

**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   )     File No. ER-2024-0261  
for Electric Service Provided to Customers   )  
In its Missouri Service Area.                   )

**JOINT REPLY TO STAFF RESPONSE TO  
EMPIRE’S MOTION FOR EXPEDITED TREATMENT**

**COME NOW** Union Electric Company d/b/a Ameren Missouri (“Ameren Missouri), and Evergy Metro, Inc. d/b/a Evergy Missouri Metro (“EMM”) and Evergy Missouri West, Inc. d/b/a Evergy Missouri West (“EMW”) (collectively “Evergy”) (Ameren Missouri and Evergy sometimes referred to herein as the “Utilities”), and for the Utilities’ Reply to the above-referenced response (“Staff’s Response”), state as follows:

1.       Staff’s Response justifies the Commission taking up Staff’s Large Load Tariff proposal in this case now primarily based upon Staff’s claim that certain provisions of Liberty’s Fuel Adjustment Clause (“FAC”) must be changed in order to implement Staff’s point of view and because those FAC changes can only be made in a rate case. While it is factually accurate that an FAC can only be changed in a rate review, it is not accurate to say that the impacts on costs and revenues in the FAC that Staff’s Response points to can only be captured by modifying the FAC. Staff’s position on the very same issue in Evergy’s Large Load Tariff docket (File No. EO-2025-0154) demonstrates this point. Staff’s position in that case is that Evergy’s FAC does not need to be changed in that case since the Commission has the power to require a deferral of Evergy FAC impacts until the Evergy FAC could be later changed, as needed. Exactly the same approach can be taken in a standalone Liberty Large Load Tariff case if the Commission were to ultimately agree in that case with Staff’s position on a Large Load Tariff.

2.       In Staff’s Rebuttal Report in Evergy’s docket, Staff describes for Evergy, in

substance, the same FAC impacts Staff claims would exist for Liberty in this case and indicates that Evergy's FAC tariff will need to be changed (if Staff's viewpoint were adopted).<sup>1</sup> Staff then goes on to acknowledge that there is an available solution (indeed recommends the Commission order it) that would redress what Staff claims is a negative impact on other customers under the current Evergy FAC (which, in these respects, is materially the same as Liberty's FAC), stating:

It is Staff's understanding that FAC tariff sheets cannot be changed outside of a general rate case. Therefore, Staff recommends that the FAC LLPS adjustments be incorporated in the FAC tariff sheet and agreed to by the parties to take place in the next general rate case(s). *Until then, however, the LLPS adjustments should be tracked and recorded as a regulatory asset or liability until the next rate case(s)* (emphasis added).<sup>2</sup>

3. Precisely the same approach can be taken for Liberty in the dedicated Large Load Tariff case Liberty has already indicated it will file at the appropriate time.

4. Staff's other argument is also flawed. Staff asserts that since it was "able to rely upon information within *its* own Class Cost of Service Study" the Commission shouldn't "complicate..." a future case with "competing CCOSS studies."<sup>3</sup> As pointed out in the Utilities' Joint Response filed August 7, 2025, key parties (actual Large Load Customers) are not present in this case at all, and themselves might very well want to weigh in on Staff's CCOSS or submit their own "competing" CCOSS, a circumstance Staff apparently wishes to avoid. Staff presents no compelling argument as to why CCOSS studies cannot be presented and reviewed in a future dedicated Liberty Large Load Tariff case, and why Liberty or other parties to this case should be forced to address in rebuttal Staff's detailed and complicated out-of-the-blue Large Load Tariff proposal in a span of just 28 days.

**WHEREFORE**, the Utilities respectfully reiterate their pray that the relief Liberty seeks in its Motion be granted promptly, state that if such relief is granted, they agree that their Motions to Intervene would be rendered moot and there would be no need to grant them and pray for such

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<sup>1</sup> Staff's Rebuttal Report, File No. EO-2025-0154, p. 64, l. 10 to p. 66, l. 17.

<sup>2</sup> *Id.*, p. 66, l. 3 – 7 (Staff explains the mechanics needed to accomplish this deferral on lines 7 – 16).

<sup>3</sup> Staff's Response, pp. 3-4 (emphasis added).

other and further relief as the Commission deems appropriate under the circumstances.

Respectfully submitted,

/s/ James B. Lowery

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**ATTORNEYS FOR EVERGY MISSOURI METRO  
and EVERGY MISSOURI WEST**

**CERTIFICATE OF SERVICE**

The undersigned by his signature below certifies that the foregoing pleading was served upon all persons who have entered an appearance of record in this matter on this 8<sup>th</sup> day of August, 2025 by electronic filing in EFIS.

/s/ James B. Lowery