

**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.)	

**RESPONSE TO LIBERTY MOTION FOR CONTINUATION OF CONDITIONAL
APPROVAL**

Comes now, the Office of the Public Counsel (the "OPC") and the Staff of the Public Service Commission of the State of Missouri ("Staff" and "Commission," respectively) and respectfully offer this response to The Empire District Electric Company d/b/a Liberty's ("Liberty") Motion for Continuation of Conditional Approval (the "2025 Liberty Motion," Doc. 41). The OPC and Staff state:

The OPC and Staff are concerned about the length of extension that Liberty requests in the 2025 Liberty Motion, especially given the lack of information that Liberty has provided. The OPC and Staff therefore request that the Commission extend its conditional approval for Liberty to participate in the Southwest Power Pool ("SPP") for two (2) years and order Liberty to provide certain additional information by September 30, 2026.

I. Background

On July 28, 2025, Liberty filed the 2025 Liberty Motion requesting that the Commission extend its interim and conditional approval of Liberty's membership in the SPP. Liberty "recommends an extension of interim approval until all transmission facilities identified in the 2024 ITP^[1] are placed into service." (2025 Liberty Mot. 6).

¹ The 2024 ITP refers to SPP's Integrated Transmission Plan 2024. (2025 Liberty Mot. 4). The OPC and Staff believe this document can be found here: <https://www.spp.org/media/2229/2024-itp-assessment-report-v10.pdf>.

A. Background of Case Numbers EO-2006-0141 and EO-2012-0269

In July 2006, the Commission approved a Stipulation and Agreement² and granted Liberty interim and conditional approval to participate in the SPP through January 31, 2014. (*See* Am. Order Approving Stip. & Agreement, Case. No. EO-2006-0141, Doc. 41; Notice of Exercise of Authority 1, Case No. EO-2006-0141, Doc. 42). In doing so, the Commission recognized that the Stipulation and Agreement required Liberty to file “an Interim Report that measures the benefits of participation.” (Am. Order Approving Stip. & Agreement 3, Case. No. EO-2006-0141). The Interim Report was to also “review[] the actual costs of participation compared to an estimate of what the costs would have been absent such participation.” (*Id.* 3-4). Provisions also existed in the Stipulation and Agreement that required Liberty to provide additional information if certain costs exceeded identified thresholds. (*Id.* 4).

On February 3, 2012, Liberty filed the Interim Report. (Submission of its Interim Report Regarding Participation in the SPP, Doc. 1). In that Interim Report, Liberty referenced a cost/benefit analysis that “describes a historical and future benefit-cost analysis for a range of SPP RTO activities.” (*Id.* 4). Liberty requested that the Commission issue an order extending its “order approving the continued participation of [Liberty] in SPP beyond January 31, 2014.” (*Id.* 5).

On September 11, 2013, the Commission approved a Stipulation and Agreement extending Liberty’s participation in the SPP through August 1, 2019. (Order Granting Mot. for Approval of Unanimous Stip. & Agreement, Doc. 20). The underlying Stipulation and Agreement required Liberty to file a “pleading accompanied by a study . . . comparing the costs and estimated benefits of its participation in SPP” by May 1, 2018. (Stip. & Agreement 3, Att. A p. 1, Doc. 19).

² Liberty, Staff, the OPC, Kansas City Power & Light Company, and the SPP were signatories to the Stipulation. (Stip. & Agreement 1, Case No. EO-2006-0141, Doc. 23).

The Commission subsequently extended the requirement to file this cost/benefit analysis “until further order of the Commission.” (Order Granting Mot. for Stay 2, Doc. 31). The Commission has also extended its interim and conditional approval for Liberty to participate in the SPP on several occasions. (*See* Order Granting Mot. for Approval of Unanimous Stip. & Agreement, Doc. 20 (extending approval until August 1, 2019); Order Modifying Stip. & Agreement, Doc. 26 (extending approval until August 1, 2022); Order Granting Mot. for Extension of Conditional Approval of Membership in the SPP, Doc. 35 (extending approval until August 1, 2024); Order Granting Mot. for Extension of Conditional Approval of Membership in the SPP, Doc. 39 (extending approval until August 1, 2025); Order Granting Approval 2, Doc. 47 (extending approval until October 1, 2025)).

