

**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)	Case No. EO-2012-0269
Regarding Participation in the Southwest)	
Power Pool, Inc.)	

**MOTION TO EXTEND INTERIM AND CONDITIONAL APPROVAL AND MOTION
FOR EXPEDITED TREATMENT**

Comes now, the Office of the Public Counsel (the "OPC") and respectfully requests that the Public Service Commission of the State of Missouri (the "Commission") extend its interim and conditional approval for The Empire District Electric Company d/b/a Liberty ("Liberty") to continue its membership in the Southwest Power Pool (the "SPP") until October 1, 2025. Because the Commission's current interim and conditional approval expires on August 1, 2025, the OPC seeks expedited treatment on this request, specifically that the Commission act no later than July 31, 2025. In support, the OPC states as follows:

1. On July 28, 2025, Liberty filed a Motion for Continuation of Conditional Approval (the "Motion") requesting that the Commission extend its interim and conditional approval of Liberty's membership in the SPP. (Doc. 41). Liberty "recommends an extension of interim approval until all transmission facilities identified in the 2024 ITP^[1] are placed into service." (Mot. 6).
2. On that same day, the Commission issued an Order stating that "[a]ny party wishing to respond shall do so no later than August 11, 2025." (Order Directing Filing 1, Doc. 42).

¹ The 2024 ITP refers to SPP's Integrated Transmission Plan 2024. (Mot. 4). The OPC believes this document can be found here: <https://www.spp.org/media/2229/2024-itp-assessment-report-v10.pdf>.

3. Since approximately July 2006, the Commission has granted Liberty interim and conditional approval to participate in the SPP. (*See, e.g.*, Am. Order Approving Stip. & Agreement, Doc. 41, Case. No. EO-2006-0141). This approval has been extended on several occasions. (*See* Order Granting Mot. for Approval of Unanimous Stip. & Agreement, Doc. 20 (extending conditional approval until August 1, 2019); Order Modifying Stip. & Agreement, Doc. 26 (extending conditional approval until August 1, 2022); Order Granting Mot. for Extension of Conditional Approval of Membership in the SPP, Doc. 35 (extending conditional approval until August 1, 2024); Order Granting Mot. for Extension of Conditional Approval of Membership in the SPP, Doc. 39 (extending conditional approval until August 1, 2025)).
4. The Commission’s interim and conditional approval is currently set to expire in three days: on August 1, 2025. (Order Granting Mot. for Extension of Conditional Approval of Membership in the SPP, Doc. 39).
5. The signatories² to the first Stipulation and Agreement (the “First Stipulation and Agreement”) addressing Liberty’s participation in the SPP agreed: “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.*” (1st Stip. & Agreement 3, Doc. 23, Case No. EO-2006-0141 (emphasis added)). One way to interpret this agreement is that the Commission’s interim and conditional approval will automatically become unconditional if the Commission

² The signatories to this agreement were Liberty (then known as The Empire District Electric Company), the Staff of the Commission, the OPC, Kansas City Power & Light Company, and the SPP.

does not either terminate or extend such approval prior to the end of the Interim Period. (*See id.*).

6. Because the Commission has subsequently extended the Interim Period identified in this First Stipulation and Agreement, it appears that this agreement continues to control.³
7. The OPC is concerned that if the Commission does not act on Liberty's Motion until after August 1, 2025, the Commission's grant of interim and conditional approval may become unconditional approval, pursuant to the agreement in the First Stipulation.
8. As Liberty filed the Motion only four days before the current expiration date of the Interim Period, the OPC has not yet had time to formulate its position on the relief Liberty requests in the Motion.⁴
9. To ensure that all parties have a full opportunity to review Liberty's Motion, consider the circumstances surrounding the relief requested, and to formulate a response, the OPC requests that, prior to the end of the current Interim Period (August 1, 2025), the Commission extend its interim and conditional approval of Liberty's participation in the SPP until October 1, 2025.

³ The OPC acknowledges that the Stipulation and Agreement pertaining to Liberty's 2013 extension request, which extended the Interim Period until August 1, 2019 (the "Second Stipulation and Agreement"), contained a different agreement. (2nd Stip. & Agreement 2, Doc. 19). Specifically, the Second Stipulation and Agreement stated: "If the Commission does not issue an order to terminate or extend its interim approval prior to the end of the 2019 Interim Period, the 2019 Interim Period *shall automatically be extended under the same terms and conditions from year-to-year . . . unless otherwise ordered by the Commission.*" (*Id.* (emphasis added)). However, this Second Stipulation and Agreement was an agreement negotiated amongst different parties in a different Commission case. Nothing in the Second Stipulation and Agreement suggests that it alters the agreements in the First Stipulation and Agreement, aside from extending the Interim Period. (*See generally id.*).

⁴ For instance, Liberty requests that the Commission extend the Interim Period "until all transmission facilities identified in the 2024 ITP are placed into service." (Mot. 6). Based on the information in the Motion and the OPC's preliminary research, it is unclear how long this time period may be. The OPC needs additional time to formulate its position on this issue.

10. The OPC notes that its request to continue the Commission's interim and conditional approval of Liberty's membership in the SPP appears consistent with Liberty's request in the Motion. (Mot. 6 (stating that "Liberty requests an extension of the Commission's interim and conditional approval of Liberty's membership in the SPP."))).

Motion for Expedited Treatment

1. The OPC requests, pursuant to 20 CSR 4240-2.080(14), that the Commission grant the relief requested in this motion on an expedited basis, specifically no later than July 31, 2025.
2. If the Commission fails to act by July 31, 2025, then, by the terms of the First Stipulation and Agreement, it appears that the Commission's prior grant of interim and conditional approval will become a grant of unconditional approval. (*See* 1st Stip. & Agreement 3 (stating "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.*" (emphasis added)))).
3. If the Commission extends its current interim and conditional approval until October 1, 2025, it will simply be extending what has been the status quo for approximately the last nineteen years. The OPC is not aware of any harm to the general public or to Liberty's customers from such an outcome.
4. Given that Liberty filed the Motion yesterday, July 28, 2025, this motion was filed as soon as it could have been.

WHEREFORE, the OPC respectfully requests that the Commission extend its current interim and conditional approval for Liberty's participation in the SPP until October 1, 2025. The OPC also requests that the Commission act on this motion no later than July 31, 2025.

Respectfully submitted,

/s/ Lindsay VanGerpen
Lindsay VanGerpen (#71213)
Senior Counsel
Missouri Office of the Public Counsel
P.O. Box 2230
Jefferson City, MO 65102
Telephone: (573) 751-5565
Facsimile: (573) 751-5562
E-mail: Lindsay.VanGerpen@opc.mo.gov

CERTIFICATE OF SERVICE

I hereby certify that copies of the forgoing will be emailed to all counsel of record this 29th day of July 2025.

/s/ Lindsay VanGerpen