

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI**

In the Matter of a Determination of Special	)	
Contemporary Resource Planning Issues to be	)	
Addressed by The Empire District Electric	)	Case No. EO-2026-0038
Company d/b/a Liberty in its Next Triennial	)	
Compliance Filing or Next Annual Update	)	
Report	)	

LIBERTY’S OBJECTIONS AND RESPONSES TO SUGGESTED ISSUES

COMES NOW The Empire District Electric Company d/b/a Liberty (the “Company,” “Liberty,” or “Liberty-Empire”) and provides its Objections and Responses to Suggested Issues. In this regard, Liberty respectfully states as follows to the Missouri Public Service Commission (“Commission”):

1. On August 8, 2025, the Commission issued its *Order Opening a File Regarding Special Contemporary Resource Planning Issues and Offering an Opportunity to File Suggestions (the “Order”)*. This file was opened to facilitate the process established by Commission Rule 20 CSR 4240-22.080(4) regarding evolving electric resource planning issues – or special contemporary issues (“SCIs”) – for Liberty to analyze and document in its integrated resource planning (“IRP”) compliance filing (an annual update) due on or about April 1, 2026. The Company filed its most recent triennial IRP on April 1, 2025 (Case No. EO-2024-0280).

2. There are important distinctions between the full IRP compliance filing and the IRP annual update report that will be submitted by Liberty-Empire in 2026. The full IRP compliance filing, currently made every three years, is a major study that is subject to the Commission’s Chapter 22 electric utility resource planning rule. Pursuant to Rule 22.080(2), the triennial filing must demonstrate compliance with all provisions of Chapter 22. The IRP annual update report, on the other hand, is designed to provide an update to stakeholders and allow them to have input on

IRP issues on an annual basis, between the comprehensive filings. Pursuant to Rule 22.080(3)(B), “the depth and detail of the annual update report” shall be commensurate with the changes since the last IRP filing.

3. As noted, the Company filed its most recent triennial IRP this year (Case No. EO-2024-0280), and the case remains active. There were no alleged deficiencies, but Liberty and the other stakeholders are working toward an agreement to resolve any issues/concerns. While the filings are related, the scope of the full IRP compliance filing and the scope of the annual update are very different, and the SCIs from this docket should be within the scope of an IRP annual update for Liberty.

4. Pursuant to the *Order*, suggestions regarding SCIs for Liberty to address in its next annual update filing were submitted herein by the Staff of the Commission (“Staff”) and the Office of the Public Counsel (“OPC”). Liberty’s specific objections and responses to the issues suggested by Staff and OPC are set forth below.

5. In general, Liberty urges the Commission to apply a reasonableness standard in arriving at its list of SCIs. Pursuant to Rule 20 CSR 4240-22.020(55), SCIs ordered by the Commission shall be “evolving new issues, which may not otherwise have been addressed by the utility or are continuations of unresolved issues from the preceding triennial compliance filing or annual update filing.” The list of SCIs ordered by the Commission for consideration and analysis by Liberty should be specific to Liberty and its particular planning process and appropriately limited in number and scope, so that the issues may be adequately analyzed and the Company’s resources used wisely. Ordered SCIs should not already be covered or contemplated by the IRP rules and should not conflict with the directives of the IRP rules.

Staff Issue 1: Discrete timeline for permitting processes and construction activities of a nuclear power plant

- a. At an existing site;
 - i. Include discussion on transmission capacity needs
- b. At a greenfield site;
- c. Tax credit availability and likelihood of being able to achieve current milestones; and
- d. Discussion on systems that track nuclear-based energy attribute certificates/credits and discussion on State policies (renewable or clean energy standards) that include nuclear-based energy attributes.

Liberty's Response:

The IRP generally considers generic supply-side resource candidates, and this SCI proposal about a nuclear power plant is very specific. Also, a nuclear facility would most likely require partnership with others or a purchased power agreement. The Company does not currently have nor has ever had any nuclear resources as part of its generation fleet. In the Company's most recent triennial IRP, traditional nuclear was screened out as not being a viable option given the large size of the option (~1,000 MW) and the inability to assume with confidence that Liberty-Empire would have access to a partial ownership interest in a new development in any proximity to its service territory. Based on these considerations, this may not be a practical special contemporary issue for a Company the size of Liberty-Empire.

If selected as a special contemporary issue by the Commission, the Company would address the questions within the scope of an IRP annual update.

Staff Issue 2: Large Load Customers

- a. Current pipeline of large load customers and which are likely to materialize;
- b. Discussion on interconnection;
- c. Potential impact if load does not persist for more than 5, 10, 15 years;
- d. Ratepayer impact, by class, if current Company cost allocation is utilized; and
- e. Risk analysis;
 - i. Ratepayer
 - ii. Shareholder
 - iii. Fuel Adjustment Clause ("FAC") impacts
 - iv. Cost of Renewable Energy Standard ("RES") compliance
 - v. Changes in load profile or magnitude.

Liberty's Objection and Response:

Large load customer matters are relatively new and emerging issues. The Company recently addressed this topic in its most recent triennial IRP filing. However, if selected as a special contemporary issue to be addressed in its next IRP annual update, the Company objects to part d, ratepayer impact by class, and part e risk analysis subparts 1-3. These are not IRP issues and would

best be handled in another type of case. Additionally, part d and all of part e are out of scope for an IRP annual update which the Company will be developing.

