

**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)	<u>Case No. ER-2024-0261</u>
Electric Service Provided to Customers In its)	
Missouri Service Area)	

STAFF’S RESPONSE TO EMPIRE’S MOTION FOR EXPEDITED TREATMENT

COMES NOW the Staff of the Missouri Public Service Commission (“Staff”), by and through counsel, and for its *Response*, states to the Missouri Public Service Commission (“Commission”) the following:

1. On August 5, 2025,¹ The Empire District Electric Company, d/b/a Liberty (“Empire”) filed its *Response to Intervention Applications and Motion for Expedited Treatment (Motion)*. The *Motion* is in response to two late-filed intervention requests from Evergy Metro, Inc., d/b/a Evergy Missouri Metro and Evergy Missouri West, Inc., d/b/a Evergy Missouri West (collectively “Evergy”) and Union Electric Company d/b/a Ameren Missouri (“Ameren Missouri”) – both seeking limited intervention in this matter regarding the issue of large load tariffs. In its *Motion*, Empire requested that the Commission remove Staff’s proposed large load tariff schedule for Empire from this docket, asserting that it is more appropriate and reasonable to handle in a dedicated docket.

2. On the same date, the Commission directed Staff to file its response to the *Motion* no later than August 7.

¹ All dates refer to 2025 unless otherwise indicated.

3. Previously, on July 21, Staff filed direct testimonies² in this docket recommending that the Commission order Empire to implement a Large Load Tariff that is consistent with § 393.130.7. which states:

Each electrical corporation providing electric service to more than two hundred fifty thousand customers shall develop and submit to the commission schedules to include in the electrical corporation's service tariff applicable to customers who are reasonably projected to have above an annual peak demand of one hundred megawatts or more. The schedules should reasonably ensure such customers' rates will reflect the customers' representative share of the costs incurred to serve the customers and prevent other customer classes' rates from reflecting any unjust or unreasonable costs arising from service to such customers. Each electrical corporation providing electric service to two hundred fifty thousand or fewer customers as of January 1, 2025, shall develop and submit to the commission such schedules applicable to customers who are reasonably projected to have above an annual peak demand of fifty megawatts or more. **The commission may order electrical corporations to submit similar tariffs to reasonably ensure that the rates of customers who are reasonably projected to have annual peak demands below the above-referenced levels will reflect the customers' representative share of the costs incurred to serve the customers and prevent other customer classes' rates from reflecting any unjust or unreasonable costs arising from service to such customers** [Emphasis added.].

The statute will become effective on August 28, which is within 21 days of this filing. Evergy and Ameren filed applications seeking approval of new and modified tariffs to service large load tariff customers in compliance with the § 393.130.7.³ Empire is the only qualifying electric utility in Missouri that has not filed its own application to date. If the Commission were to hear Empire's large load tariff issue within this docket, it would place Empire on a similar timeline as Evergy's and Ameren's large load tariff cases.

² J Luebbert, Sarah Lange, and Brooke Mastrogianis filed testimony proposing a large load tariff schedule for Empire.

³ On February 14, 2025, Evergy filed its application seeking approval of new and modified tariffs for serve to large load tariff customers in EO-2025-0154. [Docket Sheet - EO-2025-0154 - EFIS](#).

On May 14, 2025, Ameren filed its application and request for variance seeking approval of new modified tariffs for service to large load customers in ET-2025-0184. [Docket Sheet - ET-2025-0184 - EFIS](#).

Both Evergy and Ameren are parties to each other cases. Further, each is seeking to limited intervention in ER-2024-0261 to discuss large load tariffs in this docket as well.

4. Empire stated that “there will be no negative effect on Liberty’s customers or the general public if the Commission acts by the requested date, as there is no requirement in RSMo. §393.130.7 that such a new tariff be placed in effect by a date certain.”

However, Staff included its recommended adjustments to Empire’s Fuel Adjustment Clause (FAC) in its proposed large load tariff schedule. The FAC, central to Staff’s recommendation, can only be altered in a general rate proceeding.⁴ RSMo. § 386.266.5 states:

The commission shall have the power to approve, modify, or reject adjustment mechanisms submitted under subsections 1 to 4 of this section **only after providing the opportunity for a full hearing in a general rate proceeding, including a general rate proceeding initiated by complaint.** The commission may approve such rate schedules after considering all relevant factors which may affect the costs or overall rates and charges of the corporation . . . [Emphasis added.].

Staff complied with the statute’s intent when it filed its recommendations regarding Empire’s compliance with § 393.130.7., in its direct testimonies. If the Commission grants Empire’s request to remove Staff’s testimony, Staff will lose its opportunity to include its FAC recommendations into Empire’s Large Load Tariff until a future general rate case. It would also delay Empire’s compliance with § 393.130.7.

Furthermore, a general rate proceeding is the ideal time to consider a new rate design. Staff was able to rely upon information within its own Class Cost of Service Study (CCOS) and production cost modeling analyses for purposes of developing the rates

⁴ § 383.266 (rate schedules for interim energy charges or periodic rate adjustment--application for approval, procedure--adjustment mechanisms--rulemaking authority--task force to be appointed--surveillance monitoring, requirements).

proposed in Staff's direct testimony in this case. Further complicating a future case with the potential for competing CCOS studies outside of a general rate case can be avoided by addressing the large load tariff required by § 393.130.7. through the course of this general rate case.

5. Empire is not unduly prejudiced by the Commission's consideration of Staff's large load testimony. As mentioned earlier, Ameren Missouri and Evergy both proactively filed their applications as late as May 2025. Empire has had access to Staff's direct testimony since July 21. Empire would have had 28 days to prepare its response by August 18, when rebuttal testimony is due. Staff provided Empire sufficient time to prepare and file its rebuttal testimony and conduct discovery. Furthermore, Empire retains the right to challenge Staff's recommendations during cross-examination and in its own testimony.

6. For the reasons stated above, Staff respectfully requests that the Commission deny Empire's request to remove Staff's proposal from this docket and have the issue addressed in a dedicated docket, as it would be just and reasonable, as well as administratively efficient, to hear this issue in a general rate proceeding.

WHEREFORE, Staff respectfully responds, requesting that the Commission deny Empires request to remove Staff's proposal from this docket and have the issue addressed in a dedicated docket, and requests for such orders as the Commission deems just and reasonable.

Respectfully submitted,

/s/ Eric Vandergriff

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed or hand-delivered, transmitted by facsimile or electronically mailed to all parties and/or counsel of record on this 7th day of August 2025.

/s/ Eric Vandergriff