

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) **File No. EA-2023-0131**
Convenience and Necessity to Enhance)
System Resiliency)

ORDER DIRECTING JOINT PROPOSED PROCEDURAL SCHEDULE

Issue Date: April 12, 2024

Effective Date: April 12, 2024

On February 14, 2023, The Empire District Electric Company d/b/a Liberty filed an application with the Commission seeking an order granting a certificate of convenience and necessity (CCN) authorizing Liberty to construct, install, own, operate, maintain, and otherwise control and manage two combustion turbine generators, each with a nominal net output of 13.3 MW to replace existing combustion turbine generators Riverton Unit 10 and Riverton Unit 11.

On May 9, 2023, Liberty filed a *Motion for Stay of Proceedings* to allow Liberty time to address additional developments regarding the generation interconnection process with the Southwest Power Pool and to provide additional information to the Staff of the Commission (Staff) and other parties regarding the details of the proposed project. On May 10, 2023, the Commission granted Liberty's motion and stayed the proceedings in this matter.

On October 13, 2023, Liberty filed an *Amended Application for a Certificate of Convenience and Necessity*. On January 19, 2024, Liberty filed its *Second Amended Application for a Certificate of Convenience and Necessity*. In addition to its request for a CCN, the second amended application requests a determination by the Commission that

the decision to construct/operate the new assets is prudent, subject to the Commission's subsequent review of costs.

At the direction of the Commission, Staff filed its recommendation on the second amended application on March 8, 2024. Staff recommended the Commission grant Liberty's CCN request, subject to ten recommended conditions. Staff recommended that the Commission not make a determination on decisional prudence.

On March 18, 2024, Liberty filed its *Response to Staff Recommendation* in which it which it objected to one of Staff's recommended conditions on the granting of the CCN. In addition, it requested a slight modification to another condition. Liberty had no objection to Staff's other recommended conditions.

On March 18, 2024, the Office of the Public Counsel (OPC) filed *Public Counsel's Response to Staff's Recommendations* in which it stated that it agreed with Staff's ten recommended conditions and recommended an additional, eleventh condition that Liberty bear all of the costs it incurred in repairing Riverton Unit 10 to make it operational after it went offline February 8, 2021. On March 28, 2024, Liberty filed its *Response to OPC's Ratemaking Suggestion* opposing OPC's recommended condition.

Given the lack of consensus on the conditions to be imposed by the Commission in the granting of the CCN, the Commission will direct the parties to collaborate and submit a proposed procedural schedule.

THE COMMISSION ORDERS THAT:

1. No later than May 3, 2024, Staff shall collaborate with the other parties and file a joint proposed procedural schedule on behalf of all parties.

2. This order shall be effective when issued.



BY THE COMMISSION

Nancy Dippell

Nancy Dippell
Secretary

Kenneth J. Seyer, Regulatory Law Judge,
by delegation of authority pursuant to
Section 386.240, RSMo 2016.

Dated at Jefferson City, Missouri,
on this 12th day of April, 2024.

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 12th day of April 2024.



Nancy Dippell

Nancy Dippell
Secretary

MISSOURI PUBLIC SERVICE COMMISSION

April 12, 2024

File/Case No. EA-2023-0131

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

Sincerely,



**Nancy Dippell
Secretary**

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