

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

In the Matter of the Seventh Prudence)
Review of Costs Subject to the)
Commission Approved Fuel Adjustment)
Clause of The Empire District Electric)
Company)

Case No. EO-2018-0244

**NOTICE OF WITHDRAWAL OF
REQUEST FOR AN EVIDENTIARY HEARING**

COMES NOW the Office of the Public Counsel (“OPC”) and for its Notice of Withdrawal of Request for an Evidentiary Hearing, states as follows:

1. On September 17, 2018, OPC filed a Motion for Evidentiary Hearing to address OPC’s concern that the Empire District Electric Company (“Empire”) imprudently entered into certain gas hedging transactions that caused unreasonably higher rates than what customers would have paid absent Empire’s imprudent decisions.

2. The issues OPC raised in its motion are the same issues OPC raised in the prior prudence review in Case No. EO-2017-0065. In that case the Commission found Empire’s gas hedging was not imprudent, and the Missouri Court of Appeals affirmed the Commission’s decision.

3. While OPC continues to believe Empire’s gas hedging practices were imprudent and caused ratepayer harm, given the Commission’s decision in the prior case, and recent hedging policy changes made by Empire, OPC no longer seeks to challenge Empire’s fuel costs for imprudence in this case.

WHEREFORE, the Office of the Public Counsel respectfully withdraws its motion for an evidentiary hearing.

Respectfully submitted,

OFFICE OF THE PUBLIC COUNSEL

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been emailed to all counsel of record this 25th day of June 2019.

/s/ Marc Poston