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Sponsoring Party: Public Counsel
Case No.: ER-2024-0261

SURREBUTTAL TESTIMONY

OF

JOHN A. ROBINETT

Submitted on Behalf of the Office of the Public Counsel

**THE EMPIRE DISTRICT ELECTRIC COMPANY
D/B/A LIBERTY**

FILE NO. ER-2024-0261

**** _____ ****
Denotes Confidential Information that has been redacted

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September 17, 2025

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THE EMPIRE DISTRICT ELECTRIC COMPANY D/B/A LIBERTY

CASE NO. ER-2024-0261

Q. What is your name and what is your business address?

A. John A. Robinett, PO Box 2230, Jefferson City, Missouri 65102.

Q. Are you the same John A. Robinett who filed direct and rebuttal testimony on behalf of the Missouri Office of the Public Counsel (“OPC”) in this proceeding?

A. Yes.

Q. Why are you filing surrebuttal testimony?

A. The purpose of this testimony is to respond to the rebuttal testimonies of Liberty witnesses Mr. Aaron J. Doll on Liberty’s integrated resource planning and Riverton units 10, 11, 13, and 14; Ms. Charlotte T. Emery on her testimony regarding isolated adjustments; Mr. Brian Berkstresser on his testimony related to heat rate testing and the prudence of repairing Riverton unit 10; Mr. Shaen Rooney on the sizing of Riverton units 13 and 14; and Mr. Dane A. Watson¹ on his issues with my depreciation recommendation for generation plant. I also address Staff witness Mr. Matthew Young’s rebuttal testimony recommendation for denial of isolated adjustments and his testimony related to Liberty’s request for an accounting authority order for new gas generation facilities (Riverton units 13 and 14).

¹ Consultant hired by Liberty.

Riverton units 10 and 11

Q. Would you summarize the rebuttal testimony provided by Liberty witnesses on Riverton units 10 and 11?

A. I can try. There were at least three witnesses who I believe responded in part to my arguments about the Company's imprudence regarding Riverton 10 and 11. However, the arguments made by these three are somewhat contradictory in nature. For example, Company witness Aaron J. Doll states:

OPC Witness Robinett asserted that the Company did not act quickly enough and claimed, without evidentiary support, that Riverton Unit 10 was repaired solely to meet replacement criteria.²

However, on the very same page he states:

Witness Mantle fails to acknowledge that increasing the size of generators selected to replace Riverton Unit 10 and Unit 11 would have precluded the use of SPP's generator facility replacement process for any capacity above the existing capacity of the units being retired. Such an increase would have required a new generator interconnection request, introducing delays that would have exposed customers to additional risk by prolonging reliance on the nearly 60-year-old units . . .³

Mr. Doll very clearly acknowledges the importance of being able to use Southwest Power Pool's ("SPP's") generator facility replacement process was an essential component of the Company's decision-making. This is further confirmed by the testimony of Liberty Witness Mr. Shaen T. Rooney who testifies as to hurdles that a utility may face when navigating SPP's Generation Interconnection Procedures (GIP).⁴ Mr. Rooney specifically identified that new or upgraded units must undergo a Definitive Interconnection System Impact Study ("DISIS") and explains how these types of studies can be quite long.⁵ He

² ER-2024-0261 Rebuttal Testimony of Liberty witness Aaron J. Doll pg. 9 lns. 2 – 4.

³ ER-2024-0261 Rebuttal Testimony of Liberty witness Aaron J. Doll pg. 9 lns. 18 - 23

⁴ ER-2024-0261 Rebuttal Testimony of Liberty witness Shaen T. Rooney pg. 6 lns. 17 – 18.

⁵ ER-2024-0261 Rebuttal Testimony of Liberty witness Shaen T. Rooney pg. 6 ln. 19 – pg. 7 ln. 4.

1 also, once again, testifies as to the importance of using the SPP generator facility
2 replacement process to avoid these types of studies:

3 To mitigate these types of delays, the Company pursued a Replacement
4 Generating Facility Request (Section 3.9 of the GIP). This allows SPP to
5 evaluate replacement capacity – up to the existing interconnection level-
6 within 180 days. By sizing the units within the existing interconnection
7 limits, the Company was able to expedite deployment and avoid the lengthy
8 DISIS queue.
9

10 So it appears that both Mr. Rooney and Mr. Doll agree on the importance of the Company
11 being able to use the SPP generator facility replacement process.