Staff Issue 3: Capacity

- a. Updated capacity purchase options;
 - i. Amount
 - ii. Price per kW

Liberty's Objection and Response:

The Company objects to the requirement to provide updated capacity purchase options in its next IRP annual update. First, this seems to apply to the evaluation of capacity options in a triennial filing, and the Company will not be performing modeling for the IRP annual update for which this SCI would apply. Secondly, if the Company were developing a full triennial compliance filing, it should not be a special contemporary issue since it would already be considered within the normal course of the IRP study. Finally, if this is meant to require the Company to solicit bids for capacity, suppliers are not likely to provide meaningful data strictly for planning purposes.

Staff Issue 4: Battery Energy Storage Systems

- a. Range of costs;
- b. Operational characteristics; and
- c. Useful life

Liberty's Response:

Battery energy storage systems are important resources to consider in an IRP. However, this is not a special contemporary issue since it would already be considered as a candidate resource in the IRP process, and the range of costs, operational characteristics and useful life would be included in the triennial IRP reporting, modeling and/or work papers. Further, the Company will be developing an IRP annual update this year and not a full triennial IRP study. If selected as a special contemporary issue, the Company would propose to address this issue within the scope of an IRP annual update and refer to the recent triennial IRP. Storage resources were a part of the Company's recent triennial IRP.

Staff Issue 5: Transmission

- a. Zonal transmission import/export limitations; and
- b. Company/Zonal resource adequacy requirements by season

Liberty's Response:

The IRP generally considers generic supply-side resource candidates, and this SCI proposal based on the general topic of "Transmission" and the Company's current interpretation of parts a and b,

in Staff’s proposal, it is assumed that this information would already be covered in IRP Volume 4.5: Transmission and Distribution Analysis. This IRP volume is included as part of the triennial IRP process. The Company recently filed this volume in its most recent triennial filing and will be developing an IRP annual update in 2026.

OPC Issue 1: Model RES Requirement Generation in Various Large Load Scenarios

Liberty’s Response:

The Company recently addressed the topic of large load customer scenarios in its most recent triennial IRP filing. The OPC proposal states that it is making a “request for modeling.” Again, the Company will be developing an IRP annual update. The Company’s triennial compliance filing was made in April 2025 and that case is still active. The Company does not plan to perform additional modeling for the IRP annual update. If this is selected as a special contemporary issue, it should be addressed within the scope of the IRP annual update process.

OPC Issue 2: Review New Developments in Small Modular Nuclear Reactor Technology and Commitments

Liberty’s Response:

The Company has already considered small modular nuclear as a supply-side candidate as part of its most recent triennial IRP process. If selected as a special contemporary issue, the Company would propose to address this request with information from the recent IRP and report on any new developments with this technology since that IRP filing, as appropriate for an IRP annual update process.

OPC Issue 3: Mothball Energy Generation

Liberty’s Response:

This issue has been proposed as a special contemporary issue in past years. The Company addressed this issue as part of its 2024 IRP annual update. If the Commission is interested in mothballing dispatchable generation resources, and this becomes a special contemporary issue, the Company proposes to update its response from the 2024 IRP annual update in its 2026 IRP annual update and should not be required to perform modeling.

OPC Issue 4: Supercritical Carbon Dioxide Power Cycles

In this SCI proposal, OPC states: “the OPC requests that the Commission order Liberty-Empire to investigate the option of a supercritical carbon dioxide power cycle plant as a resource candidate in future supply-side generation planning and modeling scenarios.” The Company’s next future supply-side generation planning and modeling will take place when the Company develops its next triennial compliance filing in 2028, based on a three-year cycle. Therefore, based on the Company’s interpretation of this request, it should not apply to this set of the Company’s ordered

SCIs, since those will be applicable to the 2026 IRP annual update. If selected as a special contemporary issue, the Company should be able to address it within the scope of the annual update process.

OPC Issue 5: Geologic Hydrogen Onsite or Near Natural Gas Storage

Liberty's Objection and Response:

The Company objects to this SCI proposal. The primary reason for this objection is due to the Company developing an IRP annual update in 2026 and that the Company will not be developing a full triennial compliance filing with full supply-side resource analysis or modeling. In addition, the Missouri IRP Rule states that “(t)he utility shall evaluate all existing supply-side resources and identify a variety of potential supply-side resource options which the utility can reasonably expect to use, develop, implement, or acquire. According to the OPC proposal, “(a)t this point the technology for production of electricity by geologic hydrogen is not in use and is in the preliminary stages.” In other words, it may have future potential, but this technology has not yet advanced to the point of being the type of resource that the utility can reasonably expect to use, develop, implement or acquire.

WHEREFORE, Liberty submits its Objections and Responses to Suggested Issues and requests such relief as is just and proper under the circumstances.

Respectfully submitted,

/s/ Diana C. Carter

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CERTIFICATE OF SERVICE

I hereby certify that the above document was filed in EFIS on this 1st day of October, 2025, with notification of the same being sent to all counsel of record, and I further certify that the above document was sent by electronic transmission to all counsel of record.

/s/ Diana C. Carter