

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service Commission held by telephone and internet audio conference on the 9th day of September, 2020.

In the Matter of The Empire District Electric)
Company's Request for Authority to File)
Tariffs Increasing Rates for Electric Service)
Provided to Customers in its Missouri)
Service Area)

File No. ER-2019-0374
Tariff No. YE-2021-0041

**ORDER DENYING THE OFFICE OF THE PUBLIC COUNSEL'S COMPLIANCE
TARIFF RECOMENDATION AND GIVING NOTICE THAT THE TARIFF WILL
BE ALLOWED TO GO INTO EFFECT**

Issue Date: September 9, 2020

Effective Date: September 19, 2020

On August 17, 2020, The Empire District Electric Company (Empire) filed proposed tariff sheets, Tariff No. YE-2021-0041, to implement new rates in compliance with the Commission's July 23, 2020 Amended Report and Order. On August 31, 2020, Empire filed substitute tariff sheets. The tariff sheets are designed to increase Empires gross annual electric revenues by approximately \$990,000, exclusive of applicable gross receipts, sales, franchise or occupational fees or taxes. The tariff sheets bear an effective date of September 16, 2020.

The Commission directed Staff to file a recommendation and any other party to file its response to the tariff no later than September 3, 2020. Staff filed its recommendation that the Commission approve the compliance tariff book, as substituted, on September 1, 2020, but questioned whether Empire applied the class cost allocations as clarified by the Commission in its August 5, 2020, Order of Clarification.

The Office of the Public Counsel (OPC) filed a response to Empire's compliance tariff on September 1, 2020, that alleged four deficiencies in Empire's Fuel Adjustment Clause (FAC) compliance substitute tariff sheets. OPC recommends that the Commission reject Empire's compliance tariff.

In separate orders, the Commission ordered Empire to answer Commission questions about the class cost allocations and ordered Empire and Staff to respond to OPC's FAC compliance tariff issues. Staff was additionally ordered to reply to Empire's class cost allocation answers.

Staff and Empire responded to OPC's FAC issues. Staff indicated that three of the issues were outside the scope of issues presented to the Commission and that on the fourth issue Empire's compliance tariff was consistent with the Commission's Amended Report and Order. On September 8, 2020, OPC replied to Empire and Staff's FAC responses. OPC's reply stated that the deficiencies it raised were about clarity and not substance.

Staff replied to Empire's class cost allocation answers and included a memorandum explaining the class cost allocations.

The Commission has considered the compliance tariff sheets, as substituted, and the responses of the various parties. The Commission determines that Empire's compliance tariff is consistent with the Commission's Amended Report and Order. Therefore, the Commission will deny OPC's recommendation that the Commission reject Empire's compliance tariff. The Commission will allow Tariff No. YE-2021-0041, as substituted, to take effect by operation of law on September 16, 2020.

THE COMMISSION ORDERS THAT:

1. The Office of the Public Counsel's recommendation that the Commission reject Empire's compliance tariff is denied.

2. This order is effective September 19, 2020.

THE COMMISSION GIVES NOTICE THAT:

1. The Empire District Electric Company's compliance tariff bearing Tariff No. YE-2021-0041, as substituted August 31, 2020, will take effect by operation of law on September 16, 2020.



BY THE COMMISSION

A handwritten signature in black ink that reads "Morris L. Woodruff". The signature is written in a cursive, flowing style.

Morris L. Woodruff
Secretary

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

Clark, Regulatory Law Judge