

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

In the Matter of The Empire District Electric Company's	)	
Submission of its Interim Report Regarding	)	Case No. EO-2012-0269
Participation in the Southwest Power Pool, Inc.	)	

**MOTION FOR CONTINUATION OF CONDITIONAL APPROVAL**

COMES NOW The Empire District Electric Company d/b/a Liberty ("Liberty" or the "Company"), and for its Motion for Continuation of Conditional Approval regarding Liberty's continued membership in the Southwest Power Pool ("SPP"), Liberty respectfully states as follows to the Missouri Public Service Commission ("Commission"):

**The Company's Initial Request - Case No. EO-2006-0141**

1. On September 28, 2005, the Company filed an application with the Commission requesting authority to transfer functional control of certain transmission assets to SPP. The Company filed pursuant to RSMo. §393.190.1 and noted that FERC Order No. 2000 strongly encouraged all public utilities that own, operate, or control interstate transmission facilities to participate in a Regional Transmission Organization ("RTO").

2. Authority was granted by the Commission as a result of its approval of a Stipulation and Agreement which provided as follows regarding interim approval: "Empire, Staff and Public Counsel further agree and SPP acknowledges that the approval is interim and conditional during a term of seven (7) years following the Effective Date ("Interim Period"), as the Effective Date is determined in Section II.A.(2)(g) herein, unless extended pursuant to Section II.E(2) herein. If the MoPSC does not issue an order to terminate or extend its interim approval prior to the end of the Interim Period, approval of such participation shall no longer be deemed to be interim." Stipulation, II.A.(1).

### **Timeline of Events: 2013-2024**

3. On September 11, 2013, the Commission approved a stipulation and agreement that provided for the Company's continued participation in SPP through August 1, 2019 (Case No. EO-2012-0269). That stipulation and agreement contained provisions that required the Company to undertake a cost/benefit study and prepare an interim report. On February 15, 2017, a joint motion was filed asking the Commission to modify the 2013 stipulation and agreement, delay the production of the interim report for three years, and extend the Company's authorization to participate in SPP for the same three-year period (to August 1, 2022).

4. On March 1, 2017, the Commission issued its *Order Modifying Stipulation and Agreement* herein, providing that the "interim and conditional approval of The Empire District Electric Company's membership in the Southwest Power Pool, described in Section II.A(1) of the Stipulation and Agreement, is extended by three years to August 1, 2022." The *Order Modifying Stipulation and Agreement* also provided that "(a)ll other dates associated with the Interim Report and Interim Approval are also extended by three years" and that the Company "shall file a 2021 Interim Report, containing a completed cost/benefit study and its case for whether to continue to participate in the Southwest Power Pool by April 30, 2021."

5. With regard to the cost/benefit study discussed in the 2017 *Order Modifying Stipulation and Agreement*, Liberty submitted an Information Filing on February 3, 2020, stating its intent to obtain an estimate of the benefits and costs of remaining in the SPP by looking at the load ratio share approximation methodology, as suggested by the Commission in its October 11, 2019, *Order* regarding Evergy in Commission Case No. EO-2012-0135.

6. Subsequently, on October 14, 2020, the Commission issued an *Order Opening a Working Case to Consider the Membership of Missouri's Investor-Owned Electric Utilities in Regional*

*Transmission Organizations* (Case No. EW-2021-0104).

7. On April 29, 2021, Liberty filed a motion requesting “a stay of the requirement to submit an Interim Report herein, pending the outcome of Case No. EW-2021-0104,<sup>1</sup> and the extension of the Commission’s interim and conditional approval of Empire’s membership in the SPP.” With its *Order Granting Motion for Stay* issued May 19, 2021, the Commission ordered as follows: “Empire’s obligation to file an interim report and cost/benefit study regarding its continued membership in SPP is stayed until further order of the Commission.” The Commission, however, stated that “(b)ecause the Commission’s interim and conditional approval of Empire’s membership in the SPP does not expire until August 1, 2022, the Commission will not grant a further extension of that approval at this time.”

8. With its filing on July 17, 2022, Liberty submitted that it would be reasonable and prudent, and would avoid duplication of work and the risk of inconsistent findings and conclusions, for the Commission’s conditional approval of Liberty’s membership in SPP to be extended pending further action in the working docket or other agreement among the parties. Specifically, Liberty requested an additional two year extension of the Commission’s interim and conditional approval of Liberty’s membership in SPP, to August 1, 2024.

9. On July 21, 2022, the Commission issued its *Order Granting Motion for Extension of Conditional Approval of Membership in the Southwest Power Pool*, extending the interim and

---

<sup>1</sup> The Staff Report in Case No. EW-2021-0104, including Staff’s recommendation, was filed June 11, 2021. Responses to Staff’s recommendation were submitted by the electric IOUs in August of 2022. No further action has taken place in the working docket.

However, on June 9, 2022, and upon motion of Ameren Missouri, the Staff of the Commission, the Office of the Public Counsel, and the Missouri Industrial Energy Consumers in Commission Case No. EO-2011-0128, the Commission extended its authorization for Ameren Missouri to participate in MISO indefinitely rather than for a fixed term.

