

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

In the Matter of the Application of The Empire)
District Electric Company d/b/a Liberty to)
Obtain a Certificate of Convenience and Necessity) Case No. EA-2023-0131
to Enhance System Resiliency)

LIBERTY’S RESPONSE TO STAFF RECOMMENDATION

COMES NOW The Empire District Electric Company d/b/a Liberty (“Liberty” or the “Company”), and, for its Response to the Staff Recommendation filed herein on March 8, 2024, respectfully states as follows to the Missouri Public Service Commission (“Commission”):

1. On February 14, 2023, Liberty filed its Application for a Certificate of Convenience and Necessity (“CCN”) to Enhance System Resiliency, noting that the Riverton project to enhance the resiliency of the Company’s electric system may require a CCN pursuant to Commission Rules 20 CSR 4240-20.045(1) and 20.045(2)(A). Amended Applications were thereafter filed by Liberty.

2. The Staff Recommendation requests that the Commission “grant Liberty a CCN for the two combustion turbine generators subject to Staff’s recommended conditions.”

3. Liberty appreciates Staff’s review in this docket and Staff’s positive recommendation on the grant of the requested CCN. Staff’s ten proposed conditions, along with Liberty’s response to each, are set forth below.

Staff’s Proposed Condition 1. Liberty shall finalize necessary agreements with Kansas Department of Health and Environment to not only tune both replacement units on all available operational fuels at the expected temperature extremes but also be able to operationally test both replacement units on multiple fuel types as needed to maintain operational effectiveness. Liberty shall provide Staff annual reports until necessary agreements are in place.

Liberty’s Response: no objection.

Staff’s Proposed Condition 2. Liberty shall provide Staff annual reports for a period of three years on the winterization actions that have been taken and the anticipated effects of those actions.

Liberty’s Response: no objection.

Staff's Proposed Condition 3. Liberty shall provide Staff annual reports for a period of three years on agreements/negotiations that occur with natural gas and fuel oil suppliers to ensure that the gas supply to the restoration unit is prioritized appropriately.

Liberty's Response: no objection.

Staff's Proposed Condition 4. Liberty shall provide Staff a report within 18 months on its internal decision-making policies. Liberty shall consider implementing policies designed to eliminate the potential of future indecision on the repair/replacement of necessary restoration capacity in the future.

Liberty's Response: Liberty objects to the imposition of this condition. First, it is unclear what is meant by "internal decision-making policies." Second, Liberty does not believe there is any policy that would be applicable to all situations and/or that there could be a policy that would eliminate what Staff describes as indecision. With regard to Riverton Units 10 and 11, Liberty delayed only to gather facts and complete the IRP process before making an informed decision.

Staff's Proposed Condition 5. ******

[REDACTED]

Liberty's Response: Liberty does not object to this request, but requests a modification. Although Liberty ******

[REDACTED]

****** As such, Liberty requests that this condition be modified by replacing "each fuel type" with "the reserve fuel."

Staff's Proposed Condition 6. Liberty shall file in this docket updated Restoration Plans within 60 days of the units' In-Service date.

Liberty's Response: no objection.

Staff's Proposed Condition 7. Liberty shall file in this docket as-built construction drawings within 60 days of the units' In-Service date.

Liberty's Response: no objection.

Staff's Proposed Condition 8. Liberty shall file its updated winter readiness plan within 60 days of the units' In-Service date.

Liberty's Response: no objection.

Staff's Proposed Condition 9. Liberty shall amend its CCN application if the project and/or the transmission line extends to property that is currently not included in the Riverton Power Plant boundaries.

Liberty's Response: no objection.

Staff's Proposed Condition 10. Liberty shall provide the Replacement Impact Study, Reliability Assessment Study and Interconnection Facilities Study when completed.

Liberty's Response: to the extent such studies are required under the generator replacement interconnection process or are otherwise prepared for Riverton Units 10 and 11, Liberty has no objection to providing SPP's studies upon completion.

4. In summary, Liberty consents to Conditions 1-3 and 6-9. Condition 4 should be stricken in its entirety. Condition 5 should be modified with regard to the type of fuel to be used for testing, and Condition 10 should be clarified as explained above.

5. Liberty's suggested modifications to the list of conditions are just and reasonable and should be adopted by the Commission.

WHEREFORE, Liberty requests an order granting the Company a certificate of convenience and necessity to enhance the resiliency of its electric system by replacing Riverton Units 10 and 11, subject to Staff's proposed conditions but as modified above.

Respectfully submitted,

/s/ Diana C. Carter

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CERTIFICATE OF SERVICE

I hereby certify that the above document was filed in EFIS on this 18th day of March, 2024, and sent by electronic transmission to the Staff of the Commission and the Office of the Public Counsel.

/s/ Diana C. Carter