12 This makes the testimony of Company witness Mr. Berkstresser rather confusing.
13 Mr. Berkstresser responds to my direct testimony by restating part of “Liberty’s Response
14 To OPC’s Ratemaking Suggestion” filed in case No. EA-2023-0131, which is where
15 Liberty sought a certificate of convenience and necessity (“CCN”) to replace Riverton units
16 10 and 11 with new simple cycle combustion turbines of a similar size. Specially, Mr.
17 Berkstresser states, “Liberty did not repair Riverton Unit 10 so it could utilize the Generator
18 Facility Replacement process” and “Liberty was not required to use the Generator Facility
19 Replacement process for Riverton Unit 10.” I admit that Mr. Berkstresser is correct that,
20 Liberty was not required to use the Generator Facility Replacement process for
21 Riverton 10; that it could have requested transmission through the lengthy DISIS process.
22 However, the testimony of Mr. Doll and Mr. Rooney make it very clear that Liberty itself
23 intended to utilize the SPP Generator Facility Replacement process and believed not using
24 that process would be imprudent because of how long it takes to complete the DISIS
25 process.

1 **Q. Why is Mr. Berkstresser now arguing that Liberty did not need to rely on the**
2 **Generator Facility Replacement process?**

3 A. As I explained in my direct, the Company missed the SPP deadline to request to use the
4 SPP Generator Facility Replacement process to replace Riverton 10. Specifically, Liberty
5 filed its application 11 months after the deadline. Acknowledging its error, Liberty
6 concurrently filed a request at the Federal Energy Regulatory Commission (“FERC”) for a
7 variance from SPP’s tariff, but the FERC denied it. This delay in filing a request to use the
8 Generator Facility Replacement process was imprudent. There is simply no excuse for why
9 Liberty chose to wait that long to file for a replacement unit when its Integrated Resource
10 Plan (“IRP”) showed the Company planned to replace Riverton 10 and 11. I believe that
11 Mr. Berkstresser’s testimony is intended to shield Liberty from the consequences of that
12 imprudence by offering a different reason for why the Company repaired Riverton 10.

13 **Q. What is the different reason?**

14 A. In short, Mr. Berkstresser is arguing that Riverton 10 needed to be repaired in order to
15 replace Riverton 11 when the latter was taken offline in 2023. As he explains:

16 The Company only chose to repair Riverton Unit 10 after Riverton Unit 11
17 demonstrated significant blade migration following two separate
18 borescopes of the unit. The Company conducted a borescope of Riverton
19 Unit 11 on April 5, 2023; and, following a short market run on August 1,
20 2023, the Company conducted a second borescope to provide a comparative
21 analysis of the risk of continuing to run the unit. The results of the
22 borescopes presented the Company with significant safety and reliability
23 concerns. Further, the Company had a borescope of Riverton 10 performed
24 to provide an assessment of the most cost-efficient unit to repair, with the
25 cost to repair Unit 10 being significantly less than the cost to repair Unit 11.

1 **Q. Do you agree with Mr. Berkstresser's assertion that Liberty repaired Riverton 10 to**
2 **replace the generating capacity and energy Liberty lost when it took Riverton 11**
3 **offline?**

4 A. No. I believe that the easiest way to understand why his assertion is unreasonable is to look
5 to the timeline of events:

- 6 • Feb 8, 2021 – Riverton 10 suffers forced outage due to a fire caused by
7 a leaking labyrinth oil seal. This is the same date that the units were
8 placed on forced outage status with SPP.
- 9 • October 28, 2021 – Liberty develops an internal estimation of repair for
10 Riverton 10 of \$750,000
- 11 • April 1, 2022 – Liberty files its triennial IRP, that calls for retiring
12 Riverton 10 and 11 in 2025 and replacing them with 30 MW of
13 Reciprocating Internal Combustion Engine units.
- 14 • January 23, 2023 – Liberty untimely files its Generator Facility
15 Replacement process application at SPP to replace Riverton 10 and at
16 the same time files at FERC its request for variance from the one year
17 from forced outage date requirement of SPP's tariff—the last date to
18 timely file the application being Feb 9, 2022, one year after the forced
19 outage date of Feb 8, 2021.
- 20 • March 29, 2023 – The Federal Energy Regulatory Commission
21 ("FERC") denied Liberty's variance request.
- 22 • April 5, 2023 – The Company conducted a borescope of Riverton unit
23 11.

- April 18, 2023 – **_____
- _____ **
- August 2023 – Liberty conducted a second borescope of Riverton unit 11.
- September 5, 2023 – Liberty decides to repair Riverton 10.

The critical point to note in this timeline is that all of the investigation into Riverton unit 11 – and the decision to repair unit 10 as a “replacement” for unit 11 – did not occur until after Liberty discovered that it would not be able to make use of the Generator Facility Replacement process due to its own imprudence and failure to timely file the necessary paperwork with SPP.

