

Exhibit No. 48

Empire District Electric Company – Exhibit 48
Testimony of Shaen T. Rooney
Rebuttal
File No. ER-2024-0261

CONFIDENTIAL DESIGNATIONS

The Empire District Electric Company d/b/a Liberty

Case No. ER-2024-0261

RE: portions of pp. 7-9 of the rebuttal testimony of Shaen Rooney

The information provided is designated “Confidential” in accordance with Commission Rule 20 CSR 4240-2.135(2)(A)7 due to the nature of the material regarding the safety and security of Liberty’s critical infrastructure and other utility facilities. The confidentiality shall be maintained consistent with that Rule and/or Section 386.480 RSMo., as the case may be. This confidential designation is made in recognition of the ongoing responsibility to protect public safety and national security and to ensure the continued reliability of critical infrastructure. Liberty trusts that all relevant parties will respect the need for such safeguards and will work with Liberty to establish the necessary protections to preserve confidentiality through the regulatory process.

Exhibit No.: _____
Issue(s):, Environmental Compliance/
Tracker, Riverton Units 13 and 14
Witness: Shaen T. Rooney
Type of Exhibit: Rebuttal Testimony
Sponsoring Party: The Empire District
Electric Company d/b/a Liberty
Case No.: ER-2024-0261
Date Testimony Prepared: August 2025

**Before the Public Service Commission
of the State of Missouri**

Rebuttal Testimony

of

Shaen T. Rooney

on behalf of

The Empire District Electric Company d/b/a Liberty

August 18, 2025



****DENOTES CONFIDENTIAL****
20 CSR 4240-2.135(2)(A)7

PUBLIC VERSION

TABLE OF CONTENTS
FOR THE REBUTTAL TESTIMONY OF SHAEN T. ROONEY
THE EMPIRE DISTRICT ELECTRIC COMPANY D/B/A LIBERTY
BEFORE THE MISSOURI PUBLIC SERVICE COMMISSION
CASE NO. ER-2024-0261

SUBJECT	PAGE
I. INTRODUCTION.....	1
II. RESPONSE TO OPC WITNESS MANZELL PAYNE	1
III. RESPONSE TO OPC WITNESS JOHN ROBINETT.....	6

REBUTTAL TESTIMONY OF SHAEN T. ROONEY
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CASE NO. ER-2024-0261

1 **I. INTRODUCTION**

2 **Q. Please state your name and business address.**

3 A. My name is Shaen T. Rooney. My business address is 602 S. Joplin Avenue, Joplin,
4 Missouri 64801.

5 **Q. Are you the same Shaen T. Rooney who provided direct testimony in this matter**
6 **on behalf of The Empire District Electric Company d/b/a Liberty (“Liberty” or**
7 **the “Company”)?**

8 A. Yes.

9 **Q. What is the purpose of your rebuttal testimony in this proceeding before the**
10 **Missouri Public Service Commission (“Commission”)?**

11 A. The purpose of my rebuttal testimony is to respond to the direct testimony of two Office
12 of the Public Counsel (“OPC”) witnesses. Specifically, I address the testimony of Mr.
13 Manzell Payne concerning the Company’s environmental initiatives at its wind
14 generation facilities and the Company’s responses to data requests. Additionally, I
15 respond to Mr. John Robinett’s testimony reporting the Company’s decision to replace
16 Riverton Units 10 and 11 with new generation Units 13 and 14.

17 **II. RESPONSE TO OPC WITNESS MANZELL PAYNE**

18 **Q. Are you familiar with the responses to data requests that OPC witness Payne**
19 **alleges were incomplete, vague, or otherwise improper?**

20 A. Yes, I am. On pages 7 through 9 of his direct testimony, OPC witness Mr. Payne
21 references the Company’s responses to OPC data requests 1210, 1239 and 1240 and

1 expresses his view that those responses lacked transparency. I have reviewed those
2 responses and can provide clarification regarding the information provided and the
3 context in which they were prepared.

4 **Q. Were you the responsible witness for all three of those data requests?**

5 A. No. OPC data request 1210 was responded to by Company witness Brian Berkstresser.
6 I was the respondent to OPC data requests 1239 and 1240.

