

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

In the Matter of the Request of The Empire     )  
District Electric Company d/b/a Liberty for     )  
Authority to File Tariffs Increasing Rates     )     Case No. ER-2024-0261  
For Electric Service Provided to Customers     )  
In its Missouri Service Area                     )

**REQUEST FOR WAIVER  
AND MOTION FOR EXPEDITED TREATMENT**

COMES NOW The Empire District Electric Company d/b/a Liberty, and for its Request for Waiver and Motion for Expedited Treatment being submitted herein pursuant to Commission Rules 20 CSR 4240-2.205, 2.080, and 4.017, respectfully states as follows to the Missouri Public Service Commission (the “Commission”):

1.     On March 25, 2024, Liberty submitted a Notice of Intended Case Filing, initiating Case No. ER-2024-0261 and allowing Liberty to make its general rate filing herein through September 21, 2024.

2.     Rule 20 CSR 4240-4.017(1) provides, in part, that “(a)ny person that intends to file a case shall file a notice with the secretary of the commission a minimum of sixty (60) days prior to filing such case.” The Rule further provides that “(i)f the expected case filing is not made within one hundred eighty (180) days, the noticed case shall close.”

3.     The expected date for the submission of Liberty’s general rate filing has fluctuated due to a number of factors. Liberty has not determined the precise date it will make its general rate filing but believes it may be after September 21, 2024. Out of an abundance of caution and to avoid potential issues identified in paragraph 7 below, Liberty requests waiver of the above-referenced portion of Rule 4.017(1) that would cause this case to close on September 22, 2024 (absent Liberty making its general rate filing prior to that date). Liberty further requests that the docket remain

open to allow the Company to make its general rate case filing herein on any date through December 31, 2024.

4. Liberty requests that the Commission act on this request for waiver of the referenced provision of Rule 4.017(1) prior to September 18, 2024. This pleading was filed as soon as it could have been following Liberty's determination that it may make its general rate case filing after September 21, 2024.

5. Rule 20 CSR 4240-4.017(1)(D) provides that one "may request a waiver of this section for good cause." Additionally, Rule 20 CSR 4240-2.205 provides that the Commission "may grant variance from or waive any rule or provision of a rule promulgated by the commission upon a finding of good cause."

6. Neither the grant of the requested waiver nor the grant of the motion for expedited treatment will result in any negative effect to Liberty's customers or the general public. Instead, good cause exists for the expedited granting of Liberty's request for waiver, in that allowing the docket to remain open will serve the public interest and conserve the time and other resources of Liberty, the Commission, and other stakeholders.

7. If this docket is closed on September 22, 2024, Liberty will need to submit a second Notice of Intended Case Filing, opening a new docket. This would create a window of time (60 days after filing) in which Liberty would not be able to make its general rate case filing, absent a waiver, and could remove applicability of the ex parte provisions of Rule 4.017. Additionally, with a new case number, Liberty would need to repeat the pro hac vice process for its outside counsel, including payment of additional fees. Thus, good cause exists and supports the requested waiver.

WHEREFORE, Liberty submits this Request for Waiver and Motion for Expedited Treatment to allow for the submission of Liberty's general rate case filing in this Docket No. ER-2024-0261 on any date through December 31, 2024.

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 30<sup>th</sup> day of August, 2024, and sent by electronic transmission to the Staff of the Commission and the Office of the Public Counsel.

/s/ Diana C. Carter