Q. What does this mean to you about Liberty's decision-making processes regarding Riverton units 10 and 11?

A. At a minimum, the timing of the Company's borescope of Riverton unit 11 (and the problems it brought to light) is suspiciously convenient. To add to the matter, I find it odd that the Company had not undertaken a borescoping on unit 11 since **____** And, before that, the unit had not been borescoped for **_** years (since **____**). In fact, the Company's response to OPC data request 0012 in Case No. EA-2023-0131 attached as confidential Schedule JAR-S-1C even explicitly identified that the borescoping process was not **_____**

Given that the Company had already filed a triennial IRP at this Commission that indicated Riverton unit 11 was intended for retirement in 2025,⁶ the Company's decision

⁶ The Company filed an annual update to its IRP in case no. EO-2024-0280 on April 1, 2025. As part of that annual update, the Company extended the proposed life of Riverton units 10 and 11 one year (from 2025 to 2026).

1 to perform an investigatory procedure that is neither ** _____
2 _____ ** only a few years prior to its planned retirement date is very, very odd.
3 If you add the fact that the procedure *just so happened* to find a problem in the *one* unit
4 that Liberty had on hand that was capable of meeting the company's obligation to SPP to
5 provide a restoration plan ** _____ ** (which was now necessary
6 because Riverton unit 10, ** _____ ** had been
7 taken offline); and that problem found in Riverton 11 *just so happened* to be more
8 expensive to repair than Liberty's estimate to repair Riverton 10; and the Company's
9 failure to timely file for the Generator Facility Replacement process for Riverton 10 *just*
10 *so happened* to mean Liberty had an extremely strong incentive to need to repair the unit,
11 then the combination of "convenient" circumstances becomes, as I said before, very
12 suspicious to say the least. Liberty in its second amended application for a Certificate of
13 Convenience and Necessity stated at page 8 paragraph 33 that ** _____
14 _____ ** Liberty failed to
15 file any testimony in this case as to how Riverton unit 11 in ** _____
16 _____ ** The status Riverton unit 11 has been placed
17 into seems to indicate that the unit is not being bid into the competitive energy market, but
18 is available if the grid experiences challenging conditions like extreme weather or supply
19 shortage, essentially to keep the lights running However, this does not invalidate Liberty's
20 imprudence surrounding its decision to repair Riverton unit 10 only to then retire it.

1 **Q. Why are you saying that Liberty's actions are imprudent even if all the suspicious**
2 **circumstances surrounding Riverton units 10 and 11 could be coincidence?**

3 A. As laid out in the timeline above, Liberty's triennial IRP (filed April 1, 2022) planned for
4 Riverton units 10 and 11 to be retired by 2025. That means the Company knew the units
5 were going to be retired very soon. Further, the Company had placed Riverton unit 11 in a
6 **_____** on April 18, 2023⁷. This could potentially have made
7 Riverton until 11 capable of allowing Liberty to meet the SPP restoration obligations
8 without repairing unit 10. If that were the case, then the only reason to have repaired
9 Riverton unit 10 was to allow Liberty to make use of the SPP Generator Facility
10 Replacement process, the process unavailable to it because of the Company's imprudence
11 in failing to file a timely application after Riverton 10's forced outage.

12 Liberty had dug itself into a hole by impudently failing to timely file at the SPP a
13 request to use the Generator Facility Replacement process for replacing Riverton 10. After
14 missing that opportunity, repairing Riverton 10 became a way of getting out of that hole,
15 but it does not and cannot retroactively make the decision that got Liberty into the hole
16 prudent. Allowing the Company to now recover the full cost of the repair of Riverton 10
17 would thus amount to excusing the Company's imprudent actions that led up to its decision
18 to repair Riverton 10.

⁷ Case No. EA-2023-0131 Second Amended Application for a Certificate of Convenience and Necessity page 8 filed January 19, 2024.

1 **Q. Would you summarize your position on allowing Liberty to recover its Riverton unit**
2 **10 repair costs?**

3 A. The simple truth that the Commission needs to understand is this: Riverton unit 10 would
4 most likely have not been repaired if the Company had timely filed for the SPP Generator
5 Facility Replacement process instead of missing the deadline. For that reason, ratepayers
6 should not have to pay for the repairs of Riverton unit 10.

7 **Heat Rate Testing and Documentation**

8 **Q. Does Liberty witness Mr. Berkstresser admit in his rebuttal testimony that Liberty**
9 **did not comply with Commission Rule 20 CSR 4240-20.090(2)(A)15 as part of its**
10 **direct filing?**

11 A. Yes, in part Mr. Berkstresser acknowledges that some of Liberty's heat rate testing results
12 were outside of the twenty-four months prior to the date of rate case filing requirement and
13 he testifies that Liberty is implementing process improvements to support timely collection
14 and submission of heat rate data for its jointly owned units. Liberty disagrees with my
15 characterization that its heat rate testing methodology is deficient and that its supporting
16 documentation provided as part of this rate case is inadequate.

17 **Q. Has Liberty supplied updated heat rate testing results for Iatan units 1 and 2, and for**
18 **Plum Point during this rate case?**

19 A. Yes. In his rebuttal workpapers Mr. Berkstresser provided heat rate test values that were
20 within the twenty-four months prior to the filing date of this rate case for Iatan units 1 and
21 2 and Plum Point.

