

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

In the Matter of The Empire District                    )  
Electric Company's Request for Authority            )  
to File Tariffs Increasing Rates for Electric        )  
Service Provided to Customers in its                )  
Missouri Service Area                                    )

Case No. ER-2019-0374

**PUBLIC COUNSEL'S REPLIES TO STAFF'S AND  
THE EMPIRE DISTRICT ELECTRIC COMPANY'S RESPONSES TO  
THE ISSUES IT RAISED REGARDING EMPIRE'S COMPLIANCE TARIFF SHEETS**

**COMES NOW** the Office of Public Counsel (Public Counsel) and replies to the responses of Staff and The Empire District Electric Company to the issues the Office of Public Counsel raised regarding Empire's compliance tariff sheets as follows:

1. The Empire District Electric Company's electric tariff on file at the Commission governs its relationships with its retail customers. As such, it should be clear and specific so that those customers, and others, readily can understand it. Further, the language in Empire's tariff should accurately reflect what the Commission intends for Empire's relationships with its customers to be. The issues Public Counsel has raised in response to Empire's compliance tariff sheets after substitutions are issues of clarity, specificity, and accuracy. In an effort to resolve them with Empire and Staff *before* Empire filed its substitute tariff sheets, Public Counsel broached each of them to Empire and Staff in mid-August.

2. The matters Public Counsel has raised are ultimately about clarity, not substance. As such, they should not be contested and included in a listing of contested issues or position statements. Public Counsel's point about the wind projects is merely that it will be some time before they are Empire's projects, so it is premature to characterize them *now* in Empire's tariff as being *Empire's* wind projects.

3. As to the listing of subaccounts, Empire's Fuel Adjustment Clause tariff defines how Empire's fuel adjustment clause operates. The purpose of listing subaccounts in the clause is to add clarity and definition to the clause. What is important is to specifically and clearly define what costs and revenues flow through that clause. That can be done by reference to Empire's current accounts and subaccounts. Then, if Empire elects to change one or more subaccounts that would affect where costs or revenues that flow through its FAC are recorded it would have to recast its books for FAC purposes. Public Counsel has proposed a different way to accommodate Empire's desire for subaccount flexibility. The Commission has the authority to prescribe Empire's regulatory accounting, including for FAC purposes. § 393.140(4), RSMo. It is not an invasion into management's discretion for the Commission to identify specific subaccounts for purposes of Empire's FAC, even if Empire originated the particular subaccounts.

**WHEREFORE**, the Office of the Public Counsel replies to The Empire District Electric Company and Staff's responses to the issues Public Counsel raised in its response to Empire's compliance tariff sheets as set forth above.

Respectfully,

/s/ Nathan Williams

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**CERTIFICATE OF SERVICE**

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or electronically mailed to all counsel of record this 8<sup>th</sup> day of September 2020.

/s/ Nathan Williams