

**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) Tariff Tracking No. JE-2024-0105
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) Tariff Tracking No. JE-2024-0105
Bonds for Energy Transition Costs Related)
to the Asbury Plant)

STAFF COMPLIANCE TARIFF RECOMMENDATION

COMES NOW Staff of the Missouri Public Service Commission, and for its Compliance Tariff Recommendation (“Recommendation”) ordered in 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.**” (emphasis added) [the IAL and the Ducera letter are addressed in a separate pleading filed herein by Staff]

2. The compliance tariff sheets referenced in the Order were filed by Liberty/Empire on January 19, 2024, with a requested effective date of January 29, 2024,

and were assigned Tariff Tracking File No. JE-2024-0105.¹ Liberty/Empire subsequently filed one substitute compliance tariff sheet on January 22, 2024.

3. Staff has reviewed the tariff sheets in Tariff Tracking File No. JE-2024-0105 submitted January 19, 2024, as substituted January 22, 2024,² and has determined that they are in substantial compliance³ with the Commission's *Amended Report and Order* issued September 22, 2022 (the "Financing Order") as the same may have been corrected by written order, and accordingly recommends that the Commission allow said tariff sheets (as substituted) to go into effect by operation of law as requested by Liberty/Empire.

4. For purposes of this Recommendation, the information used in preparing this Recommendation 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

¹ THE EMPIRE DISTRICT ELECTRIC COMPANY d.b.a. LIBERTY, P.S.C. Mo. No. 6, Sec. 4, Original Sheet Nos. 26 through 26e.

² See Footnote 1 above.

³ The submitted and substituted tariff sheets correct a scrivener's error, under the provision "Collection and Ownership of Charge," so that it properly states that "This charge is to be collected by Liberty, its successors or assignees, or a collection agent, in full, separate and apart from the other rates, riders, and charges specified in **Liberty's tariff book.**"

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.

WHEREFORE Staff submits this Recommendation in compliance with the Commission's *Order Directing Staff to Submit Ducera Report and Staff Recommendation*⁴ issued January 11, 2024, and prays the Commission accept same.

⁴ As noted in paragraph 1 above, the IAL filed by Liberty/Empire and the Ducera letter are addressed in a separate Staff pleading.

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

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for Energy Transition Costs Related to the)
Asbury Plant)

AFFIDAVIT OF J LUEBBERT

STATE OF MISSOURI)
) ss.
COUNTY OF COLE)

COMES NOW J LUEBBERT and on his oath declares that he is of sound mind and lawful age; that he has knowledge of the matters stated in the foregoing *Staff Compliance Tariff Recommendation*; and that the same is true and correct according to his best knowledge and belief.

Further the Affiant sayeth not.

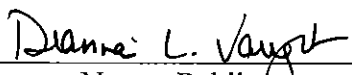


J LUEBBERT

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.

DIANNA L. VAUGHT
Notary Public - Notary Seal
State of Missouri
Commissioned for Cole County
My Commission Expires: July 18, 2027
Commission Number: 15207377



Notary Public