

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service Commission held at its office in Jefferson City on the 21st day of July, 2022.

In the Matter of The Empire District Electric)	
Company's Application for Approval of a)	<u>File No. ET-2020-0259</u>
Community Solar Program for Electric)	Tariff No. YE-2022-0261
Customers in the Missouri Service Area)	

ORDER SUSPENDING TARIFF

Issue Date: July 21, 2022

Effective Date: July 21, 2022

On May 24, 2022, The Empire District Electric Company (Empire) filed a tariff to implement a second Community Solar Pilot Program facility. The tariff, denominated Tracking No. YE-2022-0261, bore an effective date of July 1, 2022. Empire later extended the tariff's effective date to August 1, 2022.

The Commission's Staff recommends the Commission reject the tariff because Empire has not yet filed an application for a certificate of convenience and necessity (CCN). Empire responds that its initial application in this file contemplated additional facilities. Thus, no CCN application should be required before the Commission can approve this tariff.

The tariff's effective date allows insufficient time for the Commission to determine whether the tariff is just and reasonable, as the law requires,¹ so the Commission will suspend the tariffs.² The Commission may suspend a tariff for 120 days beyond the tariff's effective date.³ If that period is not enough time to conclude a full hearing on

¹ Section 393.190.1, RSMo. 2016.

² Section 393.150, RSMo 2016.

³ Section 393.150.1, RSMo 2016.

the tariff's propriety, the Commission may extend the suspension for a further six months.⁴ The Commission will suspend the tariff for 120 days.

Suspension of the tariffs may occur only pending a "full" hearing and decision on the tariff's propriety.⁵ The provision for a full pre-decision hearing signifies that this action is now a "contested case."⁶ A contested case is a formal hearing procedure, but it allows for waiver of procedural formalities⁷ and a decision without a hearing,⁸ including by stipulation and agreement. This order and notice does not require any party to file an answer. The Commission's discovery regulations are at Commission regulation 20 CSR 4240-2.090.

THE COMMISSION ORDERS THAT:

1. The tariff sheets assigned Tracking No. YE-2022-0261 are suspended for 120 days from August 1, 2022, to November 29, 2022.
2. This order shall be effective when issued.



BY THE COMMISSION

A handwritten signature in black ink that reads "Morris L. Woodruff". The signature is written in a cursive, flowing style.

Morris L. Woodruff
Secretary

Silvey, Chm., Rupp, Coleman, Holsman, and
Kolkmeier CC., concur.

Pridgin, Regulatory Law Judge

⁴ Section 393.150.2, RSMo 2016.

⁵ Section 393.150.1, RSMo 2016.

⁶ Section 536.010(4), RSMo 2016.

⁷ Section 536.060(3), RSMo 2016.

⁸ 20 CSR 4240-2.115.

STATE OF MISSOURI

OFFICE OF THE PUBLIC SERVICE COMMISSION

I have compared the preceding copy with the original on file in this office and I do hereby certify the same to be a true copy therefrom and the whole thereof.

WITNESS my hand and seal of the Public Service Commission, at Jefferson City, Missouri, this 21st day of July, 2022.




Morris L. Woodruff
Secretary

MISSOURI PUBLIC SERVICE COMMISSION

July 21, 2022

File/Case No. ET-2020-0259

**Missouri Public Service
Commission**

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Enclosed find a certified copy of an Order or Notice issued in the above-referenced matter(s).

Sincerely,



**Morris L. Woodruff
Secretary**

Recipients listed above with a valid e-mail address will receive electronic service. Recipients without a valid e-mail address will receive paper service.