

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

In the Matter of the 2025 Triennial Compliance)
Filing Pursuant to 20 CSR 4240-22 by The Empire) **File No. EO-2024-0280**
District Electric Company d/b/a Liberty)

STAFF RECOMMENDATION

COMES NOW the Staff of the Missouri Public Service Commission (“Staff”), by and through Staff Counsel’s Office, and submits its Recommendation with regard to The Empire District Electric Company d/b/a/ Liberty’s (“Liberty”) Application for Variance.

Staff states as follows:

1. On April 1, 2024, Liberty filed an Application for Variance¹ from a portion of Commission Rule 20 CSR 4240-22.030 with regard to Liberty’s 2025 IRP² Triennial compliance filing.³ Liberty has provided an appendix to its Application in which it sets out a more detailed explanation of its requested variance. Liberty also notes that the variance being requested for its 2025 triennial compliance filing has been requested by Liberty and granted by the Commission in other IRP dockets.

2. On April 23, 2024, the Commission directed notice be provided, set an intervention deadline, and ordered Staff to file a recommendation with regard to the request for variance or, in the alternative, a status report stating when it plans to file its Recommendation, no later than May 16, 2024.

¹ Rule 20 CSR 4240-22.080(13) provides as follows:

Upon written application made at least twelve (12) months prior to a triennial compliance filing, and after notice and an opportunity for hearing, the commission may waive or grant a variance from a provision of 4 CSR 240-22.030–4 CSR 240-22.080 for good cause shown. The commission may grant an application for waiver or variance filed less than twelve (12) months prior to the triennial compliance filing upon a showing of good cause for the delay in filing the application for waiver or variance.

² Integrated Resource Planning (“IRP”).

³ Pursuant to Commission Rule 20 CSR 4240-22.080(1)(B), Liberty’s next triennial IRP filing is due April 1, 2025.

3. Commission Rule 20 CSR 4240-22.030(4)(A) requires that for each of a utility's major classes, use per unit shall be disaggregated, where information permits, by end-uses that contribute significantly to energy use or peak demand. Additionally, Commission Rule 20 CSR 4240-22.030(4)(A)(1) requires, generally, that utilities consider developing information on end-use load for the residential, commercial, and industrial classes.

4. In Appendix A to its Application, Liberty states that it plans to use the Statistically Adjusted End-Use ("SAE") method for the Residential, Small Commercial, and Large Commercial classes. Liberty states that the SAE method is applicable to its Residential and Commercial classes because end-use data developed by the Energy Information Administration ("EIA") and Itron exist for these classes. However, Liberty notes that the EIA and Itron do not maintain end-use information for the industrial class. Likewise, Liberty does not maintain end-use data for the industrial class, and thus, it requests a variance from Commission Rule 20 CSR 4240-22.030(4)(A)(1).

5. In its Application, Liberty states that granting its variance request will not compromise the policy objectives of the resource planning process for electric utilities, will allow for a load forecasting methodology consistent with Liberty's last triennial IRP, will save time and expense in a time-consuming and detailed integrated resource planning endeavor, and therefore, approval of its Application is in the public interest. Staff agrees, and recommends approval of Liberty's request for a variance from Commission Rule 20 CSR 4240-22.030(4)(A)(1).

WHEREFORE, Staff prays that the Commission will accept its Recommendation and respectfully requests, with regard to Liberty's 2025 IRP triennial filing, that the

Commission issue an order granting Liberty a variance from Commission Rule 20 CSR 4240-22.030(4)(A)(1) as described in Liberty's Application Appendix A; and grant such other and further relief as is just in the circumstances.

Respectfully Submitted,

/s/ Mark Johnson

MARK JOHNSON

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Attorney for the Staff of the

Missouri Public Service Commission

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing was served via e-mail on counsel for the parties of record on this 16th day of May, 2024.

/s/ Mark Johnson

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Compliance Filing Pursuant to)	<u>File No. EO-2024-0280</u>
20 CSR 4240-22 by The Empire District)	
Electric Company d/b/a Liberty)	

AFFIDAVIT OF BRAD J. FORTSON

STATE OF MISSOURI)
) ss.
COUNTY OF COLE)

COMES NOW BRAD J. FORTSON, and on his oath declares that he is of sound mind and lawful age; that he contributed to the foregoing *Staff Recommendation*; and that the same is true and correct according to his best knowledge and belief.

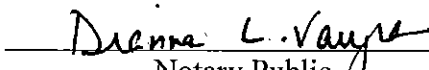
Further the Affiant sayeth not.



BRAD J. FORTSON

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 16th day of May 2024.



Notary Public

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