1 **Q. Do you agree with Mr. Berkstresser that Liberty provided a comprehensive set of**
2 **supporting materials, including testing procedures and data sheets for each unit**
3 **tested?**

4 A. No. I have been unable to find this information in the direct work papers supplied by
5 Liberty nor do I find it in any of the responses to data requests Staff issued in this case.

6 **Q. What is your response to Mr. Berkstresser's point that no one objected when Liberty**
7 **provided single-point heat rate test results in Case Number ER-2021-0312 with**
8 **similar supporting documentation?**

9 A. Not all deficiencies are caught in every case. Further, cases differ, and resource constraints
10 and issues identified in different cases may require different levels of analysis effort and
11 time. The fact that no issue was brought up about unit heat rate testing in the 2021 rate
12 case does not mean there wasn't a concern about it.

13 **Q. Is there any other reason that heat rate testing results may not have been identified**
14 **as an issue in the 2021 rate case?**

15 A. Yes. The heat rate test results Liberty supplied in the 2021 Liberty case fell within the
16 twenty-four month period preceding the filing of that case on May 28, 2021.

17 **Q. Do other electric utilities provide more detailed unit heat rate testing reports than**
18 **what Liberty supplied in this case?**

19 A. Yes. Ameren Missouri provides detailed reports of the heat rate testing of its thermal
20 generating units in the workpapers it provided to support its direct filing.

21 **Q. Why is documentation of heat rate testing important?**

22 A. Heat rate testing is a measure of the operating efficiency of thermal generating resources.
23 Having a FAC where Liberty gets to recover almost 100% of its fuel costs from customers,

removes the regulatory lag incentive for Liberty to keep or increase its generating units' efficiency. A comparison of heat rate tests across rate cases allows for tracking of efficiency of the plants.

Riverton units 13 and 14 Accounting Authority Order request

Q. What is Staff's position on Empire's request for an accounting authority order for the construction costs of the as yet unbuilt Riverton units 13 and 14?

A. While it appeared in its direct case that Staff might support such a deferral mechanism, in its rebuttal case Staff opposed one. Staff's position is found in the rebuttal testimony of Staff witness Mr. Matthew R. Young where he testifies that Staff does not support Liberty's request since the plant in service accounting statute was amended to include deferral of the costs of new gas generation units such as Riverton units 13 and 14.

Q. What is your opinion on Liberty's request for an accounting authority order for Riverton units 13 and 14?

A. As I explained in my rebuttal testimony, Senate Bill 4, which became law on August 28, 2025, authorizes a deferral mechanism with return on and of the new gas plant investment. As of this date, Senate Bill 4 is now law and authorizes Liberty to defer 85 % of return on and depreciation expense for Riverton 13 and 14 when Liberty places the units in-service between rate cases. This change in the law makes Liberty's request for an accounting authority order unnecessary.

Isolated Adjustments

Q. Do you agree with Ms. Emery where she testifies in rebuttal that "no party has proposed including plant balances beyond the approved true-up period"?

A. Yes.

1 **Q. Do you agree with Ms. Emery where she testifies in rebuttal that you are proposing**
2 **to make an isolated adjustment to “accumulated depreciation without making**
3 **corresponding updates to plant balances or expenses”?**

4 A. I agree that I am proposing an isolated adjustment to accumulated depreciation and that I
5 am not proposing any isolated adjustments to plant balances or expenses, but the isolated
6 adjustment to accumulated depreciation I proposed in direct is based on plant balances as
7 of the update period of September 30, 2024, with depreciation accrual carried forward to
8 January 2, 2026. I have updated my isolated adjustment to accumulated depreciation based
9 on plant and reserve balances as of the end of the true-up period, March 31, 2025. The
10 result of which is supported by the information shown in my Schedule JAR-S-2 to this
11 testimony. The isolated adjustment is \$96,759,780.99 to bring update the accumulated
12 depreciation reserve balances to the effective date of new rates by applying current ordered
13 depreciation rates to plant-in-service balances from March 31, 2025, provided in the
14 supplemental response to Staff data number 0016. Based on my calculations using March
15 31, 2025, plant in service balances monthly depreciation expense would be approximately
16 \$10,673,110.

17 **Q. How do these updated value of the isolated adjustments compare to your direct filed**
18 **recommendation?**

19 A. As a direct comparison on monthly depreciation accrual my direct recommendation had
20 monthly accrual rate of \$9,433,952 on the Missouri Jurisdictional basis and the now
21 updated adjustment is showing monthly depreciation accrual at \$10,673,110.

1 **Q. Do you agree that your isolated adjustment for depreciation accrual is unsupported?**

2 A. No. My calculations for the depreciation accrual isolated adjustment were provided as an
3 Excel file (with formulas intact) attached to my direct testimony as Schedule JAR-D-9.
4 Neither Staff nor Liberty question or disagree with my calculations in their rebuttal
5 testimonies, and certainly have not refuted them.

