

**STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION**

At a session of the Public Service  
Commission held at its office in  
Jefferson City on the 2<sup>nd</sup> day of  
June, 2015.

In the Matter of The Empire District Electric )  
Company's Application for Variance From )  
Selected Provisions of the Commission's )  
Rules to Electric Utility Resource Planning )

**File No. EE-2015-0249**

**ORDER GRANTING APPLICATION FOR VARIANCE**

Issue Date: June 2, 2015

Effective Date: July 2, 2015

On April 1, 2015, The Empire District Electric Company ("Empire") filed an Application for Variance with the Missouri Public Service Commission, requesting that the Commission grant it variances from portions of Commission Rule 4 CSR 240-3.164 and the Commission's integrated resource planning rule, 4 CSR 240-22, which are described in Appendix A and Appendix B of the Application for Variance.

On April 2, 2015, the Commission issued notice of the application and set deadlines for interested persons to intervene and for the filing of responses to the Application for Variance. The Commission received no applications to intervene. On May 11, 2015, the Commission's Staff filed a recommendation advising the Commission to grant the Application for Variance with minor modifications. On May 20, 2015, Empire filed a response agreeing to the modifications in the Staff recommendation.

The application is within the Commission's jurisdiction to decide.<sup>1</sup> Because no party objects to the application, no evidentiary hearing is required.<sup>2</sup> Thus, the Commission deems the hearing waived,<sup>3</sup> and bases its findings on the verified filings.

Commission Rule 4 CSR 240-22.080(13) states:

(13) Upon written application made at least twelve (12) months prior to a triennial compliance filing, and after notice and an opportunity for hearing, the commission may waive or grant a variance from a provision of 4 CSR 240-22.030–4 CSR 240-22.080 for good cause shown. The commission may grant an application for waiver or variance filed less than twelve (12) months prior to the triennial compliance filing upon a showing of good cause for the delay in filing the application for waiver or variance.

(A) The granting of a variance to one (1) electric utility which waives or otherwise affects the required compliance with a provision of this chapter does not constitute a waiver respecting, or otherwise affect, the required compliance of any other electric utility with a provision of these rules.

(B) The commission will not waive or grant a variance from this chapter in total.

Based upon its independent review of the verified pleadings, the Commission finds good cause to grant the requested variances. Empire's next integrated resource plan is due to be filed on April 1, 2016.<sup>4</sup> Thus, Empire's Application for Variance, filed on April 1, 2015, was made 12 months in advance of its required triennial compliance filing. Empire has demonstrated good cause for the variances, and no party has objected. Therefore, the Commission will grant the request.

#### **THE COMMISSION ORDERS THAT:**

1. The Empire District Electric Company's Application for Variance filed on April 1, 2015, is granted subject to the modifications described in Staff's recommendation.

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<sup>1</sup> Commission Rule 4 CSR 240-22.080(13); Commission Rule 4 CSR 240-3.015.

<sup>2</sup> *State ex rel. Rex Deffenderfer Ent., Inc. v. Public Serv. Com'n*, 776 S.W.2d 494 (Mo. App. 1989).

<sup>3</sup> Section 536.060, RSMo 2000.

<sup>4</sup> Commission Rule 4 CSR 240-22.080(1)(B).

2. This order shall become effective on July 2, 2015.
3. This file shall be closed on July 3, 2015.



**BY THE COMMISSION**

A handwritten signature in cursive script that reads "Morris L. Woodruff".

Morris L. Woodruff  
Secretary

R. Kenney, Chm., Stoll, W. Kenney,  
Hall, and Rupp, CC., concur.

Bushmann, Senior Regulatory Law Judge