

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

In the Matter of the Empire District Electric)
Company's 2018 Renewable Energy Standard)
Compliance Report and 2019 RES Plan) **File No. EE-2019-0305**

STAFF RESPONSE TO COMMISSION'S APRIL 5 AND 15, 2019 ORDERS

COMES NOW Staff of the Missouri Public Service Commission, by and through Staff Counsel's Office, and submits this filing in response to the Commission's April 5, 2019 Order Directing Notice And Establishing Time For Responses and April 15, 2019 Order Granting Request For Expedited Treatment And Motion For Extension Of Time. Staff requests an Order of the Commission relieving it of any May 6, 2019 response/filing and authorizing May 30, and August 14, 2019 filings as related below respecting Staff's review of Empire District Electric Company's ("EDE") partial 2018 Renewable Energy Standard ("RES") Compliance Report and its partial 2019 RES Compliance Plan filed by EDE on April 15, 2019 and its Retail Rate Impact portions to be filed on July 1, 2019 by EDE. In support thereof, Staff states as follows:

1. Commission Rule 4 CSR 240-20.100(8) states that on April 15 of each year each electric utility, an electrical corporation as defined in Section 386.020, shall file a Renewable Energy Standard ("RES") Compliance Report and a RES Compliance Plan. On April 4, 2019, Applicant EDE filed a Motion For Extension Of Time, For Protective Order, And For Waiver Of The 60-Day Notice Requirement. In particular, EDE requested (1) an extension of time from April 15, 2019 to July 1, 2019 to file its 2018 RES Compliance Report and its 2019 RES Compliance Plan (July 1, 2019 is now EDE's extended date to file its electric IRP triennial compliance filing), (2) a protective order, pursuant to 4 CSR 240-2.135(4), to classify certain particularly sensitive

information “highly confidential”, and (3) a waiver of the 60-days’ notice requirement for good cause shown, pursuant to 4 CSR 240-4.017(1)(D), prior to filing a contested case.

2. The Commission, on April 5, 2019, issued an Order directing Notice and establishing time for responses. In said Order in “Ordered: 3,” the Commission directed that: “The Staff of the Commission shall file a Recommendation no later than May 6, 2019.”

3. On April 12, 2019, EDE filed with the Commission a Request For Expedited Treatment And Notice Regarding Motion For Extension Of Time. At paragraph 3, page 1 of its April 12, 2019 filing, EDE stated that although it had initially requested additional time for the preparation and filing of its RES Compliance Report and RES Compliance Plan, of approximately 75 days, from April 15 to July 1, 2019, EDE had determined in conjunction with discussions with the Division of Energy (“DE”), the Office of the Public Counsel (“OPC”), and Staff that the additional time was only needed to July 1, 2019 for the Retail Rate Impact portions of its RES filings. (Staff also advised Empire it had no objection to an extension of time to July 1, 2019 for the filing of the Retail Rate Impact portions of its RES filings.)

4. On April 15, 2019, the Commission granted EDE’s request for expedited treatment and extended from filing on April 15, 2019 until no later than July 1, 2019, the Retail Rate Impact portions of EDE’s 2018 RES Compliance Report and the 2019 RES Compliance Plan. On April 30, 2019, the Commission issued a Protective Order pursuant to EDE’s April 4, 2019, Motion For Extension Of Time, For Protective Order, And For Waiver Of The 60-Day Notice Requirement and 4 CSR 240-2.135(4).

5. Commission Rule 4 CSR 240-20.100(8)(D) states that Staff has up to forty-five (45) days from the date of an electric utility's filing of its RES Compliance Report and RES Compliance Plan to file Staff's report of its review of the RES Compliance Report and the RES Compliance Plan with the Commission. Pursuant to the Rule, Staff's report is supposed to identify any deficiencies in the electric utility's compliance with the RES. Forty-five (45) days from April 15, 2019 is May 30, 2019.

6. Staff will not be able to address the Retail Rate Impact portions of EDE's RES filings until after they are filed on July 1, 2019. Forty-five (45) days from July 1, 2019, is August 14, 2019. Staff anticipates that it will not need forty-five (45) days from July 1, 2019, to file a report based on its review of the Retail Rate Impact portions of EDE's 2018 RES Compliance Report and the 2019 RES Compliance Plan, but Staff has not seen the July 1, 2019, EDE filings yet. If Staff can file its report on its review of the Retail Rate Impact portions of EDE's 2018 RES Compliance Report and the 2019 RES Compliance Plan sooner than on August 14, 2019, Staff will do so. Therefore, Staff proposes to make two (2) filings respecting its review of EDE's 2018 RES Compliance Report and 2019 RES Compliance Plan: the first filing on May 30, 2019 and the second filing on August 14, 2019, if not sooner for the second filing.

WHEREFORE Staff submits its response to the Commission's April 5, 2019 Order Directing Notice And Establishing Time For Responses and April 15, 2019 Order Granting Request For Expedited Treatment And Motion For Extension Of Time. Staff requests an Order of the Commission relieving it of any May 6, 2019 response/filing and authorizing May 30, and August 14, 2019 filings as related above respecting Staff's review of EDE's partial 2018 RES Compliance Report and its partial 2019 RES Compliance Plan

filed by EDE on April 15, 2019 and the Retail Rate Impact portions of said 2018 RES Compliance Report and 2019 RES Compliance Plan to be filed by EDE on July 1, 2019.

Respectfully submitted,

/s/ Steven Dottheim

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served via e-mail on Counsel for the Parties of record to this case, on this 6th day of May, 2019.

/s/ Steven Dottheim