

BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

In the Matter of The Empire District Electric)
Company's d/b/a Liberty (Empire) Fuel Costs) **File No. EU-2021-0274**
Related to the Extraordinary Weather Event)
of February 2021)

ORDER DIRECTING FILING

Issue Date: October 22, 2021

Effective Date: October 22, 2021

On June 1, 2021,¹ the Empire District Electric Company ("Liberty") filed its Winter Storm Uri AAO Application (Application) requesting an accounting authority order ("AAO") regarding costs incurred during the extreme weather event of February of 2021. On June 28, the Office of Public Counsel ("OPC") filed a Motion to Dismiss the Empire District Electric Company's Verified Winter Storm URI AAO Application. Liberty responded on July 8, and OPC replied to Liberty's response on July 13. On October 8, the Commission's Staff (Staff) filed its recommendation.

Staff's global recommendation is that the Commission "issue an order approving Empire's [Liberty's] request for an accounting authority order, with the stipulation that any ratemaking decisions, including the amount of recovery from customers *and any application of carrying costs*, be determined in a future general rate or securitization proceeding; and grant such other and further relief as is just in the circumstances" [emphasis added]. That statement implies that carrying costs would be included in the deferral, but their recovery would be determined in a future rate case. Staff's supporting Memorandum, however, states: "Staff is opposed to including carrying costs in the

¹ All date references will be to 2021 unless otherwise indicated.

deferral at this time, since the appropriateness of applying carrying costs to deferrals is essentially a ratemaking determination.”² Staff’s recommendation concerning carrying costs requires clarification.

OPC has not objected to Staff’s recommendation approving Liberty’s application with conditions. Nor, however, has OPC withdrawn its motion to outright dismiss the application, which was predicated, in part, upon an argument that Liberty should not be allowed to defer costs to a regulatory asset where evidence of those costs may be considered by the Commission when it makes decisions for Liberty’s new rates in File No. ER-2021-0312. OPC’s position on dismissal requires clarification.

The Commission will order Staff and OPC to clarify their respective recommendations and positions.

THE COMMISSION ORDERS THAT:

1. No later than November 5, 2021, the Commission Staff shall file a pleading clarifying its recommendations.
2. No later than November 12, 2021, the Office of Public Counsel shall file a pleading clarifying its position on dismissal and stating its objections or responses to the application or Staff’s recommendations.
3. No later than November 19, 2021, Liberty and any other party wishing to do so shall file any objections or replies to pleadings filed by Staff or OPC responsive to this order.
4. This order shall be effective when issued.

² Staff Memorandum, pp. 2-3.



BY THE COMMISSION

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

Morris L. Woodruff
Secretary

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

Dated at Jefferson City, Missouri
on this 22nd day of October, 2021.


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 22nd day of October, 2021.




Morris L. Woodruff
Secretary

MISSOURI PUBLIC SERVICE COMMISSION

October 22, 2021

File/Case No. EU-2021-0274

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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.