that the “interim and conditional approval of The Empire District Electric Company’s membership in the Southwest Power Pool, described in Section II.A(1) of the Stipulation and Agreement, is extended by three years to August 1, 2022.”

3. The *Order Modifying Stipulation and Agreement* also provides that “(a)ll other dates associated with the Interim Report and Interim Approval are also extended by three years” and that Empire “shall file a 2021 Interim Report, containing a completed cost/benefit study and its case for whether to continue to participate in the Southwest Power Pool by April 30, 2021.”

4. With regard to the cost/benefit study scheduled to be filed by April 30, 2021, Empire submitted an Information Filing on February 3, 2020, stating its intent to obtain an estimate of the

benefits and costs of remaining in the SPP by looking at the load ratio share approximation methodology, as suggested by the Commission in its October 11, 2019, *Order* regarding Evergy in Commission Case No. EO- 2012-0135.

5. Subsequently, on October 14, 2020, the Commission issued an *Order Opening a Working Case to Consider the Membership of Missouri's Investor-Owned Electric Utilities in Regional Transmission Organizations* (Case No. EW-2021-0104).

6. In an effort to determine whether continued membership in an RTO (SPP and MISO) is in the best interest of utility customers, with its *Order Opening a Working Case to Consider the Membership of Missouri's Investor-Owned Electric Utilities in Regional Transmission Organizations*, the Commission directed its Staff to investigate: 1) the kind of information needed to respond to the Commission's current and previous orders on RTO membership; 2) whether such information is reasonably and economically available, and if not, what kind of information could be used as a proxy to control costs and expeditiously respond to the Commission; 3) the cost of gathering, analyzing, and interpreting such information; and 4) whether there are any identifiable "deal breaker" events or categories of events that would make it unreasonable for a Missouri investor-owned utility to remain in an RTO. Staff's report in Case No. EW-2021-0104 is due June 30, 2021.

7. Empire submits that it would be reasonable and prudent to delaying Empire's filing of an Interim Report, containing a completed cost/benefit study and its case for whether to continue to participate in the SPP, until after Staff's report is filed in EW-2021-0104 and the Commission subsequently issues its order therein. A grant of the requested stay would avoid duplication of work and the risk of inconsistent findings and conclusions.

WHEREFORE, Empire requests a stay of the requirement to submit an Interim Report herein, pending the outcome of Case No. EW-2021-0104, and the extension of the Commission's

interim and conditional approval of Empire's membership in the SPP. Empire requests such additional relief as is just and proper under the circumstances.

Respectfully submitted,

/s/ Diana C. Carter

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CERTIFICATE OF SERVICE

I hereby certify that the above document was filed in EFIS on this 29th day of April, 2021, with notification of the same being sent to all counsel of record.

/s/ Diana C. Carter