

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service Commission held at its office in Jefferson City on the 30th day of May, 2024.

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

ORDER GRANTING VARIANCE

Issue Date: May 30, 2024

Effective Date: June 29, 2024

On April 1, 2024,¹ The Empire District Electric Company d/b/a Liberty, pursuant to Commission Rule 20 CSR 4240-22.080(13),² filed an *Application for Variance* from a portion of Commission Rule 20 CSR 4240-22.030 requiring electric utilities to use end-use information in its analysis of its industrial class. Liberty requests the variance in regards to the 2025 Integrated Resource Plan (IRP) triennial compliance filing it will be required to make by April 1, 2025.

The Commission provided notice of Liberty's application to potentially interested parties and directed its Staff to file a recommendation regarding the application. The Commission also set a deadline for intervention and directed that any responses to the

¹ Unless otherwise noted, all date references are to the year 2024.

² Commission Rule 20 CSR 4240-22.080(13) states, in part:

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 [effective August 28, 2019, 20 CSR 4240-22.030 through 20 CSR 4240-22.080] 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.

application be filed by May 16. Staff filed its recommendation on May 16. No applications to intervene nor responses to the application have been filed.

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.

Staff notes that, 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 technology company 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, accordingly, it requests a variance from Commission Rule 20 CSR 4240-22.030(4)(A)(1).

Staff further notes that, 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).

Based on its review of the application and Staff's recommendation, Liberty has shown good cause for granting a variance from Commission Rule 20 CSR 4240-22.030(4)(A)(1) with regard to end-use data for the industrial class. Thus, the Commission will grant the variance requested by Liberty.

THE COMMISSION ORDERS THAT:

1. The Empire District Electric Company d/b/a Liberty's *Application for Variance* is granted. Liberty is granted a variance from Commission Rule 20 CSR 4240-22.030(4)(A)(1) with regard to the industrial class.
2. This order shall become effective on June 29, 2024.



BY THE COMMISSION

A handwritten signature in black ink that reads "Nancy Dippell".

Nancy Dippell
Secretary

Hahn, Ch., Coleman, Holsman
Kolkmeier, and Mitchell CC., concur.

Seyer, Regulatory Law Judge

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 30th day of May 2024.



Nancy Dippell

Nancy Dippell
Secretary

MISSOURI PUBLIC SERVICE COMMISSION

May 30, 2024

File/Case No. EO-2024-0280

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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.