

# BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

In the Matter of an Investigation into The Empire District     )  
Electric Company's Custom Commercial and Industrial     ) **File No. EW-2019-0351**  
Rebate Program     )

## **NOTICE CLOSING PROCEEDING**

Issue Date: July 8, 2019

On May 24, 2019, Staff filed its Investigation Report (hereinafter "Report") in the above styled proceeding. In its Report, Staff concludes that the Commission cannot waive the preapproval provisions of the Empire District Electric Company's (hereinafter "Empire") Custom Commercial & Industrial Rebate Program (hereinafter "Custom C&I Rebate Program") tariff, because the tariff does not contain language permitting waivers or exceptions.<sup>1</sup> However, Staff also concludes that if the preapproval provisions of the Custom C&I Rebate Program tariff are unjust and unreasonable then the Commission may order the tariff to be modified after a hearing.<sup>2</sup>

In its Report, Staff goes on to recommend that such a modification to Empire's Custom C&I Rebate Program should only be made in the context of a general rate case or Missouri Energy Efficiency Investment Act (hereinafter "MEEIA") proceeding or similar filing before the Commission.<sup>3</sup> Staff concludes its report by committing to reviewing the preapproval process in an appropriate future Empire proceeding before the Commission.

On May 29, 2019, Empire filed its Notice of Intended Case Filing wherein it states

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<sup>1</sup> STAFF INVESTIGATION REPORT, In the Matter of an Investigation into The Empire District Electric Company's Custom Commercial and Industrial Rebate Program, FILE NO. EW-2019-0351, p. 11.

<sup>2</sup> *Id.*

<sup>3</sup> *Id.* at 12.

that it intends to file a general rate case prior to October 9, 2019.<sup>4</sup> Additionally, on June 28, 2019, Empire submitted its 2019 Utility Resource Filing Pursuant to 4 CSR 240-22 (hereinafter “2019 IRP”). In its 2019 IRP, Empire states that it plans on filing a MEEIA portfolio application prior to its next annual IRP update.<sup>5</sup>

Commissioner Rupp looks forward to receiving Staff’s written testimony on the preapproval provision of Empire’s Custom C&I Rebate Program in whichever case is filed first. Commissioner Rupp is hopeful that Staff, Empire, and other interested parties will work to make all energy efficiency programs more accessible to customers by reducing barriers to customer participation.

Respectfully submitted:

A handwritten signature in black ink, appearing to read "Scott Rupp", enclosed within a thin black rectangular border.

Scott T. Rupp  
Dated at Jefferson City, Missouri  
On this 8<sup>th</sup> day of July, 2019

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<sup>4</sup> NOTICE OF INTENDED CASE FILING, In the Matter of The Empire District Electric Company's Request for Authority to File Tariffs Increasing Rates for Electric Service Provided to Customers in its Missouri Service Area, ER-2019-0374, ¶ 3.

<sup>5</sup> Empire District Electric Company's Letter of Transmittal and 2019 Integrated Resource Plan, *In the Matter of The Empire District Electric Company's 2019 Triennial Compliance Filing Pursuant to 4 CSR 240-22*, File No. EO-2019-0049, Executive Summary, Vol. 1 – p.41

**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 8<sup>th</sup> day of July 2019.**



  
**Morris L. Woodruff**  
**Secretary**

**MISSOURI PUBLIC SERVICE COMMISSION**

**July 8, 2019**

**File/Case No. EW-2019-0351**

**Missouri Public Service  
Commission**

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***Enclosed find a certified copy of an Order or Notice issued in the above-referenced matter(s).***

***Sincerely,***

A handwritten signature in dark ink, reading "Morris L. Woodruff". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

**Morris L. Woodruff  
Secretary**

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Recipients listed above with a valid e-mail address will receive electronic service. Recipients without a valid e-mail address will receive paper service.