

**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)

**LIBERTY’S RESPONSE IN OPPOSITION TO INFLUENT
ENERGY’S APPLICATION TO INTERVENE**

COMES NOW The Empire District Electric Company d/b/a Liberty (“Liberty” or the “Company”), by and through counsel, and for its Response in Opposition to Influent Energy’s Application to Intervene, Liberty respectfully states as follows to the Missouri Public Service Commission (“Commission”):

1. On November 25, 2024, Distributed Generation and Storage, LLC d/b/a Influent Energy (“Influent”) filed its application to intervene herein.
2. While multiple entities have requested to intervene, this is the only objection Liberty is filing. Liberty is supportive of an open and transparent rate case proceeding, but Influent’s application plainly fails to satisfy the Commission’s standards for intervention as a party.
3. Influent’s application states that it is based in Kansas City, Missouri, and is a “full-service engineering, procurement and construction company focused on solar generation and energy storage projects for the commercial and industrial markets” that “develops, constructs, and maintains solar projects in multiple states, including Missouri.”
4. Applications to intervene are governed by Commission Rule 20 CSR 4240-2.075, which in subsection (3) requires either: a showing of an interest different than that of the general public which may be adversely affected by a final order; or, a showing that granting the intervention would serve the public interest.

5. Influent's application states that it "is actively developing new on-site solar projects in Liberty's service territory" and that "its solar clients stand to be directly impacted by the proceedings," but Influent fails to demonstrate how it could be adversely affected by a final order in this docket.

6. Influent's only claimed interest in this proceeding is as a competitor of Liberty, based upon its self-described status as a distributed generation company developing solar projects. Influent fails to allege that it is a customer with unique interests, that it represents a group of customers with unrepresented concerns, or any other interest meriting full intervention as a party.

7. Second, Influent fails to explain how its intervention serves the public interest, claiming only that the public interest is served "by adding a unique perspective to the Commission's decision making process that will not be represented by any other party." Thus, Influent has simply recited the regulatory standard for intervention as alleged proof of its public interest.

8. Influent's application does not explain its position in the case, identify a single substantive issue that it plans to address, or provide an example of how it could be adversely impacted by the Commission's decisions in this matter. Quite simply, it has merely proffered the bare intervention standards with no factual allegations supporting either of its claims.

9. If granted intervention as a party, Influent would have access to Liberty's confidential, highly sensitive commercial information. Given that Influent is actively developing solar projects in Liberty's service area that may compete with the Company's electric service - and has failed to satisfy the prerequisites for intervention - providing Influent with this information is prejudicial to Liberty while providing no clear benefit to the Commission or the Company's customers.

10. This is a general rate case. The report and order will be based on Liberty-specific facts and will not establish regulatory policy. Without the intervention of Influent, there will be a sufficient number of experienced parties in this case to ensure a complete record from which the Commission can make a decision. As a result, the public interest will not be served by allowing Influent to be granted party status in this general rate case.

11. While Liberty objects to Influent being granted intervention, it supports Influent's participation by submission of an *amicus* brief consistent with 20 CSR 4240-2.075(11). By filing an *amicus* brief, Influent can provide its comments, opinions, and legal positions regarding solar and net metering matters that it believes are relevant to this matter, without causing harm to Liberty through the disclosure of its confidential information or by Influent potentially delaying or preventing settlement due to competing interests.

WHEREFORE, Liberty requests an order of the Commission denying the intervention request of Influent. Liberty requests such other and further relief as is just and proper under the circumstances.

Respectfully submitted,

/s/ Diana C. Carter

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ATTORNEYS FOR THE EMPIRE DISTRICT
ELECTRIC COMPANY d/b/a LIBERTY

CERTIFICATE OF SERVICE

I hereby certify that the above document was filed in EFIS on this 4th day of December, 2024, with notification of the same being sent to all counsel of record, and I further certify that the above document was sent by electronic transmission to all counsel of record.

/s/ Diana C. Carter