

**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)	<u>File No. ER-2024-0261</u>
Authority to File Tariffs Increasing Rates)	Tracking No. JE-2025-0069
for Electric Service Provided to Customers)	
In its Missouri Service Area)	

**STAFF’S MOTION TO DISMISS THE APPLICATION OF
THE EMPIRE DISTRICT ELECTRIC COMPANY FOR A RATE INCREASE**

COMES NOW the Staff of the Missouri Public Service Commission (“Staff”), for its *Motion to Dismiss the Application of The Empire District Electric Company for a Rate Increase* (“Motion”), and state to the Missouri Public Service Commission (“Commission”) as follows:

1. On November 6, 2024, The Empire District Electric Company’s d/b/a Liberty (“Empire”) filed proposed tariff sheets designed to implement a general rate increase for retail electric service provided in its Missouri territories requesting an approximately \$92,136,624 rate increase.

2. On February 3, 2025, Empire filed Substitute Tariff Sheets proposing to increase its base rates an additional \$60,718,585 over and above the \$92,136,624 increase requested in its original filing (and which its Direct Testimony presumably supports), based on what Empire refers to as a rebasing of net fuel and purchase power (F&PP) costs recovered through its current Fuel Adjustment Clause (FAC) and its revenue recovered through its Energy Efficiency Cost Recovery (EECR) rate. Empire filed no testimony with its substitute tariff filing.

In other words, 89 days after its initial filing, Empire is seeking to increase its gross annual electric base rate revenues by approximately \$152,855,209 compared to the

approximate \$92 million that it requested in its original filing (i.e., its case-in-chief), amounting to a 30.10% increase over its current base rate electric service revenues.

3. The Company's initial failure to request approximately \$152 million deprived potential interveners of material information that could have factored into their desire to intervene. The Commission directed Commission employees to send copies of its order to county commissions where Empire serves and to "make its order available . . . to the news media as appropriate." Empire's latest filings invalidates the intent of the Commission's order. Empire's ratepayers who may not have opposed the approximate \$92 million general rate increase could be significantly impacted by Empire's approximately \$152 million general rate increase.

4. Moreover, the Commission should not allow Empire to achieve through substitute tariffs what it should have filed in its case-in-chief. Empire's approximately \$60 million substitute tariff filing materially changed both the conditions of its original filing and the other parties' opportunity to make their cases.

Empire's substitute tariff filing eliminates almost two months of the statutorily-authorized eleven-month suspension period. It should be remembered that the Commission has already issued a procedural schedule for this case, and Staff's direct testimony is currently set for April 9, 2025. However, due to Empire's substitute tariff filing, Staff will have two (2) months' less time to thoroughly review, audit, and prepare testimony regarding this additional approximate \$60 million. Empire should not be allowed to accomplish this through a substitute tariff filing.

5. The Commission should also recall that Empire initially deprived the parties in this case of necessary information by failing to include material evidence with its original filing.¹

Given the relative magnitude of Empire's additional \$60 million request, and the very short time period that exists between the date on which Empire filed its substitute tariff sheets (February 3, 2025) and the date on which the Staff must file direct testimony (April 9, 2025), it is crucial that the Staff have a timely opportunity to review and audit Empire's most current financial information and that Empire provide timely responses to data requests. Unfortunately, Empire has shown an inability to provide evidence to support its original rate increase in a timely manner; Staff would have even less time to review evidence to support Empire's sudden additional \$60 million request.

6. Staff therefore respectfully submits that Empire's pending rate increase request should be dismissed in its entirety. If this request is granted, Empire could submit a new rate case with a complete set of tariffs designed to recover its requested increase at such time as it has all the operating data that is necessary for the Commission to determine what rates are just and reasonable for the service that Empire provides to its ratepayers.

WHEREFORE, Staff respectfully move the Commission for an order dismissing the application and proposed tariffs of The Empire District Electric Company for a rate increase and for such further orders as the Commission deems just and reasonable.

¹ Staff refused to join a procedural schedule unless Empire provided material evidence to support its original request of \$92 million by December 19, 2025, and Empire could not share material information with the Parties until January 17, 2025. Empire's original \$92 million request is difficult enough for the Staff to properly audit and review, even in the absence of the request for an additional plus-\$60 million (approximately) in base rates.

Respectfully submitted,

/s/ Eric Vandergriff

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed, hand delivered, transmitted by facsimile or electronically mailed to all parties and/or their counsel of record this 5th day of February, 2025.

/s/ Eric Vandergriff