6 **Q. What is your response to Staff's explicit and Liberty's implicit assertion that your**
7 **isolated adjustment for depreciation accrual violates the matching principle?**

8 A. All isolated adjustments violate the matching principle. The premise of the matching
9 principle is that all factors affecting the revenue requirement should be evaluated over the
10 same annual period so that the interplays between them are matched. True-ups, which are
11 nothing more than a group of isolated adjustments, also violate the matching principle
12 because not all factors affecting the revenue requirement are reviewed for the true-up
13 period.

14 **Q. Has Liberty provided plant balances updated beyond the March 31, 2025, true-up**
15 **date?**

16 A. No.

17 **Q. Did the Commission give Liberty the opportunity to propose isolated adjustments for**
18 **plant additions?**

19 A. Yes; it allowed for all parties to propose isolated adjustments. Further OPC witness Mr.
20 David Murray discusses isolated adjustments related to capital structure.

1 **Q. Does Public Counsel control or have access to Liberty's plant balance updates for**
2 **additions Liberty makes?**

3 A. No. Staff and OPC are reliant on Liberty to provide the information it controls for the
4 purposes of developing their cases. Liberty is the only party that would know with certainty
5 what amounts it has added to its plant-in-service balances beyond the ordered true-up
6 period cutoff of March 31, 2025.

7 **Q. Why did you propose an isolated adjustment to Liberty's depreciation reserve?**

8 A. It is known and measurable that depreciation accrual will continue to happen, it is readily
9 quantifiable based on the plant in service as of September 30, 2024, and with the decreased
10 rate base a reduced return on investment would occur to the benefit of Liberty's rate payers
11 by how this Commission designs general rates.

12 **Q. What is Staff's argument against your proposed isolated adjustment to depreciation**
13 **reserve?**

14 A. Staff witness Mr. Matthew R. Young lays out three criteria the Commission discussed in
15 its amended report and order in Case No. ER-2019-0374: 1) is it known and measurable 2)
16 promotes proper relationship of investment, revenues, and expenses 3) is it representative
17 of the conditions anticipated during the time the rates will be in effect. Staff states that my
18 isolated adjustment violates the matching principle by seeking depreciation accrual through
19 the effective date of rates. Mr. Young states that the depreciation accrual meets criteria one
20 and three but does not promote the proper relationship of investment, revenues, and
21 expenses.

1 **Q. Do you agree with Staff's position that your depreciation expense isolated adjustment**
2 **violates the "matching principle"?**

3 A. No, I do not. My depreciation accrual isolated adjustment is conservative. I only calculated
4 depreciation expense accrual for assets in service at the end of the test year (September 30,
5 2024) and carried the depreciation accrual forward for those in-service assets. The actual
6 depreciation expense accrual would likely be higher than my calculation due to added
7 investments made after the end of the test year, offset by existing depreciation expense for
8 retired assets. So my adjustment does obey the matching principle because I matched the
9 depreciation accrual to the investment balance of end of the test year before carrying the
10 accrual forward through the effective date of new rates. Further, like true-up items,
11 Liberty's depreciation reserve changes over time significantly impacting the calculated
12 revenue requirement, and it warrants being valued as close to the date Liberty's new rates
13 take effect as possible. The depreciation reserve increases by roughly \$10,673,109.72 on a
14 monthly basis using plant-in-service balances as of March 31, 2025.

15 **Depreciation for generation facilities**

16 **Q. Is Mr. Watson correct when he testifies that you relied on data from the end of 2019**
17 **when you calculated depreciation rates for generating plant assets?**

18 A. Yes, but Staff and Liberty recommended to continue to use depreciation rates from
19 Liberty's 2021 general electric rate case and the depreciation study supplied in that 2021
20 rate case was based on data through 2019. So the same "error" that Mr. Watson accuses
21 me of committing is equally true of the Staff's and Liberty's recommendations. I, however,
22 used updated plant-in-service and accumulated reserves balances through September 30,
23 2024, to develop my rates while Staff and Liberty's depreciation rates are still based on

1 2019 balances. My depreciation rates are therefore more up-to-date than either the Staff's
2 or the Company's.

3 **Q. Is Mr. Watson correct that your depreciation rate recommendation does not adhere**
4 **to the standards outline in 20 CSR 4240-3.175 Submission Requirements for Electric**
5 **Utility Depreciation Studies?**

6 A. No. 20 CSR 4240-3.175 "sets forth the requirements regarding the submission of
7 depreciation studies by electric utilities." I did not, nor do I claim to have, developed a
8 depreciation study as part of this case. I have instead provided recommended isolated
9 depreciation rates, specifically for generation facilities, using updated plant-in-service and
10 accumulated depreciation reserve balances. These updates were made to Liberty's
11 currently approved depreciation rates, which were set in case ER-2021-0312 based on the
12 depreciation study provided in that case. That depreciation study relied on data through the
13 year-end 2019 and is therefore over five years old, which is why an update is needed. The
14 irony of the situation is that if Liberty had filed a new depreciation study for this case, as I
15 personally believe it should have given the age of its last study, I would have based my
16 recommendations on the new study and Mr. Watson's complaint would be moot.

