

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

In the Matter of the Empire District Electric	)	
Company's Infrastructure Standards	)	
Compliance Plan Pursuant to	)	Case No. EO-2018-0402
4 CSR 240-23.020(3)	)	

**REFILED MOTION IN RESPONSE TO COMMISSION
ORDER GRANTING REQUEST TO MAKE MOTION PUBLIC**

COMES NOW, the Office of the Public Counsel (OPC), by and through counsel, and states as follows:

1. On July 26, 2018, the Public Service Commission (Commission) granted the OPC's Motion to Declassify Designation filed on July 26, 2018. The OPC's Motion was filed in response to Empire District Electric Company's determination that OPC's prior Motion to Open File for Comments or in the Alternative Accept Late Filed Comments need not be classified as confidential.

2. Accordingly, the OPC has attached herein the OPC's prior Motion to Open File for Comments or in the Alternative Accept Late Filed Comments in its entirety for public view.

WHEREFORE, the OPC resubmits its prior Motion in accordance with the Commission's Order.

Respectfully,

OFFICE OF THE PUBLIC COUNSEL

_____/s/ Caleb Hall
Caleb Hall, #68112
Senior Counsel
200 Madison Street, Suite 650
Jefferson City, MO 65102
P: (573) 751-4857
F: (573) 751-5562
Caleb.hall@ded.mo.gov

**Attorney for the Office of the Public
Counsel**

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served, either electronically or by hand delivery or by First Class United States Mail, postage prepaid, on this 27th day of July, 2018, with notice of the same being sent to all counsel of record.

/s/ Caleb Hall

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

In the Matter of the Empire District Electric	)	
Company's Infrastructure Standards	)	
Compliance Plan Pursuant to	)	Case No. EO-2018-0402
4 CSR 240-23.020(3)	)	

MOTION TO OPEN FILE FOR COMMENTS
OR IN THE ALTERNATIVE ACCEPT LATE FILED COMMENTS

COMES NOW, the Office of the Public Counsel (OPC), by and through counsel, and states as follows:

1. While the OPC is cognizant that this filing is technically filed beyond the ten day period provided after Empire's filing on June 29, 2018, the OPC requests that the Commission take notice that their facilities were closed for half of a working day on July 3, 2018, and a full day thereafter. Due to this closures, the OPC requests that the Commission receive this motion and comments below.

2. In its 2017 Reliability Compliance Report, Empire District Electric Company (Empire) disclosed that **they failed to inspect 327 underground distribution structures and 5,380 overhead transmission structures and equipment** during the 2017 calendar year. In explanation, Empire maintained that **a full transmission detail inspection could not occur because of "budget constraints" and that Empire "plans to resume detail inspections in the future." A corrective action summary was then included in Empire's filing.**

3. Commission Rule 4 CSR 240-23.020(3)(C) provides that annual inspection reports identify facilities not inspected and provide why those inspections did not occur.

"Budget constraints" alone is an insufficient basis for a failure to inspect facilities, and is so vague as to provide the Commission with no detail as to how this deficiency may be corrected in the future.

4. **Budget constraints alone should also never be a basis for failing to complete inspections as Commission Rule 4 CSR 240-23.020(4) allows for full recovery of expenses incurred in compliance of inspection requirements.**

5. Commission Rule 4 CSR 240-23.020(3)(C) also provides that subject electrical corporations provide a recovery plan for performing the required inspections that were overlooked in previous years. **Empire's demonstration of intent to perform future inspections, although appreciated, is insufficient in detail for a recovery plan. Furthermore, the corrective action summary fails to detail how the aforementioned overlooked inspections will be completed under the required 6-year cycle.**

WHEREFORE, the OPC requests that the Commission open the case file on Empire's 2017 Reliability Compliance Report, and compel Empire to provide full documentation in compliance with Commission Rule 4 CSR 240-23.020(3)(C).

Respectfully,

OFFICE OF THE PUBLIC COUNSEL

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Caleb Hall, #68112
Senior Counsel
200 Madison Street, Suite 650
Jefferson City, MO 65102
P: (573) 751-4857
F: (573) 751-5562
Caleb.hall@ded.mo.gov

**Attorney for the Office of the Public
Counsel**

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served, either electronically or by hand delivery or by First Class United States Mail, postage prepaid, on this 10th day of July, 2018, with notice of the same being sent to all counsel of record.

/s/ Caleb Hall