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BEFORE THE PUBLIC SERVICE COMMISSION  
STATE OF MISSOURI

TRANSCRIPT OF PROCEEDINGS

PROCEDURAL CONFERENCE

In the Matter of The Empire )  
District Electric Company d/b/a )  
Liberty's Application to )  
Implement and Continue Robust ) File No. EO-2025-0124  
and Mutually Beneficial Energy )  
Efficiency Offerings Under the )  
Framework Prescribed by MEEIA )

THURSDAY, FEBRUARY 6, 2025  
2:00 p.m.

Jefferson City, MO  
via WebEx

VOLUME 1

JOHN CLARK, Presiding  
SENIOR REGULATORY LAW JUDGE

TRANSCRIBED BY: MELISSA EICKEN

1           LAW JUDGE CLARK: Let's go on the record.  
2 Today's date is February 6th of 2025, and the current  
3 time is 2:01 p.m. The Commission has set aside this  
4 time for this Webex procedural conference in the case  
5 captioned as in the matter of the Empire District  
6 Electric Company, doing business as Liberty's  
7 application to implement and continue robust and  
8 mutually beneficial energy efficiency offerings under  
9 the framework described by MEEIA, and that is File  
10 Number EO-2025-0124.

11           We do not have a court reporter present  
12 today. However, this is still going to be a recording  
13 of record. This is being recorded, and after it is  
14 recorded, it is going to be sent out and be  
15 transcribed, and the transcribe -- the transcription  
16 will be posted in EFIS for this case, if anybody needs  
17 to look after it.

18           My name is John Clark. I'm the regulatory  
19 law judge in this matter, and I'm going to begin by  
20 asking counsel for the parties to enter their  
21 appearance for the record, starting with Liberty  
22 Empire.

23           MS. CARTER: Diana Carter for the Empire  
24 District Electric Company, doing business as Liberty.

25           LAW JUDGE CLARK: Okay. On behalf of the

1 Commission Staff.

2 MR. PRINGLE: Thank you, Judge. Travis  
3 Pringle and Tracy Johnson on behalf of Staff, 200  
4 Madison Street, Jefferson City, Missouri.

5 LAW JUDGE CLARK: Mr. Pringle, Ms. Johnson,  
6 thank you. On behalf of the Office of Public Counsel.

7 MS. VANGERPEN: Lindsay VanGerpen on behalf  
8 of the OPC.

9 LAW JUDGE CLARK: Ms. VanGerpen, thank you.  
10 And I don't believe I missed anyone at this point  
11 because I don't believe we had any applications sent  
12 in the last couple of days.

13 I scheduled this procedural conference  
14 instead of issuing an order and then waiting for a  
15 response, I wanted to get a couple of things upfront.  
16 It appears from Empire's filing initiating this MEEIA  
17 cycle two that they have proposed a very condensed  
18 schedule ending in a stipulation and agreement. I am  
19 not opposed to this. I do want to ask, is -- are --  
20 are all the parties that are present at this time on  
21 board with that?

22 MR. PRINGLE: Judge, I know Staff has been  
23 talking with the company regarding its application,  
24 and my understanding no Staff -- that this was --  
25 Staff was already making plans before the filing was

1 made.

2 LAW JUDGE CLARK: And I assumed that with  
3 the three-month extension. When I saw this come in,  
4 given that I handled the three-month extension in the  
5 previous MEEIA, it just made sense for me to take this  
6 and kind of continue it on since I have the background  
7 on it.

8 Okay. What about Office of Public Counsel?  
9 What is the Office of Public Counsel's feelings on  
10 wanting to resolve this through a stipulation and  
11 agreement?

12 MS. VANGERPEN: It's my understanding that  
13 similar to -- that -- similar to Staff, there's been  
14 discussions about this case already, and those have  
15 been ongoing for several months. So it's my  
16 understanding that it would be the best way to proceed  
17 here.

18 LAW JUDGE CLARK: Okay. And I'm -- like I  
19 said, I'm not opposed to it. I'm not opposed to it  
20 where it's a -- you know, you guys can come up with a  
21 unanimous stipulation and agreement. It's important  
22 to remember that a nonunanimous stipulation and  
23 agreement is a position statement as long as it's not  
24 opposed and that would result in a hearing. I'm going  
25 to -- I'm going to ask the parties to kind of put

1 together a schedule for me, if they would. If they  
2 think it's inappropriate for me to ask this, please,  
3 let me know. But I would like to put a procedural  
4 schedule with some loose deadlines in place just so I  
5 can operate from, because, remember, that the  
6 Commission has to have a 10-day effective date for an  
7 order. A tariff has the same requirement unless it is  
8 allowed to go into effect by operation of law. While  
9 that is a possible solution and we are looking at an  
10 April 1st implementation date whereby tariffs would  
11 take in effect on April 1st, I know the Commission  
12 isn't particularly fond of letting things take effect  
13 by operation of law, but -- but we do sometimes  
14 when -- when it's necessary. I'm also less concerned  
15 about trying to resolve this as a stipulation and  
16 agreement because I remember from Evergy's MEEIA cycle  
17 two, I believe, it was extended three times and maybe  
18 as much as a year and six months to get to MEEIA cycle  
19 three, if I remember correctly, and I'm not sure the  
20 mechanism that, that was done under. I'd have to look  
21 back and see what I did there. If at some point if we  
22 set -- there has to, at some point, be a hard deadline  
23 by which I suspend the tariffs, and we start looking  
24 at a hearing date for this. And at that point there  
25 will need to be a workaround for the 120-day deadline.