17 **Q. Do you agree with Mr. Watson where he testifies that your depreciation rate**
18 **recommendations are based on outdated assumptions?**

19 A As I explained earlier, my assumptions are pulled from the depreciation study filed in Case
20 No. ER-2021-0312. This is the same study, which used data through 2019, that Staff and
21 Liberty relied on to develop the currently ordered depreciation rates in 2021 case. So, if
22 my assumptions are outdated, then so are the current ordered depreciation rates, which both
23 Staff and Liberty are recommending the Commission order to be continued in this case.

1 Because Liberty did not update any of these values either and relies on plant and reserve
2 balances from 2019, Mr. Watson's argument is meaningless.

3 **Q. Is it appropriate to develop depreciation rates for unknown and unknowable**
4 **speculative future assets like cyber security upgrades such as those Mr. Watson in his**
5 **rebuttal testimony criticizes you for not developing depreciation rates to apply to?**

6 A. It would be one thing if I knew what the investment was that was being expected to be
7 added like a new technology. For example, the Commission had a couple depreciation
8 authority order cases when the utilities were switching to advanced metering infrastructure
9 meters. Mr. Watson is suggesting that my proposed depreciation rates should account for
10 unknown future speculative additions that the utility may or may not make at some point
11 in the future. Mr. Watson uses cybersecurity as an example but doesn't provide any details
12 about the term. He leaves it vague not pointing to any known investment that is scheduled
13 - just a general statement about future cyber security investment. Furthermore, if Mr.
14 Watson means software updates or packages, those are traditionally amortized.
15 Additionally, Missouri has a state statute, RSMo. 393. 135, that does not allow for the
16 collection of items not used and useful for electric service. This should include future
17 cybersecurity upgrades, which would prevent the interim additions that Mr. Watson
18 pointed to as an error in my methodology for depreciation rates. I am unsure of how this
19 statute is or was modified with the allowance of the ability for electric utilities to request
20 the use of construction work in-progress ("CWIP") with the passage of Senate Bill 4 that
21 became effective August 28, 2025.

1 **Q. Do you agree with Mr. Watson that the Commission ordered remaining lives in Case**
2 **No. ER-2021-0312?**

3 A. No, I do not. Case No. ER-2021-0312 was resolved via a stipulation and agreement which
4 had no attached depreciation rate schedule that clearly lays out remaining lives or average
5 service lives for the account and units. That nonunanimous Stipulation and Agreement
6 from Case No. ER-2021-0312 is attached as Schedule JAR-S-3.

7 While the Stipulation and Agreement does not have an attached schedule, it
8 references Staff's Surrebuttal EMS schedule. Those surrebuttal accounting schedules are
9 attached as Schedule JAR-S-4. Review of the surrebuttal accounting schedules, specifically
10 accounting schedule 05, shows the calculation of depreciation expense contains a
11 depreciation rate, a net salvage percentage, and an average life per account. There is no
12 line for remaining life in the schedule and, as I discussed before, no attached depreciation
13 schedule that the Commission ordered in case number ER-2021-0312. So, no I do not agree
14 that the Commission ordered the remaining lives.

15 **Q. What is your response to Mr. Watson's rebuttal testimony, beginning on page 10,**
16 **where he asserts that you did not use the proper remaining lives?**

17 A. I issued to Liberty OPC data request number 8501 at the beginning of this case seeking the
18 current projected retirement date, by month and year, for each of Liberty's generating units.
19 Liberty's response is attached as Schedule JAR-S-5. In its response Liberty only provided
20 retirement dates that fell within the 20-year planning horizon of its 2024 triennial integrated
21 resource plan filed in case number EO-2024-0280.⁸ I then issued to Liberty a follow up

⁸ Attached as Schedule JAR-S-6 is the page that contains the table from integrated resource plan of base retirements and purchase power agreement expiration dates

