

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service
Commission held at its office in
Jefferson City on the 19th day of
May, 2016.

In the Matter of the True-Up of The Empire District)
Electric Company's Fuel Adjustment Clause (FAC)) **File No. EO-2016-0254**

ORDER RESOLVING ANNUAL FUEL ADJUSTMENT CLAUSE TRUE-UP

Issue Date: May 19, 2016

Effective Date: June 1, 2016

On April 1, 2016, The Empire District Electric Company ("Empire"), submitted an application containing its thirteenth true-up filing for its Fuel Adjustment Clause ("FAC"), as required by Section 386.266.4(2), RSMo, and Commission Rules 4 CSR 240-3.161(8) and 4 CSR 240-20.090(5). Empire requests that the Commission authorize a true-up adjustment and implement it under its FAC tariff for the recovery period ending November 30, 2015. The submitted tariff bears an effective date of June 1, 2016.

The true-up amount identified in this filing is the result of an over-collection of \$225,112 from customers during Recovery Period 13 ("RP13") that includes the billing months of June 2015 through November 2015. The true-up amounts for RP13 are included in the calculation of the Fuel and Purchased Power Adjustment ("FPA") amount included in Empire's Accumulation Period 15 ("AP15") adjustment filing, also filed on April 1, 2016 in File No. ER-2016-0253, in compliance with Empire's FAC.

Staff examined the direct testimony of Todd W. Tartar, the supporting schedules Empire provided with its application in this case, and the monthly information Empire has submitted to the Commission. Staff also reviewed Empire's monthly interest calculations

and agrees with them. Staff has verified that Empire has filed its 2015 annual report and is not delinquent on any assessment. Empire is current on the filing of its Surveillance Monitoring reports as required by 4 CSR 240-20.090(10) and its monthly reports as required by 4 CSR 240-3.161(5). Staff is not aware of any other matter before the Commission that affects or is affected by this filing, except as noted herein. Staff recommends the Commission approve Empire's RP13 true-up filing, which indicates Empire over-collected \$225,112 from its customers, for inclusion in the calculation of the FPA amount included in Empire's AP15 adjustment filing in File No. ER-2016-0253.

Neither the governing statute¹ nor any other law requires a hearing before approving the unopposed application.² Because this is a non-contested case, the Commission acts on evidence that is not formally adduced and preserved.³ There is no evidentiary record.⁴ Consequently, the Commission bases its decision on the parties' verified filings.

Based on the Commission's independent and impartial review of the verified filings, the Commission finds that it is in the public interest to approve Empire's application and authorize Empire to include the calculated amounts in its next FAC accumulation period as previously described.

¹ Section 386.266, RSMo (Supp. 2013). This section provides for a hearing when the FAC is approved, modified or rejected. It does not require a hearing when annual true-ups are filed by the company. Commission Rule 4 CSR 240-20.090(5) states the Commission may hold a hearing if needed, but one is not required.

² Section 536.010(4), RSMo (Supp. 2013), defines a contested case as "a proceeding before an agency in which legal rights, duties or privileges of specific parties are required by law to be determined after hearing." *State ex rel. Rex Deffenderfer Ent., Inc. v. Public Service Commission*, 776 S.W.2d 494, 496 (Mo. App., 1989).

³ *State ex rel. Public Counsel v. Public Service Commission*, 210 S.W.3d 344, 353-355 (Mo. App. 2006).

⁴ *Id.*

THE COMMISSION ORDERS THAT:

1. The true-up amounts for Recovery Period 13 are established for The Empire District Electric Company as an over-collection of \$225,112 from its customers and shall be reflected in the rate adjustment as approved in Commission File No. ER-2016-0253.
2. This order shall become effective on June 1, 2016.
3. This file shall close on June 2, 2016.



BY THE COMMISSION

A handwritten signature in black ink that reads "Morris L. Woodruff". The signature is written in a cursive, flowing style.

Morris L. Woodruff
Secretary

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

Bushmann, Senior Regulatory Law Judge