

**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)

File No. ER-2019-0374

ORDER GRANTING MOTION FOR PARTIAL WAIVER

Issue Date: August 28, 2019

Effective Date: August 28, 2019

The Empire District Electric Company submitted tariff sheets on August 14, 2019, to implement a general rate case. As part of that rate case, Empire requests to continue its Fuel Adjustment Clause (FAC) with modifications. Commission Rule 20 CSR 4240-20.090(2)(A) (previously 4 CSR 240-20.090(2)(A)) sets forth certain minimum filing requirements to be included in a company's direct testimony filed in a general rate case in which the establishment, continuation, or modification of a FAC is being requested. Commission Rule 20 CSR 4240-20.090(2)(A)(15) (previously 4 CSR 240-20.090(2)(A)(15)) requires an efficiency test for each generating unit to be conducted within 24 months preceding the filing of a general rate increase. Empire asserts that the minimum filing requirements of this rule are addressed and partially satisfied in Empire's direct testimony. Liberty states that it can meet the filing requirements for all but one unit. The unit at issue is Empire's Riverton 11 unit. The required testing for the Riverton 11 unit was performed on August 3, 2017, eleven days outside the 24-month requirement. Empire requests a partial waiver of the heat rate testing requirement for the Riverton 11 unit.

On August 16, 2019, Public Counsel filed a response indicating that Public Counsel does not believe Empire's motion establishes good cause for the partial variance. However, Public Counsel states that it agrees with Empire that this deficiency in its filing is not so significant that it alone should bar Empire from pursuing continuation of its FAC in this case.

Ten days have passed since the filing of Empire's request for a partial variance and no party has objected. The Commission agrees with Public Counsel that the reason for the heat rate testing is to establish the efficiencies of the generating units. The Commission does not believe that an eleven day lapse is sufficiently detrimental to a determination of the efficiency of the Riverton 11 unit.

Commission Rule 20 CSR 4240-20.090(22) allows the Commission to grant waivers from Commission Rule 20 CSR 4240-20.090(2)(A)(15) upon good cause shown. Empire performed a heat rate test immediately adjacent to the 24 month requirement sufficient to provide the Commission with the necessary efficiency information for the Riverton 11 unit. Therefore, the Commission finds good cause exists for the partial variance.

THE COMMISSION ORDERS THAT:

1. The heat rate testing requirement in Commission Rule 20 CSR 4240-20.090(2)(A) for The Empire District Electric Company's Riverton 11 unit is waived.

2. This order shall be effective when issued.

BY THE COMMISSION



Morris L. Woodruff

Morris L. Woodruff
Secretary

John T. Clark, Regulatory Law Judge,
by delegation of authority pursuant to
Section 386.240, RSMo 2016.

Dated at Jefferson City, Missouri,
on this 28th day of August, 2019.