Also, on July 12, 2023, and upon motion of Evergy, Staff, and Dogwood Energy in Commission Case No. EO-2012-0135, the Commission granted Evergy authority to continue the transfer of functional control of its transmission system to SPP, subject to certain conditions.

conditional approval of Liberty's membership in SPP by two years, to August 1, 2024.

10. On August 25, 2022, in the working docket (EW-2021-0104), the Company provided a response to the Staff Report, describing Liberty's concerns surrounding the preliminary studies in the SPP's Regional Cost Allocation Review III ("RCAR 3"). Regarding Staff's request that each electric utility "work with its respective RTO to identify the point in time at which the exit fees applicable to a given utility will reflect the most depreciation for existing projects prior to the inclusion of new projects" and provide "the estimated revenue requirement impact (positive and negative) for each of the next five years of continued RTO participation," the Company requested additional time so that it could better understand the RCAR 3 results due to reliance on the data produced from such SPP studies.

11. On April 16, 2024, Liberty filed a motion herein requesting extension of the interim approval to August 1, 2025. In that filing (the "2024 Motion"), Liberty stated that throughout 2023, the Company held numerous meetings and discussions with SPP staff members and exchanged data to discuss Liberty's concerns regarding the preliminary results that were provided in SPP's RCAR 3 analysis. These discussions and the Company's review of the raw data contributed to SPP adding some additional modelling layers to improve the cost/benefit calculations (RCAR 3.1).

12. In the 2024 Motion, Liberty also stated that "entities on the eastern SPP seam, and in particular those on the southeastern seam (such as Liberty), tend to have the lowest cost/benefit ratios due to the lack of transmission projects in the area. Some of the challenges can be attributed to difficulty in coordinating mutually beneficial projects that span multiple RTOs (SPP and MISO) or RTOs and cooperatives (SPP and AECI). Although the lack of projects near the southeastern seam have been a cause of frustration, Liberty is hopeful that the Integrated Transmission Plan ("ITP") 2024 will result in some meaningful projects for Liberty's customers." Liberty further

stated as follows in the 2024 Motion:

Liberty's experience during Storm Elliot underscored the critical need for regional support within the SPP framework to maximize RTO value. Following Storm Elliot, Liberty collaborated closely with SPP staff to establish criteria for assessing winter weather impacts in the southwest Missouri area and documenting the effects on Liberty's customers during extreme weather events. As part of the 2024 ITP study structure, Liberty is optimistic about project identification through three avenues: the Elliot Winter Weather study, the focus area study (encompassing SE KS / SW MO / NW Arkansas), and the annual ITP study (2024). The Company is hopeful that these avenues will not only benefit Liberty's customers but also contribute to the future resilience of the SPP southeast seam. At present, Liberty has actively participated in the detailed project proposal process, and the Company eagerly awaits the outcome of project identification to potentially realize the value of RTO membership.

13. Liberty explained that the one year extension of the interim approval from 2024 to 2025 would allow for the conclusion of the 2024 ITP and allow more time for a complete picture to be developed with respect to possible transmission investment in the SPP southeastern seam that would provide benefit to Liberty's customers and customers of other electric providers in the southwest portions of Missouri.

14. On June 26, 2024, the Commission issued its *Order Granting Motion for Extension of Conditional Approval of Membership in the Southwest Power Pool*, effective July 26, 2024. The Commission provided that Liberty's membership in SPP was extended by one year, to August 1, 2025.

### **Request for Relief**

15. At this time, Liberty requests an order of the Commission granting this Motion for Continuation of Conditional Approval and extending the interim and conditional approval of Liberty's membership in SPP.

16. The 2024 ITP was officially approved on October 29, 2024, by the SPP Board of Directors. This plan includes short-term reliability upgrades within the Liberty service territory,

with a particular focus on enhancing system resilience during extreme weather events, especially in the eastern portion of the SPP footprint. The Company is eager for all necessary Notices to Construct (“NTCs”) to be issued and construction to commence to provide much-needed relief to our customers.

17. Due to the significant lead times associated with material procurement and construction, the Company recommends an extension of interim approval until all transmission facilities identified in the 2024 ITP are placed into service. Extending the interim approval period would accommodate the completion of the remaining SPP processes and allow the Company the opportunity to realize meaningful system performance improvements while sharing the costs among the SPP participants.

WHEREFORE, Liberty requests an extension of the Commission’s interim and conditional approval of Liberty’s membership in the SPP. Liberty requests such additional relief as is just and proper under the circumstances.

Respectfully submitted,

/s/ Diana C. Carter

Diana C. Carter MBE #50527

428 E. Capitol Ave., Suite 303

Jefferson City, Missouri 65101

Cell Phone: (573) 289-1961

E-Mail: [Diana.Carter@LibertyUtilities.com](mailto:Diana.Carter@LibertyUtilities.com)

### **CERTIFICATE OF SERVICE**

I hereby certify that the above document was filed in EFIS on this 28<sup>th</sup> day of July, 2025, with notification of the same being sent to all counsel of record.

/s/ Diana C. Carter