

**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 REPORT ON THE EMPIRE DISTRICT ELECTRIC COMPANY'S  
PARTIAL 2018 RES COMPLIANCE PLAN**

**COMES NOW** Staff of the Missouri Public Service Commission, by and through Staff Counsel's Office, and submits its review of The Empire District Electric Company's ("EDE") partial 2018 RES Compliance Report and partial 2019 RES Compliance Plan filed with the Commission on April 15, 2019. 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. 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.)

3. As heretofore noted on April 15, 2019, Empire filed its partial 2018 RES Compliance Report and partial 2019 RES Compliance Plan. Also on April 15, 2019, the Commission granted EDE’s request for expedited treatment and extended from filing on that date 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.

4. 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). On April 19, 2019, Renew Missouri Advocates, d/b/a Renew Missouri, the Missouri Department of Economic Development – Division of Energy, and Sierra Club filed separate applications to intervene. On May 1, 2019, the Commission granted intervention to these entities in accordance with Commission Rule 4 CSR 240-2-075(3).

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. Staff, in a filing with the Commission on May 6, 2019,<sup>1</sup> proposed a "no later than May 30, 2019 filing date" for the Staff's report on EDE's partial 2018 RES Compliance Report and EDE's partial 2019 RES Compliance Plan. Since the Commission granted EDE until July 1, 2019 to file the Retail Rate Impact portions of its 2018 RES Compliance Report and its 2019 RES Compliance Plan, and forty-five (45) days from July 1, 2019 is August 14, 2019, Staff proposed it would file its review of the Retail Rate Impact portions of EDE's 2018 RES Compliance Report and EDE's 2019 RES Compliance Plan no later than on August 14, 2019, and if Staff could make an earlier filing, it would do so.

6. On May 17, 2019, the Commission issued an Order Establishing Time For Staff To File Report in which the Commission directed Staff to file its report regarding EDE's partial 2018 RES Compliance Report and partial 2019 RES Compliance Plan no later than May 30, 2019 and file its report regarding the Retail Rate Impact portions of EDE's 2018 RES Compliance Report and the Retail Rate Impact portions of EDE's 2019 RES Compliance Plan no later than August 14, 2019.

7. Staff states in Staff's report filed this date regarding EDE's partial 2018 RES Compliance Plan that it found no deficiencies for items covered in subparagraphs 4 CSR 240-20.100(8)(B)1.A. through E. and subparagraph 4 CSR 240-20.100(8)(B)1.G. However, Staff is making no determination for subparagraph 4 CSR 240-20.100(8)(B)1.F. because the information for this item has not been filed by EDE and is not being filed by EDE until July 1, 2019. 4 CSR 240-20.100(8)(B)1.F. entails "[a] calculation of the RES

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<sup>1</sup> Staff Response To Commission's April 5 And 15, 2019 Orders.

retail rate impact limit calculated in accordance with section (5)<sup>2</sup> of this rule. The calculation should be accompanied by workpapers . . .” This information is not being filed by EDE until July 1, 2019. Staff’s report states at page 4: “Staff’s report on this information will be delayed as a consequence, until no later than August 14, 2019.” Thus Staff will make a filing with the Commission no later than August 14, 2019 addressing this item.

8. Staff’s report at page 4 addresses the matter of meeting the requirements of subparagraph 4 CSR 240-20.100(8)(B)1.E regarding RES compliance, i.e., a finding of no deficiency by Staff in achieving RES compliance by the Company providing what it has identified as the least cost, prudent methodology to achieve compliance with the RES. This is intended to address a requirement involving the verification by Staff of the provision of information by the Company, not a ratemaking determination. Staff suggests the Commission be clear in any Order it may issue in this case that in particular it is not making any ratemaking determination respecting subparagraph 4 CSR 240-20.100(8)(B)1.E.

**WHEREFORE** Staff submits its report on EDE’s partial 2019 RES Compliance Plan.

Respectfully submitted,

**/s/ Steven Dottheim**

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<sup>2</sup> 4 CSR 240-20.100(5) Retail Rate Impact

**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 30th day of May, 2019.

**/s/ Steven Dottheim**