

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service Commission held at its office in Jefferson City on the 18th day of May, 2022.

In the Matter of The Empire District Electric Company's Application for Approval of a Transportation Electrification Portfolio for Electric Customers in its Missouri Service Area)
)
)
)
)

File No. ET-2020-0390

ORDER MODIFYING STIPULATION AND AGREEMENT

Issue Date: May 18, 2022

Effective Date: May 28, 2022

On January 19, 2022, the Commission approved a stipulation and agreement authorizing The Empire District Electric Company (Empire) to establish a Transportation Electrification Pilot Program. That order became effective on January 29, 2022. Empire filed its *Unopposed Motion to Modify Stipulation and Order and Motion for Expedited Treatment* on May 6, 2022, seeking modification of the approved stipulation and agreement.

Empire submitted proposed compliance tariff sheets in its most recent rate case, File No. ER-2021-0312. Some of those tariff sheets will implement the terms of the stipulation and agreement approved in this case. Empire's motion explains that the time periods approved for the time-of-use rates in Empire's rate case differ from the periods that were originally envisioned for the Transportation Electrification Pilot Program and specimen program tariff sheets described in this case. The motion asks that the Commission modify the time-of-use periods approved for this case to align with the time-of-use periods approved in Empire's rate case.¹ Empire's motion represents that it

¹ Approval of the compliance tariffs will be addressed in the rate case.

requests this modification with either the consent or non-objection of all parties to this case. More than ten days have passed and no one has responded to Empire's motion.²

Having considered the unopposed motion, the Commission determines that modifying the time of use rates in this case to match those approved in Empire's most recent rate case is appropriate. The Commission will grant the motion. Because the motion is unopposed, and so this order becomes effective before Empire's rate case compliance tariff sheets, the Commission finds it reasonable to make this order effective in ten days.

THE COMMISSION ORDERS THAT:

1. Empire's *Unopposed Motion to Modify Stipulation and Order and Motion for Expedited Treatment* is granted.
2. The stipulation and agreement approved in this case is modified so the periods of time for time-of-use rates for the Transportation Electrification Pilot Program approved in Empire's most recent rate case, File No. ER-2021-0312, supersede and replace the time periods in the specimen tariff sheets contained within the stipulation and agreement approved in this case.
3. This order shall become effective on May 28, 2022.



BY THE COMMISSION

A handwritten signature in black ink that reads "Morris L. Woodruff".

Morris L. Woodruff
Secretary

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

Clark, Senior Regulatory Law Judge

² Commission Rule 20 CSR 4240-2.080(13) allows parties ten days to respond to any pleading unless another response time is established by the Commission.

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

In the Matter of The Empire District Electric)
Company’s Application for Approval of a)
Transportation Electrification Portfolio for) Case No. ET-2020-0390
Electric Customers in its Missouri Service Area)

**UNOPPOSED MOTION TO MODIFY STIPULATION AND ORDER
AND MOTION FOR EXPEDITED TREATMENT**

COMES NOW The Empire District Electric Company d/b/a Liberty and for its Unopposed Motion to Modify Stipulation and Order and Motion for Expedited Treatment, pursuant to Rule 20 CSR 4240-2.080(14), respectfully states as follows to the Missouri Public Service Commission (“Commission”):

1. On December 3, 2021, Liberty, the Staff of the Missouri Public Service Commission (“Staff”), the Office of the Public Counsel (“OPC”), the Missouri Propane Gas Association (“MPGA”), and Renew Missouri Advocates d/b/a Renew Missouri (“Renew Missouri”) filed a Global Stipulation and Agreement (“Stipulation”) in this docket, proposing and seeking Commission authorization for Liberty to establish and run a proposed Transportation Electrification Pilot Program. The remaining parties to this proceeding, the Midwest Energy Consumers Group (“MECG”), Charge Point, Inc. (“Charge Point”), and Union Electric Company d/b/a Ameren Missouri (“Ameren”), each stated their non-objection to the Commission’s approval of the Stipulation.

2. With the *Order Approving Stipulation and Agreement* issued January 19, 2022, effective January 29, 2022, the Commission approved the Stipulation herein, contemplating implementation of the Transportation Electrification Pilot Program through compliance tariff sheets in Liberty’s pending general rate case, Case No. ER-2021-0312.

