

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

In the Matter of the Application of The Empire)
District Electric Company for a Certificate of) Case No. EA-2019-0010
Convenience and Necessity Related to its Customer)
Savings Plan)

MOTION AND SUGGESTIONS FOR LOCAL PUBLIC HEARING

COMES NOW the Office of the Public Counsel and requests that the Commission hold a local public hearing in this case near the location of the proposed wind farm sites before surrebuttal and cross-surrebuttal testimony are filed. Empire, the Office of the Public Counsel and other parties have proposed that surrebuttal and cross-surrebuttal testimony be filed on January 24, 2019. The Office of the Public Counsel suggests the local public hearing be held in Carthage, Missouri, if an appropriate venue is available—potential venues are Carthage High School, 2600 S. River, Carthage, Missouri 64836, (417) 359-7020 Phone | (417) 359-7037 Fax, and Carthage Technical Center, North Campus, 609 S. River Street, Carthage, Missouri 64836, (417)359-7095 Phone | (417)359-7419 Fax, South Campus, 1100 E. Airport Drive, Carthage, Missouri 64836, (417)359-7026 Phone | (417)359-7098 Fax¹—or in Joplin, Missouri—a potential venue is Missouri Southern State University, Plaster Hall Building, Cornell Auditorium – 2nd floor, 3950 East Newman Road, Joplin, Missouri 64801.²

In Case No. EO-2018-0092 Empire sought Commission for approval for a plan to build wind farms and retire its Asbury generating station. With regard to the potential for building the wind farms in Missouri, Empire’s witness Tim Wilson testified in direct, “The second option is

¹ If the Commission holds a local public hearing, The Empire District Electric Company has advised the Office of the Public Counsel that it recommends the Commission hold the hearing at Carthage Technical Center, South Campus, 1100 E. Airport Drive, Carthage, Missouri 64836, (417)359-7026 Phone | (417)359-7098 Fax.

² This is the venue the Commission used in Case No. EO-2018-0092.

for a developer to construct a wind project on sites in Missouri currently being developed by Empire.”³ In addition, with regard to the wind farms, the Commission-ordered notice of the local public hearing in Case No. EO-2018-0092 stated, “To achieve this plan Empire seeks approval to build 800 MW (nameplate) of wind generation in or near the Empire service territory at a cost of about \$1.5 billion using federal tax incentives in conjunction with tax equity partners to reduce the cost to \$700 million.”⁴ In this case, the sites for which Empire is seeking authority to build wind farms in Missouri are identified specifically, are spread over many sections of land, and Empire is closer to actually building them. Unlike in Case No. EO-2018-0092, Empire is not seeking in this case Commission approval to cease operating its Asbury generating station. For these reasons, the issues addressed in the present case are unique and a local public hearing near the sites of the now known wind projects would provide the public with the best available venue for comment, and will aid the parties and the Commission in resolving the issues raised by this application.

WHEREFORE, the Office of the Public Counsel suggests that Commission issue an order regarding the local public hearing similar in content and format to the one it issued on January 10, 2018, in Case No. EO-2018-0092; a copy of that order is attached.

³ Ex. 19, Direct Testimony of Empire witness Timothy N. Wilson, p. 3, ll. 21-23.

⁴ *Order Regarding Motion Requesting Local Public Hearing*, issued January 10, 2018, Case No. EO-2018-0092.

Respectfully,

/s/ Nathan Williams

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or electronically mailed to all counsel of record this 2nd day of November 2018.

/s/ Nathan Williams

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service Commission held at its office in Jefferson City on the 10th day of January, 2018.

In the Matter of the Application of The Empire)
District Electric Company for Approval of Its) **File No. EO-2018-0092**
Customer Savings Plan)

**ORDER REGARDING MOTION REQUESTING
LOCAL PUBLIC HEARING**

Issue Date: January 10, 2018

Effective Date: January 10, 2018

On October 31, 2017, The Empire District Electric Company (“Empire”) applied to the Commission for approval of its proposed plan to achieve customer savings through the development of wind generation using federal tax incentives in conjunction with a tax equity partner and the retirement of a coal-fired unit. On December 29, 2017, the Office of the Public Counsel and the City of Joplin (“Movants”) filed a joint motion requesting that a local public hearing be held in Joplin, Missouri. Movants assert that Empire’s proposed plan would directly affect the City of Joplin and its ratepayers due to potential job losses, stranding of costs, and impact on rates, so it is important for the Commission to receive input from those interested persons.

Staff and Empire responded to the joint motion, stating that holding a local public hearing regarding this type of application is not required and highly unusual. However, neither Staff nor Empire specifically objected to conducting a local public hearing. Empire proposed an alternate format involving an informal open house with multiple information stations to provide an opportunity to answer customer questions.