1 data request (number 8506) where I asked if any of the projected retirement dates for
2 Liberty's generating fleet had changed since the depreciation study filed in Case No. ER-
3 2021-0312 and, if so, for Liberty to please provide the facility name and the unit's number
4 with the new projected retirement date. Liberty's response to OPC data request 8506 is
5 attached as Schedule JAR-S-7. In response to OPC data request number 8506, Liberty
6 provided retirement dates for units that changed and were still within the 20-year triennial
7 integrated resource plan. However, the projected retirement dates Energy Center units 3
8 and 4, and State Line unit 1, changed to where they are no longer inside 20 year planning
9 horizon, and Liberty provided the response that these units "are not planned to retire before
10 2044." Review of my direct schedule JAR-D-3 clearly shows there are errors in the
11 remaining life calculations. Additionally, I used retirement date of 12/31/2044 for State
12 Line unit 1 and Energy Center 3 and 4 as Liberty's response to OPC data requests 8501
13 and 8506 did not provide a projected retirement date, but, instead, Liberty stated they would
14 not be retired before 2044. It is the best estimate I can make for those 3 units based on the
15 responses Liberty provided. Attached as Schedule JAR-S-8 are the projected retirement
16 dates from the depreciation study filed in Case No. ER-2021-0312.

17 **Q. Do you have any corrections to your prior testimony?**

18 A. Attached as Schedule JAR-S-9 is the corrected depreciation rate calculations for Liberty's
19 generation facilities that will replace Schedule JAR-D-3. The first change would be to
20 extend the life of Iatan Common plant to the year end 2070 from year end 2039 when Iatan
21 unit 1 is slated to be retired. The second change is for Ozark Beach from June 30, 2053, to
22 December 31, 2053, so that would extend the facility life by half a year. For Energy Center
23 units 3 and 4, the change was in the number of years of remaining life to go down to 20.25

1 years from 25.25 years. The same is true for State Line unit 1. The next error was on
2 Riverton unit 12. The remaining life in my direct calculation was 8 years shorter than what
3 it should have been, so I changed it from 25.25 years remaining to 33.25 years remaining.
4 Next, the State Line common retirement date has been moved to match the retirement of
5 State Line Combined Cycle unit of year end 2051 from year end 2044 for State Line unit
6 1. Additionally, I miscalculated the remaining life for Stateline Common in the direct
7 filing; the new remaining life for State Line common plant is 27.25 years. The final error
8 was an error in calculating the remaining life of Stateline Combined cycle. The remaining
9 life should be 27.25 years instead of the 25.25 that was used in direct schedules JAR-D-3.

10 **Q. What depreciation expenses do you now recommend after making these corrections**
11 **and how do they compare to what you recommended in direct?**

12 A. For steam, nuclear, and hydro generation the new calculated annual depreciation expense
13 for my recommendation is \$11,966,272.19 versus the use of currently ordered depreciation
14 rates that would generate an annual expense of \$17,039,320.71. For comparison my direct
15 annual depreciation expense recommendation was \$14,618,532.69. So with corrections
16 made my recommendation would be a further decrease of \$2,652,261 from my direct
17 recommendation or a decrease of \$5,073,049 from the current ordered rates on September
18 30, 2024, plant-in-service balances.

Depreciation expense for Steam, Nuclear, and Hydro		
OPC Correction	OPC Direct	Current Ordered
Annual Expense	Annual Expense	Annual Expense
\$ 11,966,272	\$ 14,618,533	\$ 17,039,321

19
20 For other generation (which would encompass wind, solar, simple cycle combustion
21 engines, and combined cycle combustion engines) I have calculated new annual

depreciation expenses with the corrections discussed above. The new annual depreciation expense for other generation would be \$40,869,995.33 versus the current ordered depreciation rates that would generate an annual expense of \$37,050,358.59. It is important to note that this includes Riverton units 10 and 11 depreciation expense of which I recommended the remaining balance be amortized plus the return that would be collected before the assets are to be retired. My direct position was an annual expense of \$41,940,672.36, this contains the same caveat with Riverton units 10 and 11 depreciation expense included in this value.

Depreciation expense for Other, Solar, and Wind (Includes Riverton 10&11		
OPC Correction	OPC Direct	Current Ordered
Annual Expense	Annual Expense	Annual Expense
\$ 40,869,995	\$ 41,940,672	\$ 37,050,359

If Riverton 10 and 11 are amortized and removed from depreciation expense the annual depreciation expense for all other generation units besides Riverton 10 and 11 would be \$31,340,036.50 compared to the current ordered rates producing an annual expense of \$35,034,614.84 using plant in service values for September 30,2024.

Depreciation expense for Other, Solar, and Wind (Excludes Riverton 10 & 11)		
OPC Correction	OPC Direct	Current Ordered
Annual Expense	Annual Expense	Annual Expense
\$ 31,340,036	\$ 41,940,672	\$ 35,034,615

Q. What do you recommend related to the depreciation expense for generating facilities?

A. I recommend the depreciation rates found in Schedule JAR-S-9 attached to this testimony that reflect the corrections for errors identified by Mr. Watson be ordered for Liberty to use until rates may be changed in its next general rate proceeding.

Q. Have you identified any additional issues with the depreciation rates that were not present prior to direct and rebuttal testimony?

