

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

In the Matter of the Tariff Filing of The Empire )	<b><u>Case No. ET-2023-0250</u></b>
District Electric Company d/b/a Liberty )	Tariff JE-2023-0127 and
Pursuant to 20 CSR 4240-3.155 and 20 CSR )	JE-2023-0128
4240-20.065 )	

**STAFF UPDATED ESTIMATE OF EXPECTED  
RECOMMENDATION FILING DATE**

**COMES NOW** Staff of the Missouri Public Service Commission and for this Updated Estimate of Expected Recommendation Filing Date respectfully states as follows:

1. On January 13, 2023, The Empire District Electric Company d/b/a Liberty (“Liberty”) filed one (1) tariff sheet<sup>1</sup> in each tariff file number shown above (pursuant to 20 CSR 4240-3.155 and 20 CSR 4240-20.065), each with a proposed effective date of February 12, 2023. These tariff sheets were assigned Tariff Tracking Nos. JE-2023-0127 and JE-2023-0128.

2. On February 3, 2023, Staff filed a motion to suspend the tariff sheets and recommended “that the Commission open a docket to allow Staff sufficient time to conduct the detailed discovery necessary for Staff to make an informed recommendation to the Commission on whether Liberty’s cogeneration tariff change filing should be accepted, modified, or denied.”

3. On February 6, 2023, the Commission issued an *Order Shortening Time for Responses and Directing Filing* (“Order”) which directed Staff to “provide an estimate of

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<sup>1</sup> PSC MO No. 6, Section 4, 2<sup>nd</sup> Revised Sheet No. 6 canceling 1<sup>st</sup> Revised Sheet No. 6 and 2<sup>nd</sup> Revised Sheet No. 13 canceling 1<sup>st</sup> Revised Sheet No. 13.

when it expects to file its recommendation no later than February 8, 2023.”  
However, the Order did not suspend the subject tariff sheets.

4. On February 7, 2023, Liberty voluntarily extended the effective date of the tariff sheets to May 8, 2023.

5. On February 8, 2023, Staff filed its response to the Commission’s Order of February 6, in which Staff estimated that it would file either a recommendation regarding the tariff sheets or a new request for suspension on April 19, 2023, given that Liberty had voluntarily extended the effective date of the tariff sheets to May 8, 2023. However, no order was issued ordering a Staff recommendation be filed on April 19.

6. Due to the press of other business currently pending before the Commission, notably including but not limited to the Ameren Missouri rate case (ER-2022-0337), Grain Belt CCN case (EA-2023-0017), and Ameren Missouri CCN case (EA-2023-0226), Staff is unable to meet its originally estimated recommendation filing date of April 19, 2023. At this time, Staff estimates that it can file a recommendation on May 3, 2023.

7. Staff counsel contacted counsel for Liberty about voluntarily further extending the effective date of the tariff sheets, and on April 18, 2023 Liberty voluntarily further extended the effective date of the tariff sheets to May 22, 2023.

**WHEREFORE** Staff estimates at this time that it will file either a recommendation regarding the tariff sheets or a new request for suspension on May 3, 2023.

Respectfully submitted,

**/s/ Jeff Keevil**

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**CERTIFICATE OF SERVICE**

I hereby certify that copies of the foregoing have been mailed, hand-delivered, or transmitted by facsimile or electronic mail to counsel of record as reflected on the certified service list maintained by the Commission in its Electronic Filing Information System this 19th day of April 2023.

**/s/ Jeffrey A. Keevil**