3. On May 2, 2022, Liberty submitted its proposed tariff sheets in Case No. ER-2021-0312, to comply with the Commission's *Order Approving Stipulations and Agreements* issued March 9, 2022, effective March 19, 2022, and the Commission's *Report and Order* issued April 6, 2022, effective April 16, 2022, in that general rate case proceeding. The rate case compliance tariff sheets bear a requested effective date of June 1, 2022.

4. The periods for the time of use rates stemming from Liberty's general rate proceeding differ from the periods that were contemplated in the EV docket and set forth in the specimen tariff sheets approved as part of the Stipulation in the EV docket. In the interest of consistency and administrative efficiencies, Liberty seeks to modify the time of use periods from this docket to align with the time of use periods agreed to and approved in Liberty's general rate proceeding. Additional, minor changes will also need to be made to the specimen tariff sheets approved as part of the Stipulation in the EV docket in order to align with the compliance tariff sheets stemming from the *Order Approving Stipulations and Agreements* and the *Report and Order* in Liberty's general rate case proceeding.

5. As such, Liberty, with the consent or non-objection of all parties to this docket, seeks modification of the Stipulation and the Commission's order approving the same in this docket to the extent necessary to align with the general rate case compliance tariff sheets. As noted above, Liberty submitted its proposed rate case compliance tariff sheets on May 2, 2022, with a requested effective date of June 1, 2022.

6. Liberty requests that the Commission issue its order approving this Motion as soon as possible and so that the rate case compliance tariffs, including those implementing the Transportation Electrification Pilot Program, may take effect June 1, 2022.

7. Customers and the general public will benefit from the timely implementation of the Transportation Electrification Pilot Program and the rate case compliance tariff sheets as a whole, and no party or other person will be harmed by the granting of Liberty's Motion on an expedited basis. Further, Liberty states that this pleading was filed as soon as possible after the filing of the rate case compliance tariff sheets.

WHEREFORE, Liberty requests that the Commission issue its order granting this Motion to Modify Stipulation and Order and Motion for Expedited Treatment.

Respectfully submitted,

Counsel for Liberty:

/s/ Diana C. Carter

Diana C. Carter MBE #50527

428 E. Capitol Ave., Suite 303

Jefferson City, Missouri 65101

Joplin Office Phone: (417) 626-5976

Cell Phone: (573) 289-1961

E-Mail: Diana.Carter@LibertyUtilities.com

CERTIFICATE OF SERVICE

I hereby certify that the above document was filed in EFIS on this 6th day of May, 2022, with a copy sent to all counsel of record.

/s/ Diana C. Carter


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 18th day of May, 2022.




Morris L. Woodruff
Secretary

MISSOURI PUBLIC SERVICE COMMISSION

May 18, 2022

File/Case No. ET-2020-0390

**Missouri Public Service
Commission**

Staff Counsel Department
200 Madison Street, Suite 800
P.O. Box 360
Jefferson City, MO 65102
staffcounsel@psc.mo.gov

Office of the Public Counsel

Marc Poston
200 Madison Street, Suite 650
P.O. Box 2230
Jefferson City, MO 65102
opc@psc.mo.gov

ChargePoint, Inc.

Scott F Dunbar
1580 Lincoln St., Suite 1105
Denver, CO 80203
sdunbar@keyesfox.com

ChargePoint, Inc.

Elizabeth Hubertz
Washington University Law School
Campus Box 1120 1 Brookings Drive
St. Louis, MO 63130
ejhubertz@wustl.edu

Liberty (Empire)

Diana C Carter
428 E. Capitol Avenue, Suite 303
Jefferson City, MO 65101
Diana.Carter@LibertyUtilities.com

Midwest Energy Consumers Group

David Woodsmall
1650 Des Peres Road, Suite 303
Des Peres, MO 63131
dwoodsmall@cswrgroup.com

Missouri Propane Gas Association

Terry M Jarrett
3010 East Battlefield, Suite A
Springfield, MO 65804
terry@healylawoffices.com

**Missouri Public Service
Commission**

Nicole Mers
200 Madison Street, Suite 800
P.O. Box 360
Jefferson City, MO 65102
nicole.mers@psc.mo.gov

Renew Missouri

Alissa Greenwald
P.O. Box 413071
Kansas City, MO 64141
alissa@renewmo.org

Renew Missouri

Andrew J Linhares
3115 S. Grand Ave
Suite 600
St. Louis, MO 63118
Andrew@renewmo.org

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.