

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

In the Matter of the Petition of The Empire)
District Electric Company d/b/a Liberty to)
Obtain a Financing Order that Authorizes) **File No. EO-2022-0040**
the Issuance of Securitized Utility Tariff)
Bonds for Qualified Extraordinary Costs)

In the Matter of the Petition of The Empire)
District Electric Company d/b/a Liberty to)
Obtain a Financing Order that Authorizes) **File No. EO-2022-0193**
the Issuance of Securitized Utility Tariff)
Bonds for Energy Transition Costs Related)
to the Asbury Plant)

**STAFF RESPONSE TO ORDER DIRECTING STAFF TO
SUBMIT DUCERA REPORT AND BRIEF STATEMENT**

COMES NOW Staff of the Missouri Public Service Commission, and for its Response to the *Order Directing Staff to Submit Ducera Report and Staff Recommendation* (“Order”) issued by the Commission by delegation of authority on January 11, 2024, respectfully states as follows:

1. The Order directed, in part, that “No later than close of business on the second [business] day after submission of the IAL, Staff must provide the Commission with Ducera’s opinion on the Securitized Utility Tariff Bond issuance as well as pleadings containing a brief statement of any concerns Staff has with the final terms of the Securitized Utility Tariff Bonds and Staff’s recommendation about Liberty’s compliance tariff.” [the compliance tariff sheets filed by Liberty/Empire will be addressed in a separate Staff pleading]. The IAL was filed by Liberty/Empire on January 19, 2024.

2. Section 393.1700.2(3)(h) RSMo. provides in part that “The commission shall have the authority to designate a representative or representatives from commission staff, who may be advised by a financial advisor or advisors contracted with the commission, to provide input to the electrical corporation and collaborate with the electrical corporation in all

facets of the process undertaken by the electrical corporation to place the securitized utility tariff bonds to market so the commission's representative or representatives **can provide the commission with an opinion on the reasonableness of the pricing, terms, and conditions of the securitized utility tariff bonds on an expedited basis.** Neither the designated representative or representatives from the commission staff nor one or more financial advisors advising commission staff shall have authority to direct how the electrical corporation places the bonds to market although they shall be permitted to attend all meetings convened by the electrical corporation to address placement of the bonds to market.” (emphasis added)

3. For purposes of this Response, the information used in preparing this Response may have been obtained from or through the utility, the issuer, the underwriters, Staff’s advisors, the Issuance Advice Letter, the certifications, public sources or otherwise. Staff has assumed and relied upon, without undertaking any independent verification of, the accuracy and completeness of all of the factual, financial, and other information supplied or otherwise made available to, discussed with, or reviewed by Staff (including information that is available from generally recognized public sources), and Staff assumes no liability therefor. Staff has further assumed that all of the information furnished by the underwriters, the utility, the issuer and any other person (including, for the avoidance of doubt, the certifications) is complete and accurate as of the date hereof (except to the extent superseded by other information provided prior to the date hereof) and does not contain any material omissions or misstatement of material facts.

Staff assumes no responsibility for and expresses no view as to any projected financial data relating to the utility or the issuer, or the assumptions on which they are based, including, but not limited to, any assumptions made regarding energy sales forecasts, ratepayer payment and charge-off patterns, defaults by third party suppliers, or servicing or

administrative costs. With respect to any market data, projections, forecasts, and estimates, Staff has assumed that they have been reasonably prepared on bases reflecting the best currently available estimates and good faith judgments of the utility, the issuer, and underwriters.

Staff has assumed that the utility and the issuer will implement the transaction in accordance with the terms of the Financing Order and the transaction documents. Staff expresses no view regarding the sufficiency of true-up adjustments or other actions that the utility or the issuer are required to take under the transaction documents and the Financing Order.

This Response is dependent upon regulatory, economic and market conditions known to Staff as they exist as of the date hereof and involve numerous assumptions, not limited to those which have been stated herein and some of which cannot be established or confirmed. This Response addresses only the market conditions and facts existing or assumed as of the date hereof. The information expressed herein may be affected by actions taken or omitted, events occurring, or changes in the relevant facts, after the date hereof.

4. In response to the Order, and in accordance with Section 393.1700.2(3)(h) RSMo. as set forth above, Staff submits this Response to inform the Commission that Staff is not aware of any concerns Staff has with the final terms of the Securitized Utility Tariff Bonds filed herein by Liberty/Empire on January 19, 2024.

Ducera Letter

5. According to the Order's requirement that "Staff must provide the Commission with Ducera's opinion on the Securitized Utility Tariff Bond issuance," the letter submitted by Ducera to Staff (as contemplated by Section 2.4.4.2 of Contract X2237500004 between Ducera and the Commission) is being filed along with this Response as Confidential in its entirety pursuant to 20 CSR 4240-2.135(2)(A)5, as "reports, work papers, or other

documentation related to **work produced by** internal or **external** auditors, **consultants**, or attorneys” (emphasis added).

WHEREFORE Staff submits this Response, along with the Confidential Ducera letter, in compliance with the Commission’s *Order Directing Staff to Submit Ducera Report and Staff Recommendation*¹ issued January 11, 2024, and prays the Commission accept same.

Respectfully submitted,

/s/ Jeffrey A. Keevil

Jeffrey A. Keevil

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Attorney for the Staff of the
Missouri Public Service Commission

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed, hand-delivered, or transmitted by facsimile or electronic mail to counsel of record as reflected on the certified service list maintained by the Commission in its Electronic Filing Information System this 23rd day of January 2024.

/s/ Jeffrey A. Keevil

¹ As noted in paragraph 1 above, the compliance tariff sheets filed by Liberty/Empire will be addressed in a separate Staff pleading.

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for Energy Transition Costs Related to the)
Asbury Plant)

AFFIDAVIT OF KIMBERLY K. BOLIN

STATE OF MISSOURI)
) ss.
COUNTY OF COLE)

COMES NOW KIMBERLY K. BOLIN and on her oath declares that she is of sound mind and lawful age; that she has knowledge of the matters stated in the foregoing *Staff Response to Order Directing Staff to Submit Ducera Report and Brief Statement*; and that the same is true and correct according to her best knowledge and belief.

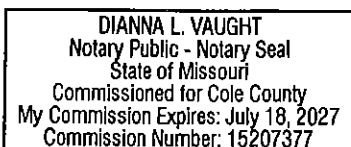
Further the Affiant sayeth not.

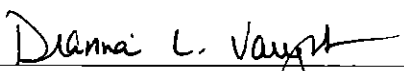


KIMBERLY K. BOLIN

JURAT

Subscribed and sworn before me, a duly constituted and authorized Notary Public, in and for the County of Cole, State of Missouri, at my office in Jefferson City, on this 23rd day of January 2024.





Notary Public