

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service Commission held at its office in Jefferson City on the 19th day of December, 2024.

In the Matter of the Application of The)
Empire District Electric Company d/b/a)
Liberty to Implement Robust and Mutually-)
Beneficial Energy Efficiency Offerings Under)
the Framework Prescribed by MEEIA)
)

File No. EO-2022-0078
Tracking No. JE-2025-0094

**ORDER APPROVING STIPULATION AND AGREEMENT
AND TARIFF SHEETS**

Issue Date: December 19, 2024

Effective Date: December 31, 2024

The Commission authorized the Empire District Electric Company d/b/a Liberty to implement a portfolio of Demand Side Investment Mechanisms under the Missouri Energy Efficiency Investment Act (MEEIA Cycle 1) beginning January 1, 2022. Liberty's MEEIA Cycle 1 was to run for one year, but the Commission approved two agreements between the parties extending Liberty's MEEIA Cycle 1 through December 31, 2024.

On December 13, 2024, Liberty, the Commission's Staff (Staff), the Office of the Public Counsel, and Renew Missouri filed a stipulation and agreement (Agreement) and accompanying tariff sheets seeking to extend Liberty's MEEIA Cycle 1 a third time until March 31, 2025, while Liberty works on a MEEIA Cycle 2 application or settlement. The Agreement contemplates Liberty submitting a MEEIA Cycle 2 filing with a proposal for a two-year cycle for energy efficiency programs, and a three-year cycle for demand

response programs, that would commence on April 1, 2025. Liberty also requests expedited approval of the Agreement and accompanying tariff sheets.

The Agreement extends the terms of Liberty's current MEEIA tariffs but the tariffs otherwise remain unchanged and no additional budget is being requested for this extension. Because the Agreement extends the current MEEIA without modification, the Commission will not enumerate the Agreement's terms in this order. The terms of the Agreement are contained in the Agreement, which is attached to this order.

The National Housing Trust, Midwest Energy Consumers Group, and the Missouri Department of Natural Resources – Division of Energy are also parties to this proceeding, and were not signatories to the Agreement. The Agreement states that Midwest Energy Consumers Group and the Missouri Department of Natural Resources – Division of Energy do not oppose the Agreement.¹

Where all parties are not signatories to a stipulation and agreement, Commission Rule 20 CSR 4240-2.115(2) allows seven days to object to the stipulation and agreement. If no party files a timely objection to a stipulation and agreement, the Commission may treat it as a unanimous. There was insufficient time to allow seven days to object to the Agreement prior to its requested January 1, 2025, effective date. Accordingly, the Commission shortened the time for objections or responses to the Agreement and tariff sheets, but received none. Therefore, the Commission will treat the Agreement as unanimous.

¹ The Agreement further states that the National Housing Trust does not have current legal representation in this matter and could not be reached about its position on the agreement. The National Housing Trust did not file a timely response or objection to the Agreement or tariff sheets.

Concurrent with the Agreement, Liberty filed JE-2025-0094 with an effective date of January 12, 2025. The signatories requested expedited approval of its MEEIA Cycle 1 extension tariff sheets and that the Commission allow those tariff sheets to take effect on January 1, 2025.

The Commission directed its Staff to file an expedited recommendation about the tariff sheets and Staff filed a recommendation that the Commission approve the tariff sheets. After reviewing the Agreement, the Commission finds it is a reasonable resolution of the issues contained therein and should be approved. The Commission will also grant expedited treatment of the Agreement and Liberty's tariff sheets. The Commission finds it reasonable and necessary for this order to become effective in less than 30 days. The Commission will make this order effective on December 31, 2024, so that the Agreement becomes effective prior to the tariff sheets taking effect on January 1, 2025

THE COMMISSION ORDERS THAT:

1. Liberty is granted expedited treatment of the Agreement and its accompanying tariff sheets.
2. The Agreement filed on December 13, 2024, is approved. The Signatories are ordered to comply with its terms. A copy of the Agreement is attached to this order and is incorporated by reference.
3. Liberty's tariff sheets, Tracking No. JE-2025-0094, are approved to become effective January 1, 2025.
4. This order shall be effective on December 31, 2024.