Two of Liberty’s requests for continuation of the Commission’s interim and conditional approval are most relevant to this response. Specifically, in Liberty’s 2024 Motion for Continuation of Conditional Approval (the “2024 Liberty Motion”), Liberty requested that the Commission extend its interim and conditional approval for one year, until August 1, 2025. (2024 Liberty Mot. 5, Doc. 36). Liberty noted:

This additional one year extension of the interim approval will allow for the conclusion of the ITP 2024 and allow more time for a complete picture to be developed with respect to possible transmission investment in the SPP southeastern seam that would provide benefit to Liberty’s customers and customers of other electric providers in the southwest portions of Missouri.

(*Id.*). The Commission granted the 2024 Liberty Motion. (Order Granting Mot. for Extension of Conditional Approval of Membership in the SPP 2, Doc. 39).

In the 2025 Liberty Motion, Liberty states that the 2024 ITP was approved and that it “includes short-term reliability upgrades within the Liberty service territory, with a particular focus on enhancing system resilience during extreme weather events, especially in the eastern portion of the SPP footprint.” (2025 Liberty Motion 5-6). It further states that Liberty “is eager for all

necessary Notices to Construct (“NTCs”) to be issued and construction to commence to provide much-needed relief to our customers.” (*Id.* 6). Liberty then requests that the Commission extend its interim and conditional approval “until all transmission facilities identified in the 2024 ITP are placed into service.” (*Id.*). Liberty gives no indication of when these transmission facilities will be placed into service.

B. Background of Case Numbers EO-2011-0128 and EO-2012-0135/0136

Also during this timeframe, Union Electric Company d/b/a Ameren Missouri (“Ameren”), Evergy Metro, Inc. d/b/a Evergy Missouri Metro (“Evergy Metro”), and Evergy Missouri West, Inc. d/b/a Evergy Missouri West (“Evergy West,” and collectively with Evergy Metro, “Evergy”) requested Commission approval to participate in their respective regional transmission organizations (“RTO”).

Most pertinent to this response, on May 18, 2022, Ameren, Staff, the OPC, and the Missouri Industrial Energy Consumers filed a Joint Motion to Make Additional Modifications to April 19, 2012 Report and Order (the “Ameren Motion,” Case No. EO-2011-0128, Doc. 272). In the Ameren Motion, the signatories identified costs—specifically an estimate of the exit fee Ameren would incur and Ameren’s estimated pro rata share of transmission charges to cover already-constructed regionally allocated transmission projects—associated with Ameren leaving the Midcontinent Independent System Operator (“MISO”), MISO’s estimation of benefits, and additional categories of costs Ameren would incur if it left MISO and joined a different RTO. (*Id.* 4-5). The signatories requested that the Commission extend its permission for Ameren to participate in MISO “indefinitely but with the condition that the Commission would retain the authority to require further proceedings respecting Ameren Missouri’s MISO participation.” (*Id.* 3). The signatories included in the Ameren Motion suggested revisions to the Commission’s prior

order that, in part, identified the circumstances under which Ameren would have to make filings before the Commission. (*See id.* 6-13). The Commission granted the Ameren Motion on June 9, 2022. (Fourth Order Modifying 2012 Report & Order, Case No. EO-2011-0128, Doc. 274).

Also during this timeframe, Evergy requested Commission approval to participate in the SPP. In pertinent part, on June 27, 2023, Evergy Metro, Evergy West, Staff, and Dogwood Energy, LLC filed a Joint Motion of Evergy Missouri Metro, Evergy Missouri West, Staff, Public Counsel,³ and Dogwood Energy to Further Modify Stipulation and Agreements (the “Evergy Motion,” Case No. EO-2012-0135, Doc. 70). Similar to the Ameren Motion, the Evergy Motion identified costs—an estimated exit fee and an estimate of Evergy’s pro-rata share of transmission costs to cover already constructed regionally allocated transmission projects—associated with Evergy leaving SPP, SPP’s estimation of benefits, and identified other costs that Evergy would be subject to if it left SPP and joined another RTO. (*Id.* 4-5). Again, the signatories to the Evergy Motion requested that the Commission extend its interim and conditional approval indefinitely. (*Id.* 3). The signatories also identified changes to the Commission’s prior Order that, in part, identified the circumstances under which Evergy would have to make filings before the Commission. (*Id.* 6-9). The Commission granted the Evergy Motion on July 12, 2023. (Order Granting Motion to Modify Stipulation & Agreement Requirements, Case No. EO-2012-0135, Doc. 71).

