# STATE OF MISSOURI PUBLIC SERVICE COMMISSION

At a session of the Public Service Commission held at its office in Jefferson City on the 17<sup>th</sup> day of November, 2016.

n the Matter of the True-Up of The Empire District	)
Electric Company's Fuel Adjustment Clause (FAC)	) File No. EO-2017-009

# ORDER APPROVING FUEL ADJUSTMENT TRUE-UP

Issue Date: November 17, 2016 Effective Date: December 1, 2016

The Empire District Electric Company ("the company") filed an application<sup>1</sup> and supporting testimony.<sup>2</sup> Staff filed a recommendation in favor of the application.<sup>3</sup> The Office of the Public Counsel ("OPC") filed a response to that recommendation.<sup>4</sup> The company filed a response to OPC's filing.<sup>5</sup>

The application seeks the Commission's approval of amounts related to the company's fuel adjustment clause ("FAC"). Specifically, the amounts relate to the company's Accumulation Period 14 (March 1, 2015 through August 31, 2015) and Recovery Period 14 (December 2015 through May 2016). The Recovery Period 14

<sup>&</sup>lt;sup>1</sup> Electronic Filing Information Service ("EFIS") No. 1 (September 30, 2016). EFIS references address this file except as provided otherwise.

<sup>&</sup>lt;sup>2</sup> EFIS No. 3 (September 30, 2016).

<sup>&</sup>lt;sup>3</sup> EFIS No. 6 (October 31, 2016).

<sup>&</sup>lt;sup>4</sup> EFIS No. 8 (November 9, 2016) Recommendation of the Office of the Public Counsel Regarding Empire District Electric Company and Commission Staff.

<sup>&</sup>lt;sup>5</sup> EFIS No.

<sup>&</sup>lt;sup>6</sup> An FAC passes increases or decreases in net fuel cost to customers without a general rate case.

amounts are a component of a related FAC tariff pending in another case. The application alleges a \$516,561 over-recovery during Recovery Period 14.

Staff agrees and recommends that the Commission approve the application. OPC does not object. Nevertheless, OPC requests an order requiring the company to change the way it reports certain costs and revenues. In support, OPC cites certain administrative orders and alleges that the company is not complying with those orders. The company argues that this action is inappropriate for such a determination. The company is correct. The statutes and the Commission's regulations prescribe the complaint procedure for determining OPC's charges. OPC's filing leaves no time to litigate a complaint within this case, so the Commission will deny OPC's request, without determining the merits of that request.

On the basis of the verified and uncontested filings, the Commission concludes that the application conforms to the applicable statutes, regulations, and tariffs, so the Commission will approve the application.

### THE COMMISSION ORDERS THAT:

- 1. The application described in the body of this order is approved.
- 2. This order shall be effective on December 1, 2016.

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<sup>&</sup>lt;sup>7</sup> File No. ER-2017-0092.

<sup>&</sup>lt;sup>8</sup> File No. ER-2014-0351 <u>In the Matter of The Empire District Electric Company for Authority to File Tariffs Increasing Rates for Electric Service Provided to Customers in the Company's Missouri Service Area EFIS No. 313 (June 24, 2015) Report and Order page 28; which cites File No. ER-2014-0258 <u>In the Matter of Union Electric Company d/b/a Ameren Missouri's Tariff to Increase Its Revenues for Electric Service</u>, EFIS No. 742 (April 29, 2015) Report and Order page 113, finding of fact 7; which cites Federal Energy Regulatory Commission's Order 668.</u>

<sup>&</sup>lt;sup>9</sup> Section 386.390, RSMo 2000; 4 CSR 240-2.070.

3. This file shall close on December 2, 2016.

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# BY THE COMMISSION

Morris & Wooduf

Morris L. Woodruff Secretary

Hall, Chm., Stoll, Kenney, Rupp, and Coleman, CC., concur.

Jordan, Senior 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 17<sup>th</sup> day of November 2016.

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Morris L. Woodruff

**Secretary** 

# MISSOURI PUBLIC SERVICE COMMISSION November 17, 2016

### File/Case No. EO-2017-0094

# Missouri Public Service Commission

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# 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.