

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

In the Matter of the Application of The Empire District)
Electric Company d/b/a Liberty to Obtain a Certificate of) Case No. _____
Convenience and Necessity to Enhance System Resiliency)

NOTICE OF INTENDED CASE FILING

COMES NOW The Empire District Electric Company d/b/a Liberty (“Liberty” or the “Company”), and, pursuant to RSMo. §393.170 and Commission Rules 20 CSR 4240-20.045 and 20 CSR 4240-4.017, submits this Notice of Intended Case Filing with regard to its intended application for a certificate of convenience and necessity to enhance the resiliency of its electric system. In this regard, Liberty respectfully states as follows to the Missouri Public Service Commission (the “Commission”):

1. The Empire District Electric Company d/b/a Liberty (“Liberty” or the “Company”) is a Kansas corporation with its principal office and place of business at 602 Joplin Street, Joplin, Missouri. Liberty is qualified to conduct business and is conducting business in Missouri, as well as in the states of Arkansas, Kansas, and Oklahoma. Liberty is engaged, generally, in the business of generating, purchasing, transmitting, distributing, and selling electricity in portions of the referenced four states. Liberty’s Missouri operations are subject to the jurisdiction of the Commission as provided by law.

2. Commission Rule 20 CSR 4240-4.017(1) provides, in part, that “(a)ny person that intends to file a case shall file a notice with the secretary of the commission a minimum of sixty (60) days prior to filing such case. Such notice shall detail the type of case and issues likely to be before the commission and shall include a summary of all communication regarding substantive issues likely to be in the case between the filing party and the office of the commission that

occurred in the ninety (90) days prior to filing the notice. The filing of such notice shall initiate a new noticed case and be assigned an appropriate case designation and number.”

3. As identified by its 2022 Integrated Resource Plan, the Company proposes to replace Riverton Units 10 and 11. The new units will be located at the Company’s Riverton Generation Station located in Riverton, Kansas, and will interconnect to the Company’s transmission system at the existing plant substation.

4. Commission Rule 20 CSR 4240-20.045(2)(A) provides as follows: “An electric utility must obtain a certificate of convenience and necessity prior to – 1. Providing electric service to retail customers in a service area pursuant to section 393.170.2, RSMo; 2. Construction of an asset pursuant to section 393.170.1, RSMo; or 3. Operation of an asset pursuant to section 393.170.2, RSMo.”

5. Commission Rule 20 CSR 4240-20.045(1) defines “asset” as: “1. An electric generating plant, or a gas transmission line that facilitates the operation of an electric generating plant, that is expected to serve Missouri customers and be included in the rate base used to set their retail rates regardless of whether the item(s) to be constructed or operated is located inside or outside the electric utility’s certificated service area or inside or outside Missouri; or 2. Transmission and distribution plant located outside the electric utility’s service territory, but within Missouri.” And the rule defines “construction” as: “1. Construction of new asset(s); or 2. The improvement, retrofit, or rebuild of an asset that will result in a ten percent (10%) increase in rate base as established in the electric utility’s most recent rate case.”

6. As noted above, Liberty intends to file an application pursuant to RSMo. §393.170 and Commission Rule 20 CSR 4240-20.045 to obtain a certificate of convenience and necessity to enhance the resiliency of its electric system by replacing Riverton Units 10 and 11. Issues the

Commission will be asked to consider and decide in the upcoming case are those addressed by the referenced statute and rule.

7. With regard to Rule 20 CSR 4240-4.017(1) and the requirement that a 60-day filing notice include “a summary of all communication regarding substantive issues likely to be in the case between the filing party and the office of the commission that occurred in the ninety (90) days prior to filing the notice,” Liberty verifies that there have been no ex parte communications regarding substantive issues likely to be in the intended case between Liberty and the office of the Commission within the 90 days prior to the filing of this Notice.

WHEREFORE, Liberty submits to the Commission this Notice of Intended Case Filing and requests such relief as is just and proper under the circumstances.

Respectfully submitted,

/s/ Diana C. Carter

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CERTIFICATE OF SERVICE

I hereby certify that the above document was filed in EFIS on this 12th day of October, 2022, and sent by electronic transmission to the Staff of the Commission and the Office of the Public Counsel.

/s/ Diana C. Carter