

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

In the Matter of The Empire District Electric Company for Authority to Implement Rate Adjustments Related to the Company's Fuel and Purchase Power Adjustment (FAC Required in 4 CSR 240-20.090(4)))	File No. ER-2017-0254
)	Tracking No. JE-2017-0191
In the Matter of the True Up of The Empire District Electric Company's Fuel Adjustment Clause (FAC)))	File No. EO-2017-0255

**RESPONSE TO RECOMMENDATION FILED BY STAFF
OF THE MISSOURI PUBLIC SERVICE COMMISSION**

COMES NOW, the Office of Public Counsel (“OPC”) submits its reply to the recommendation of the Missouri Public Service Commission. In support thereof, the OPC states as follows:

1. On March 31, Empire filed its proposed change to its FAC rates and true-up testimonies and tariff letters, pursuant to Commission Rule 4 CSR 240-20.090(4), and subsequently assigned Case Numbers ER-2017-0254 and EO-2017-0255 respectively.

2. On April 3, the Commission issued its *Notice of Application and Order Setting Time for Filings*, directing Staff to file its recommendation not later than May 1, and directing interveners to respond not later than May 11.

3. On May 1, Staff filed its recommendations for the Commission to approve Empire’s true-up and tariff filings.

4. On February 28, 2017, Staff filed its sixth prudence review of cost of Empire’s FAC in Case Number EO-2017-0065. OPC is pursuing an investigation of FAC costs accumulated by Empire in that case file, as that case file is the proper venue to consider the prudence of such costs.

5. OPC does not oppose Staff’s recommendations in these case files with regard to the proposed rate; however, OPC’s non-opposition to the filings in these cases is not a waiver of any right it maintains to scrutinize costs accumulated by Empire in its FAC.

6. OPC reserves the right to investigate, scrutinize, and pursue legal recourse as necessary on any question of the prudence of costs associated with Empire's past and present FAC subject to review in Case Number EO-2017-0065 and future prudence reviews.

Wherefore, the Office of Public Counsel submits its response of non-opposition to Staff's recommendations, and intends to address any prudence concerns related to Empire's FAC in EO-2017-0065.

Respectfully submitted,

/s/ Hampton Williams

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or electronically mailed to all counsel of record this 11th day of May 2017.

/s/ Hampton Williams