

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

In the Matter of the Petition of Missouri- )  
American Water Company for Approval ) **File No. WO-2018-0373**  
to Establish an Infrastructure System )  
Replacement Surcharge (ISRS) )

**MOTION TO INTERVENE OF  
THE EMPIRE DISTRICT ELECTRIC COMPANY**

COMES NOW The Empire District Electric Company (“*Empire*”) pursuant to 4 CSR 240-2.075, and for its Motion to Intervene in this case, states as follows:

1. Empire is a Kansas corporation with its principal office and place of business located at 602 South Joplin Avenue (P.O. Box 127), Joplin, Missouri 64801 (64802).
2. Empire is authorized to do business in Missouri, as evidenced by the Certificate of Authority from the Missouri Secretary of State that Empire previously submitted in Commission Case No. EM-2000-369 and the information in such Certificate of Authority is current and correct as of the date hereof.
3. Empire is engaged, generally, in the business of generating, purchasing, transmitting, distributing, and selling electric energy in portions of Missouri, Kansas, Oklahoma, and Arkansas. Empire also provides water service and, through its subsidiary (The Empire District Gas Company), natural gas distribution service in Missouri. Empire’s Missouri operations are subject to the jurisdiction of the Missouri Public Service Commission (“*Commission*”).
4. Pleadings, notices, orders, and other correspondence concerning this matter should be addressed to the undersigned counsel as well as to:

Chris Krygier  
Director, Rates and Regulatory Affairs  
The Empire District Electric Company  
602 S. Joplin Avenue, P.O. Box 127  
Joplin, Missouri 64802  
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E-mail: [Chris.Krygier@LibertyUtilities.com](mailto:Chris.Krygier@LibertyUtilities.com)

5. Empire has no pending actions or final unsatisfied judgments or decisions against it from any state or federal agency or court which involve customer service or rates, which action, judgement or decision has occurred within three years of the date of this motion.

6. Empire has no overdue Commission annual reports or assessment fees.

7. Empire's interest in this case arises from (1) its status as a high-volume customer of Missouri-American Water Company ("MAWC") via that certain Interruptible Industrial Water Supply Agreement between Empire and MAWC dated January 18, 2012, as amended, and (2) as a Commission-regulated investor-owned electric utility with specific interests in some of the key regulatory mechanisms at issue in this case.

8. As a customer, Empire has an interest in rates, rate design and regulatory issues in this proceeding, particularly as they relate to high volume, contract, and/or interruptible service relationships. Empire's very specific interest as a customer is different from the general public and each other party in the case, and this interest cannot be adequately represented by any other party. Empire should be allowed to represent its own interest in this case.

9. In addition to its interests as a customer of MAWC, Empire is a public utility operating in Missouri. The Commission's consideration of various regulatory issues in this case could have an impact upon similar issues as they arise in Empire cases or other proceedings at the Commission, which in turn could have an impact on Empire's business, making Empire's interests different than the interests of the general public.

10. Empire's electric and its subsidiary's gas operations, and its position as both a water utility and a water consumer, give it a unique perspective on some of the issues that may arise in this case. Empire's expertise may provide additional information and insight to the Commission in addressing the policy implications of this case.

11. As both a utility and as a customer of MAWC Empire's interests are different from that of the general public and which may be adversely affected by a final order arising in this case. In addition, granting Empire's proposed intervention would serve the public interest by providing the Commission with information and insights based on Empire's expertise and unique perspective as a multi-service utility and a high-volume interruptible water customer. Accordingly Empire's motion to intervene should be granted under the standards set forth in 4 CSR 240.2.075(3)(A) and (B).

12. Empire is unsure of the position it will take in this case.

13. Empire's motion is being filed after the intervention date in this case. Empire did not file prior to the intervention date because Empire has not participated in past MAWC ISRS rate cases and was uncertain of its desire to intervene until after the intervention date had passed. The decision to intervene is made one day after the intervention date deadline. As required by 4 CSR 240-2.075(10), Empire accepts the record established in this case, including the requirements of all orders of the Commission, as of the date of this filing. No party will be prejudiced by Empire's intervention in this case.

WHEREFORE, Empire respectfully requests that the Commission grant its Motion to Intervene and that it be made a party hereto with all rights to participate in this matter.

Respectfully submitted,

**THE EMPIRE DISTRICT ELECTRIC COMPANY**

By: /s/ *Sharrock Dermott*

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**ATTORNEY FOR THE EMPIRE DISTRICT  
ELECTRIC COMPANY**

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that the foregoing pleading has been served by electronic means on all parties of record as reflected in the records maintained by the Secretary of the Commission through the EFIS system.

Dated: September 7, 2018

/s/ *Sharrock Dermott*

Sharrock Dermott