

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

ORDER GRANTING LIBERTY'S MOTION

Issue Date: August 8, 2025

Effective Date: August 8, 2025

Liberty requested removal of the Staff testimony introducing a proposed large load tariff, and further requested denial of two pending intervention requests as moot. This order grants those requests.

On August 5, 2025,¹ The Empire District Electric Company d/b/a Liberty 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 – both seeking to intervene regarding the issue of large load tariffs.

The Motion states that the Staff of the Commission (Staff) proposed a large load tariff in its direct testimony on rate design, which was filed July 21. The recently passed Senate Bill 4, specifically Section 393.130(7), RSMo, (effective August 28, 2025), will require certain electrical corporations to submit rate schedules for certain large load

¹ All dates refer to 2025 unless otherwise indicated.

customers. The Motion argues that there is no requirement in Section 393.130(7) that such a new tariff be placed in effect by a date certain.

The Motion argues that the issue of large load tariffs should be a stand-alone case separate from the present rate case. The Motion notes the existence of Evergy's and Ameren Missouri's stand-alone large load tariff cases, Case Nos. EO-2025-0154 and ET-2025-0184, respectively. Liberty stated it does not oppose Evergy's and Ameren Missouri's limited intervention requests if a large load tariff schedule remains an issue in this proceeding; however, the Motion requested that the Commission order the removal of the portions of Staff's testimony that proposed a large load tariff schedule. The Motion seeks an expedited ruling by August 8 as rebuttal testimony is due August 18.

The Commission ordered responses from Staff, and set a time for other responses. The Commission directed that Evergy and Ameren Missouri would be allowed to respond to the Motion even though they have not yet been granted intervention.

Subsection 7

Section 393.130(7), RSMo, reads in pertinent part as follows:

Each electrical corporation providing electric service to more than two hundred fifty thousand customers shall develop and submit to the commission schedules ... applicable to customers who are reasonably projected to have above an annual peak demand of one hundred megawatts or more. ... Each electrical corporation providing electric service to ... fewer customers ... 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. ...

Staff's Response

Staff argued that Liberty has not filed its own application for large load tariffs, and is the only qualifying electric utility yet to do so (Evergy and Ameren Missouri are the other

qualifying utilities). Staff stated that including the large load tariff issue in Liberty's rate case will put Liberty on a timeline for large load tariffs similar to that of Evergy and Ameren Missouri.

Staff argued that it included its recommended adjustments to Liberty's Fuel Adjustment Clause (FAC) in its proposed large load tariff schedule. Staff states that the FAC is central to Staff's recommendation, and it can only be altered in a general rate proceeding. Staff argued that if the Commission grants Liberty's request to remove Staff's testimony, Staff will lose its opportunity to include its FAC recommendations into Liberty's large load tariff until a future general rate case.

Evergy and Ameren Missouri Response²

Evergy and Ameren Missouri filed their *Joint Response to Liberty Response to Intervention Applications and Motion for Expedited Treatment* (Joint Response). The Joint Response argues in favor of Liberty's Motion, citing the lack of a deadline in the statute and noting that the statute envisions a proposal *from* the utility. The Joint Response also argues that the complexity of large load tariffs have required months of discovery – five and a half months in the Evergy case and three and a half months in Ameren Missouri's case. The Joint Response notes that the Commission has scheduled a week-long evidentiary hearing in both Evergy's and Ameren Missouri's stand-alone large load tariff cases; but has only scheduled 10 days of evidentiary hearing for the totality of Liberty's rate case – which did not include hearing time to consider large load tariffs when scheduled.

² Evergy and Ameren Missouri also filed a second joint response addressing Staff's response. However, this filing was made after the deadline for responses to the Liberty Motion, and thus that response has not been considered in this order.

The Joint Response states that a timeline for tariff development to approval may take well over a year and as much as two years for Ameren Missouri and Evergy. Moreover, the Joint Response notes that no large load customers have intervened in Liberty's rate case, while large load customers and representative groups have intervened in the stand-alone large load tariff cases of Evergy and Ameren Missouri.

Discussion

Under different circumstances, a general rate case would be an appropriate venue to review large load tariffs. However, the Commission has previously permitted Evergy and Ameren Missouri to each have their own stand-alone case addressing the issue of large load tariffs. Staff argued that inclusion in this rate case would put Liberty on a similar timeline as Ameren Missouri and Evergy; however, no timeline is specifically set out in the new statutory language that is not yet effective. Further, Liberty would miss the several months of time Ameren Missouri and Evergy have had for discovery and to develop its case-in-chief.

Staff also argued that granting Liberty's Motion will remove Staff's opportunity to include its FAC recommendations into Liberty's large load tariff until a future general rate case. The Commission notes that the Ameren Missouri and Evergy stand-alone cases considering large load tariffs are proceeding and are not taking place within a general rate case. Additionally, the introduction of the issue of large load tariffs came relatively late in the process of Liberty's rate case, and was not introduced by Liberty. Lastly, no large load customers in Liberty's service area were made aware that large load tariffs would be an issue in Liberty's general rate case, and thus were not given an opportunity to intervene.

For the reason of consistency in these unique circumstances; because the large

load tariff issue was introduced late in the process and not by Liberty; because large load customers were not given adequate notice to allow them to apply for intervention; and because the Commission is unpersuaded that similar timelines are sufficient to include large load tariffs in Liberty's rate case, the Commission finds Liberty's request to remove Staff's large load tariff testimony reasonable and will grant it.

Liberty stated that it will comply with Section 393.130(7), RSMo, in a future filing. Therefore, the expectation of the Commission is that Liberty will file its large load tariff schedule as soon as is practicable.

