

**STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION**

At a session of the Public Service Commission held at its office in Jefferson City on the 11th day of September, 2024.

In the Matter of the Application of The )  
Empire District Electric Company d/b/a )  
Liberty for an Order Granting a One-Time )  
Variance from a Portion of 20 CSR 4240- )  
20.094(7)(K) )

**File No. EE-2025-0037**

**ORDER APPROVING APPLICATION FOR VARIANCE**

Issue Date: September 11, 2024

Effective Date: September 21, 2024

On July 30, 2024, The Empire District Electric Company d/b/a Liberty filed an application requesting a one-time variance to allow an industrial customer<sup>1</sup> to participate in Liberty’s MEEIA programs for the current calendar year, 2024. That industrial customer previously opted out of MEEIA participation, and now seeks to revoke its opt-out. Additionally, the Company requested waiver of the 60-day notice of case filing requirement under 20 CSR 4240-4.017(1).

The variance requested is from Commission Rule 20 CSR 4240-20.094(7)(K), which requires a customer to give notice two to four months in advance of the calendar year for which it will become eligible for the utility’s demand-side program. The variance would allow immediate eligibility for the industrial customer. Liberty did not seek a variance from the portion of Commission Rule 20 CSR 4240-20.094(7)(K) that requires a “customer revoking an opt-out to participate in demand-side programs . . . to remain in

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<sup>1</sup> The identification of the industrial customer is confidential and will not be stated in this order.

the demand-side program(s) for the number of years over which the cost of that demand-side program(s) is being recovered, or until the cost of their participation in the demand-side program(s) has been recovered.”

On August 29, 2024, the Staff of the Commission (Staff) filed its Recommendation. Staff recommended the Commission approve the application *so long as* the opt-out revocation applies to all of the customer’s accounts in Liberty’s territory. Staff’s Recommendation indicated that Liberty and the customer understand that the opt-in will be for all accounts of the customer. Staff’s Recommendation reiterated that the variance is not from the entirety of 20 CSR 4240-20.094(7)(K), but only to the portion specified regarding the two to four month notice requirement.

The Commission set a time for responses to Staff’s Recommendation. No other responses to the application or to Staff’s Recommendation have been received.

The Commission will grant Liberty’s request for waiver of the 60-day notice requirement under 20 CSR 4240-4.017(1). The Commission finds good cause exists for waiver, based on the Company’s verified declaration that it had no communication with the Commission regarding substantive issues in the application within 150 days before filing its application.<sup>2</sup> Because the application requested immediate eligibility for the customer, the Commission finds it reasonable to make this order effective in fewer than 30 days.

**THE COMMISSION ORDERS THAT:**

1. Liberty’s application for a variance from Commission Rule 20 CSR 4240-20.094(7)(K), is granted subject to the conditions that all of the customer’s accounts

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<sup>2</sup> 20 CSR 4240-4.017(1)(D).

opt-in, and that the variance granted is only regarding the notice portion of the rule and is not a variance of the entirety of the rule.

2. The 60-day notice requirement of Commission Rule 20 CSR 4240-4.017(1) is waived for good cause.

3. This order shall be effective on September 21, 2024.

4. This file shall close on September 22, 2024.



**BY THE COMMISSION**

A handwritten signature in black ink that reads "Nancy Dippell". The signature is written in a cursive, flowing style.

Nancy Dippell  
Secretary

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

Hatcher, Senior 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 11<sup>th</sup> day of September 2024.**



*Nancy Dippell*  
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**Nancy Dippell**  
**Secretary**

**MISSOURI PUBLIC SERVICE COMMISSION**

**September 11, 2024**

**File/Case No. EE-2025-0037**

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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**

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Recipients listed above with a valid e-mail address will receive electronic service. Recipients without a valid e-mail address will receive paper service.