

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

|   |   |                       |
|---|---|-----------------------|
| In the Matter 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                         | ) |                       |

**INFLUENT ENERGY’S REPLY TO  
LIBERTY’S RESPONSE IN OPPOSITION**

COMES NOW, Distributed Generation and Storage, LLC d/b/a Influent Energy (“Influent”), by and through counsel, pursuant to Missouri Public Service Commission (“Commission”) Rule 20 CSR 4240-2.075, and files its Reply to Liberty’s Response in Opposition to Influent Energy’s Application to Intervene in the referenced case. In support thereof, Influent states as follows:

1. On November 6, 2024, The Empire District Electric Company d/b/a Liberty (“Liberty”) filed tariffs designed to increase the electric rates to customers served in its Missouri service area.
2. On November 25, 2024, Influent filed its Application to Intervene (the “Application”).
3. On December 4, 2024, Liberty filed its Response in Opposition to Influent Energy’s Application to Intervene (the “Response”).
4. Liberty stated in its Response that of the several applications to intervene, Liberty is opposing Influent’s Application and has no objection to the others. Liberty asserts in its Response that Influent’s Application is deficient in that it does not meet the minimum standards set out in 20 CSR 4240-2.075 (3).
5. Influent’s position is that its Application set out a legally sufficient basis to support its intervention. Because Liberty has disputed it, however, this Reply will set out further legal rationale in support of its Application.
6. First, Liberty argues that Influent must allege that it meets one of three categories under 20 CSR 4240-2.075 (3)(A) to qualify as an intervenor: 1) that it is a customer with unique interests, 2) that it represents a group of customers with unrepresented concerns, or 3) any other interest meriting full

intervention as a party. The requirement under (3)(A) states only that the proposed intervenor has (1) an interest different from the general public, which (2) may be adversely affected by a final order from the case.

7. The three criteria Liberty listed in its Response do not appear in the regulation. It does not require that an intervenor be either a customer or a group of customers. Liberty asks the Commission not only to alter the regulatory requirements for intervention, but to alter them for only one party.

8. Influent's Application meets the requirements of (3)(A). It is beyond debate that a solar energy company has an interest in a utility's rate case that is different from the general public. Rates, and rate structure, have a direct impact on the marketability of solar projects. Thus, these rates may adversely affect Influent. Influent is not required to demonstrate any further potential impact.<sup>1</sup>

9. Second, Liberty argues that the Application fails to meet the requirements of subsection (B), that granting intervention would serve the public interest. This is a very low bar for an applicant to clear. For example, Renew Missouri argues in its Application for Intervention that it will "serve the public interest by assisting the Commission's record for decision in this case, and no party will be adversely affected by such intervention." Liberty deemed this sufficient to meet the regulatory requirement.

10. Beyond the present docket, the Commission has a tradition of granting intervention to a wide range of interested parties. *See, e.g. Order Regarding Applications to Intervene*, Docket No. ER-2014-0370, issued November 24, 2014, stating: "It has been the Commission's practice to liberally grant intervention to organizations that promote various public policy positions in order to consider a full range of views before reaching a decision." To grant the application, the Commission need only find that Influent's perspective on renewable distributed generation deployment will add any value to the proceeding.

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<sup>1</sup> *See State ex rel. Consumers Pub. Serv. Co. v. Pub. Serv. Commission*, 352 Mo. 905, 919, 180 S.W.2d 40, 45 (1944), holding "[N]o direct pecuniary or property rights, or infringement of civil rights of a person, must be involved before [an applicant] could be a party to a proceeding before the Commission," as cited in *Order Regarding Applications to Intervene*, Docket No. ER-2014-0370, issued November 24, 2014.

11. As noted in its Application, Influent has not yet taken a position in this case. Influent may be able to take a position following discovery and the prehearing process.

12. The remainder of Liberty's arguments against Influent's Application have no bearing on the requirements of 4 CSR 4240-2.075(3). The only question before the Commission is whether Influent's Application meets the requirements of either 4 CSR 4240-2.075(3)(A) or 4 CSR 4240-2.075(3)(B). An applicant must satisfy only one prong of the test.

Respectfully submitted  
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**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing was served upon all the parties of record or their counsel, pursuant to the Service List maintained by the Data Center of the Missouri Public Service Commission, on this date, December 6, 2024.

/s/ Andy Zellers