The Commission finds that holding a local public hearing would be beneficial in order to receive comments from Missouri ratepayers who could be affected by Empire's proposed plan, so it will grant the Movants' joint motion. Empire's suggested open house format is not sufficient because any public comments received would not be included in the evidentiary record of the case. The Commission will provide an opportunity for questions from the public by holding a question and answer session at the beginning of the hearing. The Commission will also direct Empire to provide notice of the hearing by publication to interested persons.

THE COMMISSION ORDERS THAT:

1. The Office of the Public Counsel and the City of Joplin's joint motion filed on December 29, 2017, is granted.

2. The Commission shall hold a local public hearing on Thursday February 8, 2018, beginning at 6:00 p.m. and continuing until all persons who wish to testify have done so, at Missouri Southern State University, Cornell Auditorium, Plaster Hall, 3950 E. Newman Road, Joplin, Missouri 64801. The local public hearing shall be held in a facility that meets the accessibility requirements of the Americans with Disabilities Act. Any person who needs additional accommodation to participate in the hearing should call the Public Service Commission's Hotline at 1-800-392-4211 (voice) or Relay Missouri at 711 before the hearing.

3. The Commission's Staff shall conduct a question-and-answer session for the public beginning at 6:00 p.m. on the date of the hearing. The Empire District Electric Company, Staff, and the Office of the Public Counsel shall have representatives available at the session to answer questions. Any other party, at its discretion, may make a

representative available to address substantive issues during the question and answer session.

4. The Data Center of the Missouri Public Service Commission shall mail a copy of this order to the county commission of each county in The Empire District Electric Company's service area.

5. The Public Policy and Outreach Department of the Missouri Public Service Commission shall send a copy of this order to members of the General Assembly and to the media that serve The Empire District Electric Company's service area.

6. The Empire District Electric Company shall provide notice of the local public hearing by placing advertisements in newspapers in its service area once each week for the two weeks prior to the local public hearing. The advertisements shall contain the following language:

NOTICE OF LOCAL PUBLIC HEARING

The Missouri Public Service Commission will hold a local public hearing in Joplin, Missouri on February 8, 2018, in an electric case The Empire District Electric Company filed seeking approval of a regulatory plan which Empire estimates will result in up to \$325 million of cost savings on customer bills over twenty years. To achieve this plan Empire seeks approval to build 800 MW (nameplate) of wind generation in or near the Empire service territory at a cost of about \$1.5 billion using federal tax incentives in conjunction with tax equity partners to reduce the cost to \$700 million. As part of this plan, Empire proposes to retire its 218 MW (nameplate) coal-fired Asbury generating plant located near Asbury and Joplin, Missouri by April of 2019 rather than current estimates of 2035. All customer rate change requests associated with this plan would be handled in subsequent filings as the Customer Savings Plan is implemented.

The local public hearing scheduled on February 8, 2018 will be held at the Missouri Southern State University, Cornell Auditorium, Plaster Hall, 3950 E. Newman Road, Joplin, Missouri 64801. The hearing starts at 6:00 p.m., beginning with a public information/question and answer session conducted by the PSC Staff, followed by the taking of public comments.

This local public hearing will be held in a facility that meets the accessibility requirements of the Americans with Disabilities Act. Any person who needs additional accommodations to participate in this hearing should call the Public Service Commission's hotline at 1-800-392-4211 (voice) or Relay Missouri at 711 before the hearing.

If you are unable to attend the local public hearing and wish to make written comments or secure additional information, you may contact the Office of the Public Counsel, P.O. Box 2230, Jefferson City, Missouri 65102, telephone (866) 922-2959, email opcservice@ded.mo.gov or the Missouri Public Service Commission, P.O. Box 360, Jefferson City, Missouri 65102, telephone 1-800-392-4211, email pscinfo@psc.mo.gov.

The Empire District Electric Company serves approximately 151,700 electric customers in the Missouri counties of Barry, Barton, Cedar, Christian, Dade, Dallas, Greene, Hickory, Jasper, Lawrence, McDonald, Newton, Polk, St. Clair, Stone and Taney.

File No. EO-2018-0092

7. Witness testimony at the local public hearing shall be limited to five minutes per person. No person may donate their time for testimony to another witness in order to extend that witness' testimony time to more than five minutes.
8. Counsel for a party shall file any objection to an exhibit offered by a witness at the local public hearing no later than five business days after that exhibit is filed in the Commission's electronic filing and information system (EFIS).
9. This order shall become effective when issued.



BY THE COMMISSION

A handwritten signature in black ink that reads "Morris L. Woodruff".

Morris L. Woodruff
Secretary

Hall, Chm., Kenney, Rupp, Coleman, and
Silvey CC., concur.

Bushmann, Senior Regulatory Law Judge