

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service
Commission held by internet
and phone audio conference on
the 13th day of May, 2020.

In the Matter of the Empire District Electric)
Company's 2019 Triennial Compliance Filing)
Pursuant to 20 CSR 4240-22)

File No. EO-2019-0049

**ORDER APPROVING 2019 TRIENNIAL INTEGRATED RESOURCE
PLAN**

Issue Date: May 13, 2020

Effective Date: June 12, 2020

On June 28, 2019, The Empire District Electric Company, a Liberty Utilities Company (Liberty-Empire) filed its 2019 Integrated Resource Plan (IRP) with the Public Service Commission. The filing of that plan is required by the Commission's Electric Utility Resource Planning Rule 20 CSR 4240-22. On February 28, 2020, the Staff of the Commission filed its report, and, the Division of Energy of the Missouri Department of Natural Resources (DE), and the Natural Resources Defense Council (NRDC) submitted comments identifying a number of deficiencies and concerns regarding the IRP. Commission Rule 20 CSR 4240-22.080(9) requires parties who find deficiencies in or concerns with an IRP to work with the electric utility and the other parties to reach a joint agreement on a plan to remedy the identified deficiencies and concerns.

On April 28, 2020, Liberty-Empire, Staff, DE, NRDC, Renew Missouri, the Missouri Joint Municipal Electric Utility Commission (MJMEUC), the Midwest Energy Consumers Group (MECG), Sierra Club, and Dogwood Energy, LLC, filed their *Joint Agreement* that

proposed a remedy to all of the alleged deficiencies and concerns. The only party that did not join in the *Joint Agreement* was the Office of the Public Counsel. Public Counsel filed a response on April 29, 2020, indicating it does not agree that Liberty-Empire has fully resolved all deficiencies. However, Public Counsel believes its remaining concerns can best be resolved through Liberty-Empire's annual update of its IRP. Public Counsel does not request a hearing in this proceeding. More than ten days have passed since the *Joint Agreement* was filed and no other party has responded or objected to that filing¹

The Commission's rules outline the procedure for the IRP process. There are no requirements for a hearing on these filings. Consequently, this is a non-contested case, and the Commission may dispose of this matter informally at its discretion. Commission Rule 20 CSR 4240-22.080(16) requires that:

The Commission will issue an order which contains its findings regarding at least one (1) of the following options:

(A) That the electric utility's filing pursuant to this rule either does or does not demonstrate compliance with the requirements of this chapter, and that the utility's resource acquisition strategy either does or does not meet the requirements stated in 20 CSR 4240-22.

(B) That the Commission approves or disapproves the joint filing on the remedies to the plan deficiencies or concerns developed pursuant to section (9) of this rule;

(C) That the Commission understands that full agreement on remedying deficiencies or concerns is not reached and pursuant to section (10) of this rule, the commission will issue an order which indicates on what items, if any, a hearing(s) will be held and which establishes a procedural schedule; and

(D) That the Commission establishes a procedural schedule for filings and a hearing(s), if necessary, to remedy deficiencies or concerns as specified by the commission.

¹ Commission Rule 20 CSR 4240-2.080(13) provides that parties shall be allowed ten days from the date of filing in which to respond to any pleading unless otherwise ordered by the Commission.

After considering the remedies agreed to by the signatories, the Commission finds the proposed remedies reasonable and will approve them pursuant to Commission Rule 20 CSR 4240-22.080(16)(B). The Commission finds that Liberty-Empire's IRP filings demonstrate compliance with the requirements of Commission Rule 20 CSR 4240-22 and concludes that no hearing is necessary concerning the alleged deficiencies and concerns.

THE COMMISSION ORDERS THAT:

1. The Commission approves the remedies to the alleged IRP deficiencies and concerns proposed in the *Joint Agreement*, which were developed by the signatories pursuant to Commission Rule 20 CSR 4240-22.080(9).
2. This order shall become effective on June 12, 2020.
3. This file shall be closed on June 13, 2020.



BY THE COMMISSION

A handwritten signature in dark ink that reads "Morris L. Woodruff".

Morris L. Woodruff
Secretary

Silvey, Chm., Rupp, Coleman, and
Holsman CC., concur.
Kenney, C., absent

Woodruff, Chief Regulatory Law Judge

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 13th day of May 2020.**




Morris L. Woodruff
Secretary

MISSOURI PUBLIC SERVICE COMMISSION

May 13, 2020

File/Case No. EO-2019-0049

**Missouri Public Service
Commission**

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Enclosed find a certified copy of an Order or Notice issued in the above-referenced matter(s).

Sincerely,



**Morris L. Woodruff
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.