

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

In the Matter of The Empire District	)	
Electric Company’s Request for Authority	)	
to File Tariffs Increasing Rates for Electric	)	Case No. ER-2019-0374
Service Provided to Customers in its	)	
Missouri Service Area	)	

**APPLICATION TO INTERVENE OF THE  
EMPIRE DISTRICT ELECTRIC SERP RETIREES**

COMES NOW The Empire District Electric SERP Retirees, LLC (“EDES”), pursuant to 4 CSR 240-2.075 of the Missouri Public Service Commission’s Rules of Practice and Procedure and the Commission’s August 21, 2019 *Order Suspending Tariff, Directing Notice, Delegating Authority, Setting a Deadline to Intervene, and Scheduling a Prehearing Conference*, and for its Application to Intervene respectfully states as follows:

1. EDES is composed of retirees of Empire and their spouses; individuals who have earned, during their careers at Empire, certain SERP (Supplemental Executive Retirement Plan) post career benefits. These future benefits were integral to and were consideration promised in exchange for work already performed by the SERP retirees.

2. On August 14, 2019, The Empire District Electric Company (“Empire”) filed tariffs designed to increase the electric rates to customers served in its Missouri service area.

3. The matters to be considered in this case and the Commission’s determinations therein, could have a direct and significant impact on the SERP retirees. Indeed, in the direct testimony of witnesses Richard and Fallert, Empire discusses the merger commitment associated with the SERP benefits as well as the recovery of costs

related to such benefits. Therefore, granting this proposed intervention to the Applicants would serve the public interest and would assist the Commission in development of a more complete record.

3. Applicant has a direct and immediate interest in these proceedings that is different from that of the general public. While Applicant does not, at this time, have sufficient information to assert a position on this investigation, it reserves the right to assert positions after it has had an adequate opportunity to examine the record, and any documentation of other parties filed herein.

4. Correspondence and communications regarding this application, including service of all notices and orders of this Commission, should be addressed to:

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WHEREFORE, having stated the grounds for intervention and the position and interest of the Applicant in these proceedings, Applicant asks that the Commission grant this Application for Intervention, and thereby entitle said Applicant to have notice of and to appear at the taking of testimony, to produce and cross-examine witnesses, and to be heard in person or by counsel on the argument, and in all other respects to be made parties to this proceeding.

Respectfully submitted,

/s/ David L. Woodsmall  
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ATTORNEY FOR THE EMPIRE  
DISTRICT ELECTRIC SERP RETIREES,  
LLC

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that I have this day served the foregoing pleading by email, facsimile or First Class United States Mail to all parties by their attorneys of record as provided by the Secretary of the Commission.



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David L. Woodsmall

Dated: September 4, 2019