II. Response

The OPC and Staff are concerned about the length of the extension Liberty seeks in the Motion, especially because it is not tied to a specific date. Liberty requests that the Commission extend the Interim Period “until all transmission facilities identified in the 2024 ITP are placed

³ The OPC notes that though it was included in the title of the filing, it was not a signatory to the Evergy Motion. (*See* Evergy Mot. 1, Case No. EO-2012-0135). The OPC did not object to the Evergy Motion. (*Id.* 9).

into service.” (2025 Liberty Mot. 6). Liberty does not identify the target date for the completion of these transmission facilities. (*See generally id.*). Based on information the SPP presented to the Commission in November 2024, it appears that the in-service date for just the Missouri projects extends into at least January 2036. (Nov. 6, 2024 SPP Quarterly RTO Status Update, slides 34-35, available at:

<https://psc.mo.gov/CMSInternetData/Agenda%20Presentations/2024%20Presentations/11-06-2024%20SPP%20Status%20Update.pdf>. Based on information from the SPP’s presentation, it appears possible that the completion of at least some of these projects will be delayed. (*Id.* slide 4).

Liberty makes its request without providing any specific information. For instance, Liberty has not provided information similar to that provided by Ameren and Evergy in the Ameren Motion and the Evergy Motion. It also has not identified which projects in the 2024 SPP ITP benefit Liberty’s customers or the details surrounding those projects (*i.e.* the projects’ costs, proposed completion dates, details about how the projects benefit Liberty’s customers, etc.). This lack of information leads the OPC and Staff to request that the Commission grant Liberty only a short continuance of the Commission’s interim and conditional approval for Liberty to participate in the SPP and require Liberty to provide certain information no later than September 30, 2026.⁴ This information will allow the OPC and Staff to evaluate Liberty’s request to continue its participation in the SPP. Providing this information by September 30, 2026, ensures that all parties have an opportunity to review the information and conduct discovery before the Commission’s interim and conditional approval expires on October 1, 2027.

⁴ The OPC and Staff note that Liberty filed the 2025 Liberty Motion on July 28, 2025, just four days before the Commission’s conditional and interim approval expired on August 1, 2025.

III. Conclusion

In the 2025 Liberty Motion, Liberty seeks a significant continuance of the Commission's interim and conditional approval for Liberty to participate in the SPP, yet it has not provided basic information related to its participation in this RTO. Therefore, the OPC and Staff request that the Commission extend its interim and conditional approval for Liberty to participate in the SPP for only two (2) years, until October 1, 2027. The OPC and Staff also request that the Commission order Liberty to provide no later than September 30, 2026, the categories of information identified below.

WHEREFORE, the OPC and Staff respectfully request that the Commission:

- (1) Continue its interim and conditional approval for Liberty to participate in the SPP for two (2) years, until October 1, 2027;
- (2) Order Liberty to provide the following information no later than September 30, 2026:
 - a. A categorized estimate of all exit fees and obligations Liberty would incur if Liberty were to initiate a voluntary withdraw on September 30, 2026 and Liberty's best estimate of all exit fees and obligations Liberty would incur if Liberty were to initiate a voluntary withdraw after completion of all 2024 ITP projects;
 - b. For each scenario in part a, identify the dates of Liberty's first notice of voluntary withdraw from SPP and the estimated date of when the withdraw process would be completed;
 - c. An estimate of the benefits Liberty receives from its participation in the SPP;
 - d. Provide Liberty's options for continued transmission operations and an estimate of the benefits and costs for each option after withdrawing from SPP, including

but not limited to, joining an alternative RTO or operation with an Independent Coordinator of Transmission;

- e. Identification of all projects in the 2024 ITP that directly benefit Liberty's customers, including a description of each project that identifies items such as, but not limited to, each project's proposed cost, proposed completion date, and calculated benefits to Liberty's customers;
- f. Provide a Revised 2025 PISA Exhibit 4 (pages 8-9) identifying the SPP calculated benefit/cost ratio for all projects over \$1 million;
- g. Provide an estimate (or range of estimates) for each of the following for the period 2026-2036, assuming Liberty remains in SPP:
 - i. transmission payments from Liberty to SPP for transmission services,
 - ii. transmission revenues through SPP for transmission services,
 - iii. administrative payments from Liberty to SPP,
 - iv. revenues and payments for transmission rights,
 - v. any other non-energy revenues or payments.
- h. Provide an estimate (or range of estimates) of the expected SPP costs to Liberty for additional transmission build-out over the next 10 years.

Respectfully submitted,

/s/ Tracy D. Johnson

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CERTIFICATE OF SERVICE

I hereby certify that copies of the forgoing will be emailed to all counsel of record this 12th day of September 2025.

/s/ *Lindsay VanGerpen*