

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)

SIERRA CLUB'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 Sierra Club did not sign the Global Stipulation and Agreement but did not object. Sierra Club had only a few issues of concern and therefore 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. Sierra Club 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, we have 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.

Sierra Club’s answer: Sierra Club does not oppose any term of the Global Stipulation, including those that OPC does not object to.

Sierra Club opposes OPC expressly on issue 5, as to which Sierra Club supports leaving the residential customer charge unchanged, and issues 24–6, as to which Sierra Club 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, Sierra Club does not oppose 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
Attorney for Sierra Club

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