7 **Q. Why does OPC witness Payne allege that the response to OPC data request 1210**
8 **lacks transparency?**

9 A. OPC witness Payne contends that the response to OPC data request 1210 lacks
10 transparency because, in his view, it does not address the environmental issues
11 associated with the Company's wind facilities. In his testimony, he states that "a
12 response should have been made in OPC Data Request No. 1210 to acknowledge these
13 issues." Based on this, Mr. Payne concludes that the response is incomplete and leaves
14 uncertainty as to whether additional environmental concerns exist at the Company's
15 wind generation sites.

16 **Q. Was the lack of acknowledgment of environmental concerns intended to prevent**
17 **transparency into these concerns?**

18 A. Not at all. In fact, withholding information on environmental concerns would run
19 counter to the Company's commitment to transparency. The Company itself
20 introduced these concerns into the record of this case. Environmental issues at the
21 Company's wind facilities were addressed in the direct testimony of Company witness
22 Charlotte Emery and discussed in detail in my own direct testimony. While OPC
23 witness Payne suggests that environmental concerns should have been acknowledged
24 in the response to OPC Data Request 1210, he also notes that the Company provided

1 specific and detailed information on these issues in subsequent data request responses.
2 This demonstrates the Company's willingness to engage openly and substantively on
3 the topic.

4 **Q. In the case of the Company's response to OPC data request 1239, in what ways**
5 **does OPC witness Payne state that the response is not transparent?**

6 A. OPC witness Payne asserts that the response to OPC Data Request 1239 lacks
7 transparency because, in his view, it omits key environmental information.
8 Specifically, he notes that the Company did not include data on incidental takes of
9 protected and endangered species at the Neosho Ridge wind facility, nor did it provide
10 information regarding bat fatalities at the North Fork Ridge and Kings Point facilities
11 for the year 2023.

12 **Q. Why did the Company not provide that information in its response to OPC data**
13 **request 1239?**

14 A. Regarding incidental takes at Neosho Ridge, no such data exists. The facility is not
15 currently operating under a United States Fish and Wildlife Service ("USFWS") permit
16 that would require Post-Construction Monitoring ("PCM"), which is the process used
17 to identify and report such takes.

18 As for bat fatality data from North Fork Ridge and Kings Point for 2023, the
19 information was not included due to a delay in the USFWS review process. The
20 Company submitted its 2023 annual report in accordance with the required timeline
21 under its USFWS-approved 10(a)(1)(A) permits. However, due to personnel changes
22 within the USFWS, the agency's review of the 2023 report was significantly delayed.
23 At the time the response to OPC Data Request 1239 was due, the Company had not
24 received USFWS approval of the 2023 report. To ensure accuracy and avoid

1 submitting data that might later be deemed incomplete or incorrect, the Company did
2 not produce a non-approved report.

3 **Q. In what way does OPC witness Payne state that the response to OPC data request**
4 **1240 lacked transparency?**

5 A. OPC witness Payne asserts that the response to OPC data request 1240 lacked
6 transparency because it did not mention operational curtailment measures at the
7 Company's wind facilities. As a result, he argues that it is unclear which facilities have
8 mitigation efforts in place, particularly those aimed at reducing environmental impacts
9 such as wildlife interactions.

10 **Q. Did the Company intend to conceal information regarding operational**
11 **curtailment of wind turbines at its wind facilities?**

12 A. Absolutely not. In fact, the Company has been transparent in its reporting of
13 operational curtailment measures. The 10(a)(1)(A) annual reports provided in response
14 to OPC data request 1239 contain detailed information about curtailment protocols at
15 Kings Point and North Fork Ridge. These reports include data on the effectiveness of
16 curtailment strategies in reducing incidental take of threatened and endangered species,
17 comparing results between curtailed turbines and a control group of uncurtailed
18 turbines. This level of detail reflects the Company's commitment to environmental
19 stewardship and open communication with stakeholders.

20 **Q. Why did the Company not mention operational curtailment in its response to OPC**
21 **data request 1240?**

22 A. The Company did not include operational curtailments in its response to OPC Data
23 Request 1240 because curtailment – specifically, the reduction in energy production
24 and associated revenue – is not a cost the Company is seeking to recover through the

1 proposed regulatory tracker. The tracker is focused on recoverable expenses, and
2 curtailment impacts are not part of that cost structure.

