

**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)
for Electric Service Provided to Customers)
In its Missouri Service Area)

Case No. ER-2024-0261

**PUBLIC COUNSEL’S RESPONSE TO ORDER
DIRECTING FILING OF PREFERRED TRUE-UP PERIOD**

COMES NOW the Office of Public Counsel (“Public Counsel”) and responds to the Commission’s order directing the parties to file either joint or separate recommendations regarding a preferred true-up period end date as follows:

1. On April 7, 2025, parties filed two different proposed procedural schedules; in the order by which the Commission set the current procedural schedule in this case the Commission said, “The Commission prefers the schedule submitted by Staff on behalf of several parties and will order it,” without any explanation of why it preferred that schedule. That schedule was based on using a true-up period ending March 31, 2025.

2. In the pleading where it proposed a slightly different schedule, Public Counsel stated the following in the first three paragraphs of that pleading:

1. With its *Order Denying Motion for Relief* that it issued on April 3, 2025, the Commission clarified that it views that the test year and update period of the twelve months ended September 30, 2023, updated through September 30, 2024, it ordered on December 13, 2024, controls for purposes of Liberty’s February 26, 2025, general rate case application and ordered the parties to file by April 14, 2025, either joint or separate recommendations regarding a true-up.

2. Based on the Commission clarifying that the test year for this case still is the twelve months ended September 30, 2023, updated through September 30, 2024, Public Counsel proposes a true-up period ending June 30, 2025. June 30, 2025, is a reasonable compromise for balancing the timely processing of this case with the workload of processing isolated adjustments to cost-of-service components that materially impact a utility’s cost-of-service to update amounts for those components based on the true-up period.

3. Public Counsel concurs with the other parties to making isolated adjustments to the following cost-of-service components based on the true-up period: capital structure; cost of debt; all rate base components; customer growth/loss; depreciation expense; amortization expense (intangible & regulatory assets/liabilities); property tax; payroll and associated items (*i.e.*, OT, benefits, payroll taxes); Pension and OPEB (FAS 87/106); fuel and purchase power expense, to include, but not be limited to, updated contract prices for fuel, wind power, fuel transportation and fuel storage; rate case expense; and Income Tax Expense.

3. In its *Motion for Relief in Response to Liberty's Refiled Case*, Public Counsel stated the following:

18. According to Liberty witness Charlotte T. Emery in her direct testimony, the accumulated depreciation adjustment to Liberty's Missouri rate base for the one-year update period is \$107,371,596.14 This equates to about \$9 million of rate base reduction per month.

19. Using the best information available to it, and assuming no additions or retirements between October 1, 2024, and June 30, 2025, Public Counsel projects that the change in accumulated depreciation during that nine months will have the impact of reducing Liberty's annual revenue requirement by about \$9 million

4. The Commission's ordered updated procedural schedule is practical with a true-up period ending June 30, 2025.

Wherefore, for all the reasons stated above, the Office of Public Counsel proposes that the Commission order a true-up period ending June 30, 2025.

Respectfully,

/s/ Nathan Williams

Nathan Williams
Chief Deputy Public Counsel
Missouri Bar No. 35512

Office of the Public Counsel
Post Office Box 2230
Jefferson City, MO 65102
(573) 526-4975 (Voice)
(573) 751-5562 (FAX)
Nathan.Williams@opc.mo.gov

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or electronically mailed to all counsel of record this 14th day of April 2025.

/s/ Nathan Williams