

**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 for) File No. ER-2021-0312
Electric Service Provided to Customers in)
its Missouri Service Area)

**MOTION FOR ACKNOWLEDGEMENT OF REMOVAL OF ISSUES
OR, IN THE ALTERNATIVE, MOTION FOR LEAVE TO WITHDRAW ISSUES
AND MOTION FOR EXPEDITED TREATMENT**

COMES NOW The Empire District Electric Company d/b/a Liberty (Empire or Company), and, in support of its *Motion for Acknowledgement of Removal of Issues or, in the Alternative, Motion for Leave to Withdraw Issues and Motion for Expedited Treatment*, pursuant to Rule 20 CSR 4240-2.080(14), states as follows to the Missouri Public Service Commission (Commission):

**MOTION FOR ACKNOWLEDGEMENT OF REMOVAL OF ISSUES
OR, IN THE ALTERNATIVE,
MOTION FOR LEAVE TO WITHDRAW ISSUES**

1. Prior testimony in this case has discussed matters related to cost recovery of the Company’s Storm Uri costs and costs associated with the retirement of the Asbury generating plant. Specifically, Empire stated in its direct testimony that new legislation that would allow for the securitization of the Company’s Storm Uri costs was awaiting signature by the Governor, and that if the legislation became law, the Company would update its filings in this rate case to remove Storm Uri expense and that it would be submitting a financing petition with the Commission to securitize such costs. Section 393.1700, RSMo, which provides authority for the securitization of certain costs, has since become effective.

2. On August 13, 2021, Empire filed its Notice of Intended Filing related to the securitization of the Storm Uri costs (Commission Case No. EO-2022-0040). Subsequently, on

January 19, 2022, the Company filed its Verified Petition for Financing Order for authorization of the issuance of securitized utility tariff bonds regarding the extraordinary costs incurred by Empire on behalf of its customers during Storm Uri. Additionally, as reflected in the Surrebuttal Testimony of Company witness Charlotte Emery, the Company's rate request has been revised to reflect the Company's election to securitize the Storm Uri costs in lieu of pursuing traditional rate recovery in this proceeding. Accordingly, the Storm Uri costs are no longer an issue in this proceeding.

3. Additionally, the Company has taken action to securitize costs related to the Asbury generating plant through Section 393.1700, RSMo. On January 20, 2022, the Company filed the statutorily required Notice of Intent related to the Asbury generation plant securitization (Commission Case No. EO-2022-0193). Due to the Company's decision to exercise its rights under Section 393.1700.2(1), RSMo, as reflected in Ms. Emery's Surrebuttal Testimony, the Company's rate request has been revised to reflect the Company's election to securitize all components of the revenue requirement related to the Asbury generating unit in lieu of pursuing traditional rate recovery in this proceeding. Thus, the components of the revenue requirement related to the Asbury generating unit are no longer at issue in this proceeding.

4. The securitization statute presents an alternative to traditional rate recovery, that may be exercised at the election of the utility, and Empire has made the management decision to exercise that election with regard to its Storm Uri costs and the Company's remaining investment in its Asbury generating plant. The Company's petition in Case No. EO-2022-0040 is the first of its kind under subsection (2) of RSMo. §393.1700.2, and the Company may also be the first Missouri utility to seek securitization of "energy transition costs" under subsection (1) of RSMo. §393.1700.2, as described in Case No. EO-2022-0193.

5. In spite of this situation, certain parties have insisted on including issues related to Storm Uri costs (Issue 33) and the Asbury generation plant retirement (Issues 15(f) and 31) in the Issues List filed on this date. In the interest of efficient and economic use of Empire's, the parties' and the Commission's resources associated with preparation time, hearing time, and travel and costs associated with expert witnesses, the Company asks that the Commission rule that issues associated with Storm Uri costs (Issue 33) and the Asbury generation plant retirement (Issues 15(f) and 31) will be addressed in Commission Cases No. EO-2022-0040 and EO-2022-0193, respectively, and, thus, are no longer at issue in this case. In the alternative, Empire moves the Commission for leave to withdraw these issues from this case.

MOTION FOR EXPEDITED TREATMENT

6. Empire requests that the Commission issue its decision as to this Motion as soon as possible. The hearing in this matter is scheduled to start on January 31, 2022, and run through February 10, 2022. The result of this Motion will likely impact the parties' preparation, the travel of witnesses, and the use of Commission hearing time. Thus, the sooner the parties know the Commission's position, the better use of their resources may be made.

7. Customers and the general public will benefit from the economic use of resources described herein if the Commission acts by the date requested. Further, Empire states that this pleading was filed as soon as possible after it became aware of the issue described herein.

WHEREFORE, Empire respectfully requests that the Commission issue its order granting Empire's *Motion for Expedited Treatment* and, thereafter, issue an order granting the *Motion for Acknowledgement of Removal of Issues* or, in the alternative, *Motion for Leave to Withdraw Issues*, as described herein.

Respectfully submitted,

/s/ Diana C. Carter

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**ATTORNEYS FOR THE EMPIRE DISTRICT
ELECTRIC COMPANY**

CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of the foregoing document has been sent by electronic mail to all counsel of record on this 25th day of January 2022.

/s/ Diana C. Carter