

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

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

**RESPONSE TO ORDER DIRECTING SUPPLEMENTAL INFORMATION  
BY THE  
EMPIRE DISTRICT RETIRED MEMBERS & SPOUSES ASSOCIATION, LLC**

COMES NOW, the Empire District Retired Members & Spouses Association, LLC (“EDRA”), by and through counsel, and for its Response to Order Directing Supplemental Information, EDRA states as follows:

1. On November 15, 2024, EDRA timely filed its *Application to Intervene* in the above-referenced matter.
2. On November 22, 2024, the Commission issued its *Order Directing Supplemental Information to Application to Intervene*, which set a deadline of December 5, 2024, for a response by EDRA. In that Order, the Commission cited the recent update to the intervention rule (20 CSR 4240-2.075(2)(F)) as requiring “that an application to intervene, when not taking a position in a case, detail why the intervenor is not taking a position...[and] explain why a position could not be asserted and when it can be....” The Commission ordered EDRA “shall file a pleading explaining why a position could not be asserted based upon the initial filings and when such a position can be asserted or that EDRA intends to only provide or receive information and will not take a position.”

3. EDRA is mindful of the Commission’s recent amendments to 20 CSR 4240-2.075 and drafted its timely November 15, 2024, *Application to Intervene* to be in compliance with the Rule. Nevertheless, EDRA respectfully offers this additional Response.

4. As stated in its November 15, 2024, *Application to Intervene*, EDRA is composed of retirees of The Empire District Electric Company (“Empire”) and their spouses; retirees who earned, during their careers at Empire, certain post-career benefits, including, but not limited to, pensions and health care. These future benefits were integral to and were consideration promised in exchange for work already performed by the retirees. EDRA has a keen interest in ensuring that these benefits are preserved and protected, and thus has a direct and vital interest to protect in this case, and no other party in the case can adequately represent that interest.

5. Although EDRA’s *Application to Intervene* included information about its active participation in prior cases before the Commission, EDRA here provides additional facts of its actions as a regular intervenor and participant in cases where employees’ retirement benefits are at issue:

- a. EDRA first intervened in Case No. EM-2016-0213 (the “Empire-Liberty Merger case”). Ultimately, EDRA and Liberty entered into a Stipulation and Agreement, where Liberty made certain commitments regarding benefits for the retirees;
- b. EDRA intervened in Liberty’s initial rate case after the merger, Case No. ER-2019-0374. EDRA conducted discovery and filed Direct and Surrebuttal Testimony. This led to a Stipulation and Agreement to resolve issues relating to EDRA in the case;

c. EDRA intervened in the subsequent rate case, Case No. ER-2021-0312. As in the previous rate case, EDRA conducted discovery and filed Direct and Surrebuttal Testimony, which again resulted in a Stipulation and Agreement to resolve issues relating to EDRA in the case.

6. In each of the previous cases, EDRA initially was unable to take a position in the case until it was granted intervention by the Commission and was able to participate in discovery. Once that was completed, EDRA was in possession of sufficient facts to be able to take a position and file witness testimony, and thus contribute to ultimately successful resolutions of each of these previous cases.

7. As was EDRA's initial situation in the previous cases detailed above, and as stated in its *Application to Intervene* in this case, EDRA is unable to take a position in this case at the present time because it needs to continue to review the filed testimony and conduct discovery to gather more information on Liberty's future plans for retirees' benefits before EDRA can take a position in support of or in opposition to Liberty's yet-to-be-revealed future plans for retirees' benefits. Simply put, and to quote the Rule, EDRA will be able to "support or oppose the relief sought" by Liberty once discovery fully reveals the relief Liberty seeks regarding its future plans for retirees' benefits, because Liberty's "initial filings" do not fully reveal said relief sought by Liberty.

8. "In an administrative proceeding, due process is provided by affording parties the opportunity to be heard in a meaningful manner. *The parties must have knowledge of the claims of his or her opponent*, [and] have a full opportunity to be heard, and to defend, enforce and protect his or her rights." *State ex rel. Mo. Pipeline Co., LLC v. Mo. Pub. Serv. Comm'n*, 307

S.W.3d 162, 175 (Mo. App. W.D. 2009)(citing *Weinbaum v. Chick*, 223 S.W.3d 911, 913 (Mo. App. S.D. 2007)(emphasis added).

9. If granted intervention, EDRA plans to fully participate in discovery and file testimony identifying and taking a position on these issues, as it has done in the prior cases referenced above. EDRA will continue to review and analyze the filed testimony and anticipates that it will be able to assert a position in testimony by obtaining more information through the discovery process.

WHEREFORE, the EDRA prays that this Commission issue an order granting its application to intervene in this proceeding and for such other orders and relief as may be appropriate in the circumstances.

Respectfully Submitted,

By: /s/ Terry M. Jarrett  
Terry M. Jarrett, #45663  
Douglas L. Healy, # 51630  
306 Monroe Street  
Jefferson City, MO 65101  
Telephone: (573) 415-8379  
E-mail: [terry@healylawoffices.com](mailto:terry@healylawoffices.com)  
[doug@healylawoffices.com](mailto:doug@healylawoffices.com)

***ATTORNEYS FOR EDRA***

Certificate of Service

I hereby certify that copies of the foregoing have been mailed, emailed or hand-delivered to all counsel of record this 3<sup>rd</sup> day of December, 2024.

/s/ Terry M. Jarrett