BY THE COMMISSION

Nancy Dippell

Nancy Dippell
Secretary

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

Clark, Senior Regulatory Law Judge

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

In the Matter of the Application of The Empire)
District Electric Company d/b/a Liberty to)
Implement Robust and Mutually-Beneficial) Case No. EO-2022-0078
Energy Efficiency Offerings Under the)
Framework Prescribed by MEEIA)

**STIPULATION AND AGREEMENT AND MOTION FOR EXPEDITED TREATMENT
AND EXPEDITED APPROVAL OF TARIFF SHEETS**

COME NOW The Empire District Electric Company (“Liberty” or “Company”), the Missouri Public Service Commission (“Commission”) Staff (“Staff”), the Missouri Office of the Public Counsel (“OPC”), and Renew Missouri (collectively, the “Signatories”)¹ and present this Stipulation and Agreement (the “Third Extension Agreement”) and Motion for Expedited Treatment and Expedited Approval of Tariff Sheets for the Commission’s consideration:

1. On September 15, 2021, Liberty filed its Application seeking approval of demand-side programs and a Demand-Side Programs Investment Mechanism (“DSIM”) as prescribed by the Missouri Energy Efficiency Investment Act (“MEEIA”) (“MEEIA Cycle 1 Application”).

2. On November 23, 2021, the Signatories submitted a Global Stipulation and Agreement to settle all issues with regard to Liberty’s MEEIA Cycle 1 Application (the “Initial Agreement”). With the Initial Agreement, the Signatories requested approval of Liberty’s MEEIA Cycle 1 Plan for the period January 1, 2022 - December 31, 2022. By its *Order Approving Agreement and Tariffs* issued December 15, 2021, effective January 1, 2022, the Commission approved the Initial Agreement, and the tariffs implementing the Initial Agreement for Liberty’s MEEIA Cycle 1 took effect January 1, 2022.

¹ The National Housing Trust, Midwest Energy Consumers Group (“MECG”), and the Missouri Department of Natural Resources – Division of Energy (“DNR”) are also parties to this proceeding. Although not Signatories to this Agreement, counsel for MECG and DNR have stated their non-objection. It appears the National Housing Trust does not have current legal representation in this matter and could not be reached regarding its position on this agreement.

3. On November 4, 2022, the Signatories requested a one year extension of Liberty's MEEIA Cycle 1 Plan, to December 31, 2023. For the one-year extension, the Signatories requested that the terms of Liberty's MEEIA Cycle 1 Plan, as set forth in the Initial Agreement, remain unchanged with the following exception: the establishment of a policy for long lead time projects that aligns with similar policies established for other Missouri IOUs. Tariffs extending Liberty's MEEIA Cycle 1 to December 31, 2023, took effect January 1, 2023.

4. On August 29, 2023, the Signatories requested a second one year extension of Liberty's MEEIA Cycle 1 Plan, to December 31, 2024. For the second one-year extension, the Signatories requested that the terms of Liberty's MEEIA Cycle 1 Plan, as set forth in the Initial Agreement and modified by the first extension, remain unchanged with certain limited exceptions.

5. Tariff sheets further extending Liberty's MEEIA Cycle 1, to December 31, 2024, took effect January 1, 2024.

6. At this time, the Signatories request a third extension of Liberty's MEEIA Cycle 1 Plan, for a three month extension to March 31, 2025. This extension will allow for continuation of programs while Liberty prepares and files an application or settlement agreement with proposed plans for Liberty's MEEIA Cycle 2.

7. For this Third Extension Request, the Signatories request the Commission to issue an order that becomes effective by December 31, 2024, whereby the Commission approves the Signatories' agreement that the terms of Liberty's current MEEIA Cycle 1 Plan set forth in Liberty's current tariff be extended to March 31, 2025, but otherwise remain unchanged, and also approves the attached tariff sheets filed under Tracking No. JE-2025-0094 on December 13, 2024, for good cause shown – continuation of a Liberty MEEIA Plan without interruption, to take effect on January 1, 2025.

