

**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            )  
Implement Robust and Mutually-Beneficial         )        Case No. EO-2022-0078  
Energy Efficiency Offerings Under the                )  
Framework Prescribed by MEEIA                        )

**MOTION FOR A ONE-TIME VARIANCE**

**COMES NOW** The Empire District Electric Company (“Liberty” or “Company”), and for this Motion for a One-Time Variance regarding the annual report requirements of 20 CSR 4240-20.093(9), respectfully states as follows to the Missouri Public Service Commission (“Commission”):

1. Commission Rule 20 CSR 4240-20.093(9) provides that each electric utility with Missouri Energy Efficiency Act (“MEEIA”) approved demand-side programs “shall file an annual report by no later than ninety (90) days after the end of each program year, make a public version available for publication on the commission’s website, and serve a copy on each party to the case in which the demand-side programs were last established, modified, or continued.”

2. On September 15, 2021, Liberty filed its Application seeking approval of demand-side programs and a Demand-Side Programs Investment Mechanism (“DSIM”) as prescribed by MEEIA (“MEEIA Cycle 1 Application”). Paragraph 12 of Liberty’s MEEIA Cycle 1 Application provided that, “in variance from Rule 20.093(9), Liberty is proposing the filing of a single report at the conclusion of Cycle 1, with an additional variance from the requirement that the report contain a copy of the EM&V report for the most recent annual reporting period.”

3. Pursuant to a Global Stipulation and Agreement settling all issues with regard to Liberty’s MEEIA Cycle 1 Application and pursuant to the Commission’s *Order Approving Agreement and Tariffs* issued December 15, 2021, effective January 1, 2022, tariff sheets

implementing Liberty's MEEIA Cycle 1 took effect January 1, 2022 (for the period January 1, 2022 - December 31, 2022).

4. Paragraph 5 of the Global Stipulation and Agreement provided, in part, that "(i)n conjunction with approval of Liberty's MEEIA Cycle 1 Plan, the Signatories agree there is good cause to grant the waivers/variances requested by the Company in paragraphs 4-6 and 11-13 of the Application and request that the Commission grant the same." The Commission's *Order Approving Agreement and Tariffs* then granted Liberty, among other things, a variance from Commission Rule 20 CSR 4240-20.093(9).

5. On November 4, 2022, a stipulation and agreement was filed requesting a one-year extension of Liberty's MEEIA Cycle 1, to December 31, 2023. The Commission approved the request, and tariffs extending Liberty's MEEIA Cycle 1 to December 31, 2023, took effect January 1, 2023.

6. Although Liberty was granted a variance from Rule 20.093(9) with regard to MEEIA Cycle 1, given the first one-year extension, Liberty submitted its first demand-side program annual report on May 1, 2023.

7. Year two of Liberty's MEEIA cycle 1 ended on December 31, 2023, resulting in a due date of March 30, 2024, for Liberty's second annual report (if Liberty was, in fact, obligated to file the annual report pursuant to Rule 20.093(9)).

8. Given the prior grant of a variance from Rule 20.093(9) regarding Liberty's MEEIA Cycle 1 and the filing of Liberty's first annual report on May 1, 2023, Liberty advertently missed the filing date of March 30, 2024, for submission of Liberty's second annual report. Liberty did, however, intend to file its second annual report on May 1, 2024 (one year after submission of its first annual report). As Liberty was preparing to submit its second annual report on May 1, 2024,

a formulaic error was discovered. Correction of this formula error resulted in a slight additional delay in submission. As such, for good cause shown and to the extent required, Liberty requests a one-time variance from Commission Rule 20 CSR 4240-20.093(9) to allow for the filing of Liberty's second annual report at this time.

9. No harm will result from the grant of this request, and Liberty will ensure that its third annual report is submitted within 90 days of the end of year three of its MEEIA Cycle 1.

**WHEREFORE**, Liberty hereby submits this Motion for a One-Time Variance and requests the Commission issue an Order approving the same and granting any further relief as is just and reasonable.

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 2nd day of May, 2024, and sent by electronic transmission to all counsel of record.

/s/ Diana C. Carter