



IN THE _____ JUDICIAL CIRCUIT, _____ COUNTY, MISSOURI

Judge or Division:	Public Service Commission Case Number: EO-2022-0040; EO-2022-0193		
Plaintiff/Petitioner: The Empire District Electric Company d/b/a Liberty	Appellate Number:	<input type="checkbox"/> Filing as an Indigent	
	Date of Judgment/Decree/Order: (ATTACH A COPY) Issued: September 22, 2022 Effective: October 2, 2022	Court Reporter:	
	Date Post Trial Motion Filed: September 30, 2022	<input type="checkbox"/> Sound Recording Equipment	
	Date Ruled Upon: October 12, 2022	The Record on Appeal will consist of: ____ Legal File only or <input checked="" type="checkbox"/> Legal File and Transcript	
Defendant/Respondent: Public Service Commission of the State of Missouri	(Date File Stamp)		

Notice of Appeal to Missouri Court of Appeals - Civil

District: Western Eastern Southern

Notice is given that <u>The Empire District Electric Company d/b/a Liberty</u> appeals from the judgment/decree/order entered in this action on <u>September 22, 2022</u> , with an effective date of <u>October 2, 2022</u> .	
Appellant's Name (If multiple, list all or attach additional pages) The Empire District Electric Company d/b/a Liberty	Respondent's Name (If multiple, list all or attach additional pages) Public Service Commission of the State of Missouri
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Appellant's Attorney/Bar Number (If multiple, list all or attach additional pages) Sarah B. Knowlton #71361 Diana C. Carter MBE #50527 Dean L. Cooper MBE #36592	Respondent's Attorney/Bar Number (If multiple, list all or attach additional pages) Shelley Brueggemann, #52173
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Brief Description of Case (May be completed on a separate page) The Empire District Electric Company, a Liberty company ("Liberty"), requested financing orders authorizing it to issue securitized utility tariff bonds relating to certain costs incurred in association with Winter Storm Uri and with the retirement of Liberty's Asbury coal-fired generating plant. The Commission denied the request in part and granted it in part, and Liberty challenges the Commission's order to the extent that it denied Liberty's request.	

Issues Expected To Be Raised On Appeal (May be completed on a separate page. Appellant is not bound by this list.)

1. Whether the Commission misinterpreted RSMo. §393.1700.1(7)(a) and reached an arbitrary, unlawful, unreasonable, and unjust conclusion when it reduced the amount that Liberty could securitize by the net present value of Liberty's expected accumulated deferred income taxes balance, rather than by the net present value of the tax benefit associated with that balance as the statute requires.
2. Whether the Commission violated the securitization statute and reached an arbitrary, unlawful, unreasonable, and unjust conclusion by imposing a blanket 5% disallowance on Liberty's ability to recover, through securitization, its fuel and power purchase costs from Winter Storm Uri.
3. Whether the Commission violated the securitization statute and reached an arbitrary, unlawful, unreasonable, and unjust conclusion by excluding carrying charges for the Asbury coal-fired generating plant for a period of time after plant retirement and calculating the rate of return on all carrying charges at Liberty's long-term debt rate rather than at Liberty's weighted average cost of capital.

Docket Fee Information

- The docket fee in the amount of \$70.00 is being tendered with this notice of appeal.
- No docket fee is being tendered because:
- a docket fee is not required by law pursuant to _____ (cite specific statute or other authority).
 - a motion to prosecute the appeal in forma pauperis has been or will be filed.
 - a docket fee in the amount of \$70.00 cannot be tendered at this time but will be submitted at a later date or this appeal will be subject to dismissal pursuant to Rule 84.08(a).

Signature of Attorney or Appellant

/s/ Diana C. Carter

Date

November 10, 2022

Certificate of Service on Persons other than Registered Users of the Missouri eFiling System

I certify that on November 10, 2022 (date), a copy of the foregoing was sent to the following by facsimile, hand-delivery, electronic mail or U.S. mail postage prepaid to their last known addresses.

See attached service list – I certify service via email (including all attachments to the notice) to everyone on that list, which includes all parties regardless of their status as registered users of the Missouri eFiling System.

/s/ Diana C. Carter

Appellant or Attorney for Appellant

Directions to Clerk

Transmit a copy of the notice of appeal and all attached documents to the clerk of the Court of Appeals and to any person other than registered users of the eFiling system in a manner prescribed by Rule 43.01. Clerk shall then fill in the memorandum below. See Rule 81.08(j). Forward the docket fee to the Department of Revenue as required by statute.

Memorandum of the Clerk

I have this day served a copy of this notice by regular mail registered mail certified mail facsimile transmission to each of the following persons at the address stated below. If served by facsimile, include the time and date of transmission and the telephone number to which the document was transmitted.

I have transmitted a copy of the notice of appeal to the clerk of the Court of Appeals, _____ District.

Docket fee in the amount of \$70.00 was received by this clerk on _____ (date) which will be disbursed as required by statute.

No docket fee was received.

Date

Clerk

Additional Parties and Attorneys

List every party involved in the case not listed on page 1, indicate the position of the party in the circuit court (e.g. plaintiff, defendant, intervenor) and in the Court of Appeals (e.g. appellant or respondent) and the name of the attorney of record, if any, for each party. Attach additional pages to identify all parties and attorneys if necessary.

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CERTIFICATE OF SERVICE
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