

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service Commission held at its office in Jefferson City on the 21st day of August, 2019.

In the Matter of The Empire District)
Electric Company's Request for Authority) **File No. ER-2019-0374**
to File Tariffs Increasing Rates for Electric) Tracking No. YE-2020-0029
Service Provided to Customers in its)
Missouri Service Area)

**ORDER SUSPENDING TARIFF, DIRECTING NOTICE, DELEGATING
AUTHORITY, SETTING A DEADLINE TO INTERVENE, AND SCHEDULING A
PREHEARING CONFERENCE**

Issue Date: August 21, 2019

Effective Date: August 21, 2019

The Commission is suspending Empire District Electric Company's tariff sheets, giving notice of a contested case, delegating authority, setting a prehearing conference, and setting a deadline to intervene. The Empire District Electric Company submitted tariff sheets on August 14, 2019, to implement an increase of approximately \$26.5 million dollars to Empire's gross annual electric revenues. The proposed tariff sheets have an effective date of September 13, 2019.

A. Suspension of Tariff

Section 393.150, RSMo 2016, authorizes the Commission to suspend the effective date of proposed tariff sheets for 120 days, plus an additional six months to allow for a hearing. Accordingly, in order to provide sufficient time to determine if Empire's proposed tariff sheets are just and reasonable,¹ the Commission will suspend the tariff sheets for 120 days beyond the effective date. Additionally, the Commissions experience

¹ Section 393.190.1, RSMo 2016.

demonstrates that a hearing cannot be concluded within 120 days, so the Commission will suspend the tariff sheets for an additional six months.²

B. Notice of Contested Case

Suspension of the tariff may occur only pending a “full” hearing and decision on the tariff’s propriety.³ The provision for a full pre-decision hearing signifies that this action is now a “contested case.”⁴ A contested case is a formal hearing procedure, but it allows for waiver of procedural formalities⁵ and a decision without a hearing,⁶ including by stipulation and agreement.⁹ This order and notice does not require any party to file an answer. The Commission’s discovery regulations may be found at Commission regulation 4 CSR 240-2.090.

C. Delegation as to Discovery

The Commission may delegate any adjudicative authority to the regulatory law judge assigned to this action.⁷ To ensure that all discovery disputes are ruled upon expeditiously, the Commission will delegate its authority to the regulatory law judge assigned to this action to rule on discovery disputes raised at the discovery conferences and to rule on all motions to compel discovery. The Commission will set forth further provisions for discovery by separate order when setting a full procedural schedule.

D. Other Procedural Matters

The Commission will schedule a prehearing conference and require the parties to agree on a proposed procedural schedule. The Commission’s Staff will have primary responsibility for preparing the proposed procedural schedule.

² Section 393.150, RSMo 2016.

³ Section 393.150.1, RSMo 2016.

⁴ Section 536.010(4), RSMo 2016.

⁵ Section 536.060(3), RSMo 2016.

⁶ 4 CSR 240-2.115.

⁷ Section 386.240, RSMo 2016.

The Commission will direct its Data Center to serve a copy of this order upon the county commission of the counties in Empire's service area. Additionally, the Commission will direct the Public Policy and Outreach Department to make notice of this order available to the media serving Empire's service area and to the members of the General Assembly representing those areas.

Finally, the Commission will set a date by which applications to intervene shall be filed.

THE COMMISSION ORDERS THAT:

1. The proposed tariff sheets, filed under Tracking No. YE-2020-0029, by Empire, are suspended for 120 days plus six months until July 11, 2020.

2. The regulatory law judge assigned to this action shall have full authority to rule on any discovery dispute, including any motion to compel, and may make any such ruling at a discovery conference.

3. A prehearing conference shall be held on Tuesday, September 17, 2019, at 10:00 A.M., in Room 305 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. The pre-hearing conference will be held in a building that meets accessibility standards required by the Americans with Disabilities Act. If any person needs additional accommodations to participate in any hearing, please call the Missouri Public Service Commission's Hotline at 1-800-392-4211 (voice) or Relay Missouri at 711 before the hearing.

4. The Commission's Data Center shall serve a copy of this order upon the county commission of each county within Empire's service area.

5. The Commission's Public Policy and Outreach Department shall make notice of this order available to the members of the General Assembly representing Empire's service area and to the news media serving therein.

6. Applications to intervene shall be filed no later than September 16, 2019, with the Secretary of the Missouri Public Service Commission or in the Commission's Electronic Filing and Information System.

7. This order shall be effective when issued.

BY THE COMMISSION



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

Morris L. Woodruff
Secretary

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

Clark, Regulatory Law Judge