

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

In the Matter of the 2022 RES Compliance Report)
And 2023 RES Compliance Plan of The Empire) Case No. EO-2023-0358
District Electric Company d/b/a Liberty)

**LIBERTY’S RESPONSE TO
STAFF’S AND OPC’S RECOMMENDATIONS AND COMMENTS**

COMES NOW The Empire District Electric Company d/b/a Liberty (“Liberty” or the “Company”), and for its response to the recommendation of the Staff of the Commission and the comments of the Office of Public Counsel, Liberty respectfully states as follows:

1. On April 14, 2023, Liberty filed its 2022 Renewable Energy Standard (“RES”) Compliance Report and its 2023-2025 RES Compliance Plan with the Commission pursuant to Commission Rule 20 CSR 4240-20.100(8). The Commission ordered Staff to review the Report and Plan and file a report.

2. As a result of discussions among the parties and to correct and clarify certain information, Liberty filed a revised Report and Plan on May 24, 2023.

3. On May 26, 2023, Staff filed a Motion for Extension to file their report requesting an extension until June 23, 2023. OPC also requested an extension of time to file comments regarding Liberty’s Revised Report and Plan. Both extensions were granted by the Commission.

4. On June 23, 2023, Staff and OPC filed a Joint Request for an Extension of Time to file comments and recommendations requesting an extension until August 7, 2023. The Commission granted the request on June 26, 2023.

5. Liberty submitted its second revised RES Compliance Report and Plan on August 4, 2023, and also requested a 10-day extension for Staff and OPC to file comments and recommendations. The Commission granted Liberty’s extension request, which made Staff and OPC’s deadline for recommendations and comments August 17, 2023.

6. Both Staff and OPC filed their recommendations and comments on August 17, 2023, making Liberty's response due August 28, 2023. To provide sufficient time for Liberty to review Staff's and OPC's recommendations and comments, Liberty requested an additional 10 days to file their response, to September 7, 2023. The Commission granted Liberty's extension request.

7. Staff's report recommends that Liberty supplement its RES Compliance Report in certain respects. Staff's recommendations and Liberty's responses to the same are below.

Section D.

- Staff recommends that the Commission order Liberty to provide an explanation of how the REC values were calculated. For RECs/Solar Renewable Energy Credits ("S-RECs") that were sold or transferred Liberty should provide information on those sales and transfers including the vintage years and certificate serial numbers of the RECs transferred.
 - Liberty's Response: Liberty agrees to add the requested explanation of how the REC values were calculated and submit an amended RES Report. The sale and transfer information was provided to Staff and OPC via Liberty's supplemental response to Data Request MPSC 0001, served July 5, 2023, and Liberty is not aware of any basis to now require that this information be included in an amended RES Report.

Section E.

- Staff recommends that the Company refile the HC version of Attachment 2 without redactions (i.e. it appears Liberty filed the public redacted version as the HC version).
 - Liberty's Response: Liberty inadvertently filed the public version of Attachment 2 as Highly Confidential and will appropriately file the Highly Confidential version of Attachment 2 in conjunction with the filing of an amended RES Report.
- Staff recommends the Commission order Liberty to provide justification for the numbers it provided in Table 3, and correct the report and attachments as necessary.
 - Liberty's Response: Liberty agrees to add the requested explanation and submit an amended RES Report.
- Staff recommends the Commission order Liberty to provide the vintage year and serial numbers of RECs for each trade made in the 2022 calendar year.

- Liberty's Response: it is Liberty's understanding that Staff is able to obtain this information from the North American Renewables Registry (NAR), and Liberty is not aware of any basis to require that this information be included in an amended RES Report.

Section G.

- Staff recommends the Company provide a corrected version of Attachment 5 with all RECs carried forward included.
 - Liberty's Response: Attachment 5 of Liberty's RES Report currently on file accurately includes all RECs that were carried forward.

Section I.

- Staff recommends the Company provide Green-e certificates as done in previous years, or an attestation for purchased energy that the energy was derived from an eligible renewable energy technology and that the renewable attributes of the energy have not been used to meet requirements of any other local or state mandate.
 - Liberty's Response: Liberty has been unable to obtain Green-e certificates and/or the requested attestation for its purchased energy for the period at issue, despite significant efforts. Liberty will continue to seek to obtain Green-e certificates and/or the requested attestation for its purchased energy and provide the same to Staff if obtained.

Attachment 8.

- Staff recommends the Commission order Liberty to provide a corrected report and/or Attachment 8 with justification for the costs included/excluded.
 - Liberty's Response: Liberty agrees to correct the amount included in Section P, add additional explanation regarding the compliance costs directly associated with owned renewable resources, and submit an amended RES Report.

8. Regarding Liberty's RES Retail Rate Impact ("RRI") calculation, Staff states it "would like further detail on costs included for existing plant and projected plant in the future" and "suggests a meeting with Staff, OPC, Liberty and Liberty's third party contractor who completes the RRI modeling to discuss changes to the RRI calculation." Liberty has no objection to such a meeting to discuss possible changes in the RRI calculation for future years.

9. OPC's filing herein contains various statements and recommendations regarding Liberty's RES Compliance Report and RES Compliance Plan. Liberty does not believe any amendments are needed or would be appropriate in response to OPC's filing. As noted above, however, Liberty has no objection to scheduling a meeting to discuss possible changes in the RRI calculation for future years.

10. To address the recommendations of Staff, as detailed above, Liberty will submit revised RES filings by September 15, 2023.

WHEREFORE, Liberty submits this Response to Staff's and OPC's recommendations and comments. Liberty requests such relief as is just and proper under the circumstances.

Respectfully submitted,

/s/ Diana C. Carter

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CERTIFICATE OF SERVICE

I hereby certify that the above document was filed in EFIS on this 7th day of September, 2023, and sent by electronic transmission to all counsel of record.

/s/ Diana C. Carter