

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

In the Matter of the Compliance of The Empire)
District Electric Company with Certain)
Requirements related to SB 564 and Related)
Matters) **Case No. EO-2019-**

STAFF’S MOTION TO OPEN DOCKET

COMES NOW the Staff of the Missouri Public Service Commission and for its *Motion to Open Docket*, states herein as follows:

Introduction:

1. This case concerns the compliance of The Empire District Electric Company (“Empire”) with certain requirements related to Senate Bill 564, particularly § 393.1400.4, RSMo. Supp. 2018,¹ § 393.1650, and related matters.

Parties:

2. Movant is the Staff of the Missouri Public Service Commission, acting through the Chief Staff Counsel as authorized by Commission Rules 4 CSR 240-2.040(1) and 4 CSR 240-2.070(1).

3. Empire is a Kansas general business corporation in good standing with its principal place of business located at 602 South Joplin Avenue, Joplin, Missouri, 64801. Its registered agent is Dale W. Harrington, 602 Joplin Avenue, Post Office Box 127, Joplin, Missouri, 64802.

¹ All statutory references, unless otherwise specified, are to the Revised Statutes of Missouri (“RSMo.”), as currently amended and effective.

Jurisdiction:

4. Empire is in the business of generating, transmitting and distributing electricity to customers for light, heat and power. Empire is thus an “electric corporation” and a “public utility” as defined in § 386.020, (15) and (43), RSMo., and is subject to the regulatory jurisdiction of this Commission under chapters 386 and 393, RSMo.

5. The Commission has jurisdiction over the subject matter of this *Motion* because it involves Empire’s obligations under statutes administered by the Commission, as more particularly explained below.

Election Pursuant to § 393.1400.5, RSMo. Supp. 2018:

6. Section 393.1400.2, effective August 28, 2018, allows certain beneficial accounting methods to electrical corporations that elect to file the notice described in § 393.1400.5, “[t]his section shall only apply to any electrical corporation that has filed a notice with the commission of the electrical corporation's election to make the deferrals for which this section provides.”

7. Staff requests that the Commission open this docket to serve as a repository for any notice required by § 393.1400.5.

Compliance with Section 393.1400.4, RSMo. Supp. 2018:

8. In the event that Empire elects to file the notice described in § 393.1400.5, it will then be obligated under § 393.1400.4 to “submit to the commission a five-year capital investment plan setting forth the general categories of capital expenditures the electrical corporation will pursue in furtherance of replacing, modernizing, and securing its infrastructure.”

9. In the event that Empire makes the election referred to above and must therefore submit a five-year capital investment plan in compliance with § 393.1400.4, Staff requests that the Commission open this docket to serve as a repository for the five-year capital investment plan required by § 393.1400.4 and any related proceedings.

10. Additionally, § 393.1400.4 requires that, within thirty days of the filing of any capital investment plan or annual update to an existing plan, the electrical corporation shall host a public stakeholder meeting to answer questions and receive feedback about the plan and, after feedback is received, the electrical corporation must file a notice with the Commission of any modifications to the capital investment plan it has accepted.

11. In the event that Empire makes the election referred to above and must therefore submit a five-year capital investment plan in compliance with § 393.1400.4, Staff requests that the Commission open this docket to serve as a repository for the notice of the public stakeholder meeting, the feedback received at the public stakeholder meeting, and the notice required by § 393.1400.4 of any modifications to the capital investment plan that the electrical corporation has accepted, and any related proceedings.

12. Additionally, § 393.1400.4 requires that, by February twenty-eighth following each year in which the electrical corporation submits a capital investment plan, the electrical corporation shall submit a report to the Commission detailing actual capital investments made the previous year.

13. In the event that Empire makes the election referred to above and must therefore submit a five-year capital investment plan in compliance with § 393.1400.4,

Staff requests that the Commission open this docket to serve as a repository for the report to the Commission required by § 393.1400.4, detailing actual capital investments made the previous year, and any related proceedings.

WHEREFORE, Staff prays that the Commission will open a docket for the purposes enumerated herein; and grant such other and further relief as is just in the circumstances.

Respectfully submitted,

/s/ Kevin A. Thompson

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