A Yes. Review of Liberty's responses to Staff data request number 0016, has led me to questions whether Liberty is utilizing authorized depreciation rates for various accounts that were ordered. Liberty provided the supplemental responses to Staff data request 0016 on August 5, 2025. In January of 2025 in response to Staff data request 0016 it appears that Liberty has created new sub accounts that were not present in the 2021 rate case and are applying multiple unauthorized depreciation rates.

Additionally, Liberty appears to be applying general plant amortization to accounts that were not authorized in Case No. ER-2021-0312. Liberty has multiple sub-accounts that state Computer Equipment 0%.

Q. Which accounts/sub-accounts were not authorized in the 2021 rate case? A. The following table is a list of the accounts that do not appear to have existed in the 2021 case.

338.33	Misc Power Plant Equip.	363.01	Computer Hardware
338.33	Misc Pwr Plt Eq-Lease	363.02	Computer Software - 0%
338.02	Solar - Structure and Improvements	363.02	Computer Software - 10%
338.04	Solar Panels	363.02	Computer Software - 14.29%
338.05	Solar - Collector System	363.02	Computer Software - 20%
338.06	Solar - GSU Transformers	397.01	Computer Hardware
338.07	Solar - Invertors	397.01	Computer Hardware - Lease
338.08	Accessory Electric Equipment	397.02	Computer Software - 0%
338.09	Solar - Computer Hardware	397.02	Computer Software - 10%
338.12	Solar - Misc Pwr Plt Eq	397.02	Computer Software - 14.29%
345.01	Computer Hardware	397.02	Computer Software - 16.67%
345.02	Computer Software - 0%	397.02	Computer Software - 20%
345.02	Computer Software - 6.67%	397.02	Computer Software - 25%
345.02	Computer Software - 10%	397.02	Computer Software - 33.33%
345.02	Computer Software - 20%	397.02	Computer Software - 5%
345.03	Communication Equipment	397.03	Communication Equipment

1 **Q. What other concerns does this raise?**

2 A. I question whether the proper depreciation accruals have happen based on the 2021
3 depreciation rates. While I know general plant amortization was authorized, it was only
4 authorized for account 391, 393, 394, 395, 397, and 398. There are new subaccounts that
5 have been created in January of 2025 that there has been zero testimony about how to treat
6 the costs in these subaccounts.

7 **Q. Did Liberty say why it created these new accounts?**

8 A. No. I just discovered them in the review of information that I used to update my isolated
9 adjustment related to depreciation accrual up to the effective date of new rates. The new
10 information was provided as a supplemental response to Staff data request number 0016
11 provided on August 5, 2025, for plant=in-service and accumulated depreciation reserves
12 through March 31, 2025. The new-subaccounts were not present in the October, November,
13 or December month end information of 2024, but is present in January through March of
14 2025.

15 **Q. Why do you think Liberty created these accounts?**

16 A. The created accounts appear like they may be related to FERC order 898 but Liberty did
17 not provide any testimony related to the creation of new subaccounts and assigning
18 depreciation rates to those new sub-accounts.

19 **Q. Did Liberty request a depreciation authority order related to FERC order 898?**

20 A. No. Unlike Evergy, that sought a depreciation authority order to set up new subaccounts
21 and depreciation rates for assets, Liberty did not seek a depreciation authority order.
22 Attached as Schedules JAR-S-10 is Liberty's response to Staff data request 0016 for

1 December 2024 and then attached Schedule JAR-S-11 is Liberty's spreadsheet for January
2 2025 for comparison.

3 **Q. Did Liberty propose changing depreciation rates in this case?**

4 A. No. Liberty recommended continued use of the currently ordered depreciation rates.
5 Looking at how Liberty has labeled the new sub-accounts it created in January, it appears
6 that it has changed rates for accounts that previously did not exist and would have had
7 different depreciation rates applied. This is seen in the communication equipment accounts
8 and computer equipment accounts.

9 **Q. Does this conclude your surrebuttal testimony?**


10 A. Yes, it does.

In the Matter of the Request of The)
 Empire District Electric Company d/b/a)
 Liberty for Authority to File Tariffs) Case No. ER-2024-0261
 Increasing Rates for Electric Service)
 Provided to Customers in Its Missouri)
 Service Area)


STATE OF MISSOURI)
)
) ss
COUNTY OF COLE)

1. My name is John A. Robinett. I am a Utility Engineering Specialist for the Office of the Public Counsel.

3. I hereby swear and affirm that my statements contained in the attached testimony are true and correct to the best of my knowledge and belief.


John A. Robinett
Utility Engineering Specialist

TIFFANY HILDEBRAND
NOTARY PUBLIC - NOTARY SEAL
STATE OF MISSOURI
MY COMMISSION EXPIRES AUGUST 8, 2027
COLE COUNTY
COMMISSION #15637121


Tiffany Hildebrand
Notary Public

My Commission expires August 8, 2027.