8. Unless otherwise agreed to among the parties by separate agreement, Liberty agrees to submit a MEEIA Cycle 2 filing with a proposal for a two-year cycle for energy efficiency programs and a three-year cycle for demand response programs, with Liberty's MEEIA Cycle 2 commencing on April 1, 2025.

9. The Signatories made this filing as soon as possible considering all circumstances, and no harm will result to Liberty's customers or any party as a result of the Commission granting the Motion for Expedited Treatment and Expedited Approval of Tariff Sheets.

10. In presenting this Third Extension Agreement, none of the Signatories shall be deemed to have approved, accepted, agreed, consented, or acquiesced to any procedural principle, and none of the Signatories shall be prejudiced or bound in any manner by the terms of this Third Extension Agreement, whether approved or not, in this or any other proceeding, other than a proceeding limited to the enforcement of the terms of this Third Extension Agreement, except as otherwise expressly specified herein. The Signatories further understand and agree that the provisions of this Third Extension Agreement relate only to the specific matters referred to herein, and no Signatory waives any claim or right which it otherwise may have with respect to any matter not expressly provided for in this Third Extension Agreement.

11. The terms of this Third Extension Agreement are interdependent. If the Commission does not approve this Third Extension Agreement in total, or approves it with modifications or conditions to which a Signatory objects, then this Third Extension Agreement shall be void and no Signatory shall be bound by any of its provisions. The agreements herein are specific to this proceeding and are made without prejudice to the rights of the Signatories to take other positions in other proceedings except as otherwise noted herein.

12. If the Commission does not unconditionally approve this Third Extension Agreement without modification, and notwithstanding its provision that it shall become void, neither this Third Extension Agreement, nor any matters associated with its consideration by the Commission, shall be considered or argued to be a waiver of the rights that any Signatory has for a decision in accordance with Section 536.080, RSMo, or Article V, Section 18, of the Missouri Constitution, and the Signatories shall retain all procedural and due process rights as fully as though this Third Extension Agreement had not been presented for approval, and any suggestions or memoranda, testimony or exhibits that have been offered or received in support of this Third Extension Agreement shall become privileged as reflecting the substantive content of settlement discussions and shall be stricken from and not be considered as part of the administrative or evidentiary record before the Commission for any further purpose whatsoever.

13. If the Commission unconditionally accepts the specific terms of this Third Extension Agreement without modification, the Signatories waive, with respect to the issues resolved herein: their respective rights (1) to call, examine and cross examine witnesses pursuant to Section 536.070(2), RSMo; (2) to present oral argument and/or written briefs pursuant to Section 536.080.1, RSMo; (3) to the reading of the transcript by the Commission pursuant to Section 536.080.2, RSMo; (4) to seek rehearing pursuant to Section 386.500, RSMo; and (5) to judicial review pursuant to Section 386.510, RSMo. These waivers apply only to a Commission order respecting this Third Extension Agreement issued in this above-captioned proceeding, and do not apply to any matters raised in any prior or subsequent Commission proceeding, or any matters not explicitly addressed by this Third Extension Agreement.

14. This Third Extension Agreement contains the entire agreement of the Signatories concerning the issues addressed herein.

WHEREFORE, the Signatories hereby respectfully submit this Stipulation and Agreement and Motion for Expedited Treatment and Expedited Approval of Tariff Sheets and request the Commission issue an Order approving the same, approve the tariff sheets filed under Tracking No. JE-2025-0094 on December 13, 2024, to go into effect on January 1, 2025, for good cause shown, and grant any further relief as is just and reasonable under the circumstances.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that the above document was filed in EFIS on this 13th day of December, 2024, and sent by electronic transmission to all counsel of record.

/s/ Diana C. Carter

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 19th day of December 2024.



Nancy Dippell

Nancy Dippell
Secretary

MISSOURI PUBLIC SERVICE COMMISSION

December 19, 2024

File/Case No. EO-2022-0078

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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**

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