The Commission will permit Staff to request reconsideration of any specific portions of testimony that are related to the case in general and not only related to the large load tariff.

THE COMMISSION ORDERS THAT:

1. Liberty's Motion is granted.
2. The portions of Staff's testimony regarding large load tariffs is stricken. The specific portions of testimony struck are as follows:
 - a. Sarah L.K. Lange Direct, filed July 21, pp. 6 through 50, striking the entirety of the section titled "393.130.7 Tariffs for Large Load Customers";
 - b. J Luebbert Direct, filed July 21; and
 - c. Brooke Mastrogiannis Direct, filed July 21.
3. The applications to intervene of Evergy and Ameren Missouri are denied as moot.
4. Staff is permitted to request reconsideration of any specific portions of the testimony struck by this order. Such request shall be filed no later than August 12.

5. This order is effective when issued.



BY THE COMMISSION

Nancy Dippell

Nancy Dippell
Secretary

Charles Hatcher, Senior Regulatory
Law Judge, by delegation of authority
pursuant to Section 386.240, RSMo 2016.

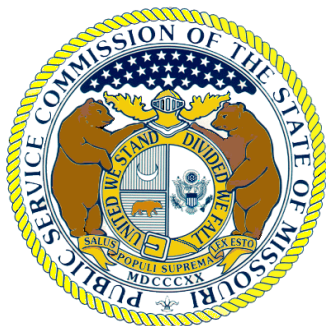
Dated at Jefferson City, Missouri,
on this 8th day of August, 2025.

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 8th day of August 2025.



Nancy Dippell

Nancy Dippell
Secretary

MISSOURI PUBLIC SERVICE COMMISSION

August 8, 2025

File/Case No. ER-2024-0261

MO PSC Staff

Staff Counsel Department
200 Madison Street, Suite 800
P.O. Box 360
Jefferson City, MO 65102
staffcounselservice@psc.mo.gov

**Office of the Public Counsel
(OPC)**

Marc Poston
200 Madison Street, Suite 650
P.O. Box 2230
Jefferson City, MO 65102
opcservice@opc.mo.gov

Consumers Council of Missouri

John Coffman
871 Tuxedo Blvd.
St. Louis, MO 63119-2044
john@johncoffman.net

**Empire District Retired
Members & Spouses
Association, LLC**

Douglas Healy
3010 E. Battlefield, Suite A
Springfield, MO 65804
doug@healylawoffices.com

**Empire District Retired
Members & Spouses
Association, LLC**

Terry Jarrett
306 Monroe St.
Jefferson City, MO 65101
terry@healylawoffices.com

Evergy Missouri Metro

Cole Bailey
1200 Main St
Kansas City, MO 64105
cole.bailey@evergy.com

Evergy Missouri Metro

James Fischer
2081 Honeysuckle Lane
Jefferson City, MO 65109
jfisherpc@aol.com

Evergy Missouri Metro

Roger Steiner
1200 Main Street, 16th Floor
P.O. Box 418679
Kansas City, MO 64105-9679
roger.steiner@evergy.com

Evergy Missouri West

Cole Bailey
1200 Main St
Kansas City, MO 64105
cole.bailey@evergy.com

Evergy Missouri West

James Fischer
2081 Honeysuckle Lane
Jefferson City, MO 65109
jfisherpc@aol.com

Evergy Missouri West

Roger Steiner
1200 Main Street, 16th Floor
P.O. Box 418679
Kansas City, MO 64105-9679
roger.steiner@evergy.com

IBEW Local Union 1474

Michael Amash
6803 West 64th Street
Suite 300
Overland Park, KS 66202
mea@blake-uhlig.com

IBEW Local Union 1474

Garrison Howell
6803 West 64th Street
Suite 300
Overland Park, KS 66202
grh@blake-uhlig.com

Influent Energy

Andrew Zellers
1100 Main St. 4th Fl
Kansas City, MO 64105
andy.zellers@influentenergy.com

Liberty (Empire)

Diana Carter
428 E. Capitol Avenue, Suite 303
Jefferson City, MO 65101
diana.carter@libertyutilities.com

Liberty (Empire)

Dean Cooper
312 East Capitol
P.O. Box 456
Jefferson City, MO 65102
dcooper@brydonlaw.com

Liberty (Empire)

James Flaherty
216 S. Hickory
P.O. Box 17
Ottawa, KS 66067
jflaherty@andersonbyrd.com

Liberty (Empire)

Jermaine Grubbs
601 S. Joplin Ave.
Joplin, MO 64801
jermaine.grubbs@libertyutilities.com

Midwest Energy Consumers Group

Tim Opitz
308 E. High Street, Suite B101
Jefferson City, MO 65101
tim.opitz@opitzlawfirm.com

MO PSC Staff

Eric Vandergriff
200 Madison Street
Jefferson City, MO 65101
eric.vandergriff@psc.mo.gov

Renew Missouri

Nicole Mers
915 Ash Street
Columbia, MO 65201
nicole@renewmo.org

Union Electric Company

James Lowery
9020 S. Barry Road
Columbia, MO 65203
lowery@jblawllc.com

Union Electric Company

Wendy Tatro
1901 Chouteau Ave
St. Louis, MO 63103-6149
amerenmoservice@ameren.com

Enclosed find a certified copy of an Order or Notice issued in the above-referenced matter(s).

Sincerely,

A handwritten signature in black ink that reads "Nancy Dippell". The signature is written in a cursive, flowing style.

**Nancy Dippell
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.