1 I would have to look. Right now I believe that's only  
2 contained in the Commission's rules. I don't remember  
3 right off if that's contained in the statute as well.  
4 Certainly, if it's in the Commission's rules, it's --  
5 it's much more weightable than it is -- or -- or  
6 moveable than if it is a -- if it is a hard statutory  
7 deadline.

8 MS. CARTER: So Judge, if I may, we filed  
9 with the requested effective date going out the --  
10 until we really needed it, until the date of the  
11 expiration of the other tariff sheets. I believe, I  
12 hate to say it and jinx myself and the rest of the  
13 parties, but I believe we're near agreement already  
14 between the company, Staff, and OPC. What we need to  
15 do is, let the intervention period pass and see what  
16 other parties we get. It would be normal to have a  
17 couple other parties in our MEEIA docket, so then we  
18 would need to work with them on a stipulation as well.  
19 I was hoping you could give us, say, a couple of weeks  
20 after the passing of the intervention deadline to file  
21 a stip and agreement.

22 LAW JUDGE CLARK: I set an intervention  
23 deadline for February 17th. Just to pull up a quick  
24 calendar here, if we're looking -- we're looking  
25 beyond that. So two weeks, you're looking at like

1 March 3rd. I think that's an absolutely appropriate  
2 date. I think that would work -- I think that would  
3 work fine for me as -- as an initial deadline for a  
4 stipulation and agreement. And certainly, if that  
5 deadline needs to be extended, if somebody files an  
6 extension with a good reason, I'm going to grant that.

7 In regard to interventions, I did set a  
8 short intervention deadline, but I -- I will probably  
9 be a little more lenient, if somebody's a day or two  
10 after that because they didn't see it. But I  
11 understand why that's necessary.

12 Those are all the concerns that I had. And  
13 I kind of just wanted to get that out, see that  
14 everybody was on board and see that we're operating  
15 under a certain time. I think that given the 10-day  
16 effective date, and even if you're contemplating an  
17 order being issued with 10 days to be effective on the  
18 1st, you're looking at February -- you're looking at  
19 March 19th, kind of at the latest, because the next  
20 one is the -- the next deadline will be the -- or the  
21 next agenda will be the 26th or 27th, and it looks  
22 like there's a -- will be an agenda on the 19th or the  
23 20th, so that's kind of the outside deadline for an  
24 agenda for an order. And that's contemplating almost  
25 an immediate submission of tariffs before the order is

1 effective in order to get -- to get 10 days in, if  
2 possible or on operation of law date via notice,  
3 otherwise. And then I certainly, if you -- if you can  
4 get in a stipulation and agreement by the 3rd, that  
5 will allow me to appropriately inform the Commission  
6 of its provisions, give all the Commission's advisors  
7 an opportunity to look it over and see that it is  
8 something that they're on board with, and they think  
9 the commissioner would like to approve and apprise  
10 their commissioners of it, so.

11 I am not with -- well, let me ask it this  
12 way. Would the parties like me to codify these dates  
13 in an order? Why don't I go ahead and do that. That  
14 way they're there for everybody to see. Okay.

15 MS. CARTER: I think that's never a bad  
16 idea. Yeah.

17 MR. PRINGLE: Yeah. I couldn't think of a  
18 reason not to do it, Judge.

19 MS. VANGERPEN: I agree.

20 LAW JUDGE CLARK: I could. I have to write  
21 it. I don't mind that at all. It will be a short  
22 order. I was just kidding.

23 Let's see. So we established the March 3rd  
24 for a stip. I don't need to reiterate the  
25 intervention deadline, and if it doesn't go on the



1 19th or 20th agenda, unless there's a good reason for  
2 an extension -- or even if there is an extension, I  
3 think you can expect me to suspend the tariffs at that  
4 point. So I will look at March 19th or 20th. I'll  
5 find out which one is the agenda.

6 Okay. Is there anything else that I  
7 haven't covered that the parties think I should?

8 Okay.

9 MR. PRINGLE: Nothing from Staff, Judge.

10 LAW JUDGE CLARK: All right. Well, thank  
11 you for meeting me on such short notice. I just  
12 wanted to get ahead of this thing. I'm certainly not  
13 opposed to trying to do this, this way, and I'm  
14 hopeful. I like unanimous stipulations when I can get  
15 them because that means at least all the parties have  
16 said that this is at least acceptable to them, so. I  
17 want to see that everybody's due process interest are  
18 protected.

19 All right. With that, are there any other  
20 issues that need to be addressed by the Commission at  
21 this point? Okay. Thank you all for your time.  
22 Hearing none, I will adjourn this hearing and go off  
23 the record. Have a good --

24 (Audio ended.)

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CERTIFICATE OF REPORTER

I, Melissa J. Eicken, Certified Court Reporter of Missouri, Certified Shorthand Reporter of Illinois and Registered Professional Reporter, do hereby certify that I was asked to prepare a transcript of proceedings had in the above-mentioned case, which proceedings were held with no court reporter present utilizing an open microphone system of preserving the record.

I further certify that the foregoing pages constitute a true and accurate reproduction of the proceedings as transcribed by me to the best of my ability and may include inaudible sections or misidentified speakers of said open microphone recording.

*Melissa Eicken*

Melissa J. Eicken, CCR, CSR, RPR

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