

**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**

**STAFF'S RESPONSE TO OPC**

**COMES NOW** the Staff of the Missouri Public Service Commission, by and through counsel, and for its *Response to the Office of the Public Counsel* in this matter hereby states:

1. The Commission issued a *Report and Order* in this matter on July 1, 2020, and later filed an *Amended Report and Order* on July 23, 2020 in response to several clarifying motions filed by the parties. Empire District Electric Company filed a new tariff book on August 17, 2020, in response to that *Amended Order*, to effectuate a fictitious name change, and to incorporate changes approved in Case No. AO-2020-0237. The Company also filed substitute sheets on August 28, 2020. Staff filed its *Response* on September 1, 2020, recommending that the Commission approve the new tariff book as complying with its *Amended Order*, so long as the tariffs correctly reflected the Commission's *Amended Order* provisions regarding the tariff sequence of adjustments to be made to the rate classes. The Office of the Public Counsel (OPC) filed a response on September 1 as well, alleging that the tariff sheets did not comply with the Commission's *Amended Order*. Staff now responds to OPC.

2. OPC suggests that the tariff sheet referencing the definition of purchased power includes language regarding other fuel adjustment clause (FAC) terms, that the tariff sheets do not list the specific FERC subaccounts included and excluded from the FAC, that the definition of voltage adjustment factor (VAF) is not included and that references to Empire's wind projects are factually inaccurate.

3. Staff reviewed the tariff book, considered OPC's suggestions, and found three of them to be outside the scope of the issues presented to the Commission in the filed *List of Issues*, the various *Statement of Positions* filed by the parties to this matter, as well as the Commission's *Amended Order*. Therefore, Staff recommends that those three issues raised in OPC's *Response to the Empire District Electric Company's Compliance Tariff Sheets* should not be considered for inclusion in the compliance tariff filing related to this case.

4. The final issue, the matter of Empire's wind projects, was an issue presented to and decided by the Commission. Empire's proposed language is consistent with the Commission's *Amended Order* and does not need modification as OPC proposes. Further, OPC's changes would constitute a substantive change to the compliance tariffs that is outside of the directions contained in the *Amended Order*.

5. Staff continues to support its recommendation that Empire's compliance tariff book should be approved, as modified by its August 31, 2020 filing, and subject to a satisfactory response from Empire to the Commission's September 3, 2020 order directing Empire to respond to the tariff sequence of adjustments to be made to the rate classes.

**WHEREFORE**, Staff prays that the Commission will accept Staff's *Response*; approve Empire's filed compliance tariff book; and grant such other and further relief as the Commission considers just in the circumstances.

**/s/ Whitney Payne**

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**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing was served by electronic mail, or First Class United States Postal Mail, postage prepaid, on this 4<sup>th</sup> day of September, 2020, to all counsel of record.

**/s/Whitney Payne**