3 **Q. Please summarize the Company's position regarding assertions made by OPC**
4 **witness Payne regarding data request responses.**

5 A. The Company maintains that its responses to OPC's data requests were accurate,
6 complete and provided in good faith, consistent with the scope and intent of each
7 request. For example, detailed information regarding operational curtailment measures
8 was included in the 10(a)(1)(A) annual reports submitted in response to OPC Data
9 Request 1239. These reports contain extensive data curtailment practices at Kings
10 Point and North Fork Ridge, including their effectiveness in reducing incidental take
11 of protected species through comparative analysis between curtailed and uncurtailed
12 turbines. OPC witness Payne's characterization of the Company's responses as lacking
13 transparency is not a fair assessment of the actual content provided.

14 **Q. Please summarize OPC witness Payne's testimony regarding a tracker**
15 **mechanism for environmental compliance.**

16 A. On page 10 of his testimony, OPC witness Payne states a "tracking mechanism would
17 not incentivize Liberty to work to minimize these costs."

18 **Q. Do you agree with OPC witness Payne's assertion?**

19 A. The Company respectfully disagrees with the assertion. Tracker mechanisms are
20 designed to recover specific, often volatile or policy-driven costs, such as
21 environmental compliance, fuel or storm restoration. These mechanisms do not
22 eliminate oversight or accountability – they simply align cost recovery with actual
23 expenditures, subject to Commission review. Importantly, the existence of a tracker
24 does not remove the Company's obligation to prudently manage costs. All costs

1 recovered through a tracker remain subject to audit, prudence review, and transparency
2 requirements. Moreover, trackers can actually enhance cost control by providing
3 clearer visibility into cost categories and enabling more targeted regulatory scrutiny.
4 The Company remains committed to minimizing costs for customers while maintaining
5 safe, reliable service, and believes that the proposed tracker mechanism would support
6 that goal.

7 **III. RESPONSE TO OPC WITNESS JOHN ROBINETT**

8 **Q. Do you agree with OPC witness John Robinett's opinion that Riverton units 13**
9 **and 14 are not appropriately sized?**

10 A. No, I do not agree. The sizing of units 13 and 14 was carefully determined based on
11 the timeline for achieving interconnection and the specific operational purposes of
12 these units. The Company's decisions were reasonable and prudent, and the units'
13 capacity reflects a strategic balance between urgency, feasibility, and system needs.

14 **Q. How did the timeline for achieving interconnection influence the selection of the**
15 **units' size?**

16 A. The timeline for interconnection was a critical factor in determining the size of Riverton
17 units 13 and 14. Under the Southwest Power Pool's Generation Interconnection
18 Procedures (GIP), which can be found in Attachment V to Southwest Power Pool's
19 (SPP) Open Access Transmission Tariff, new or upgraded generating units must
20 undergo a Definitive Interconnection System Impact Study (DISIS). These studies
21 often define project schedules, and delays are common. For instance, studies of projects
22 submitted in late 2017 did not commence until June 2021. Although improvements
23 have subsequently been made to the DISIS process, projects submitted in the 2024
24 study window will not begin to be studied until December 2025 and are not expected

1 to be issued generator interconnection agreements until December 2026. If these
2 agreements require the construction of network upgrades, interconnection service for
3 the new generator may not commence until those upgrades are constructed, which may
4 be years after the effective date of the interconnection agreement.

5 **Q. Did the Company take steps to avoid these delays?**

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

11 **Q. When did the Company submit a Replacement Generating Facility Request for**
12 **this project?**

13 A. The Company submitted a Replacement Generating Facility Request for this project on
14 July 25, 2024.

15 **Q. What is the status of the Company's request?**

16 A. SPP posted the evaluation report for the Company's request on April 17, 2025. The
17 transmission owner (in this case, also Liberty) determined that, as this request was
18 essentially a like-kind replacement, no facility study would be required. SPP tendered
19 an interconnection agreement to Liberty for the project on July 9, 2025. Negotiation of
20 the agreement is in progress and scheduled to be completed on or before September 9,
21 2025.

22 **Q. How did the intended purpose of the units influence the selection of their capacity?**

23 A. The units were specifically designed to serve as peaking resources and as Liberty's
24 **** [REDACTED] ****.

1 Q. What is a ** [REDACTED] **?

2 A. ** [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED] **

11 Q. ** [REDACTED]

12 [REDACTED]

13 A. [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED] **

1 **Q.** ** [REDACTED]

2 [REDACTED] *?

3 **A.** Yes, they are. ** [REDACTED]

4 [REDACTED]

5 [REDACTED] **

6 **Q.** Does this conclude your rebuttal testimony at this time?

7 **A.** Yes.

VERIFICATION

I, Shaen T. Rooney, under penalty of perjury, on this 18th day of August, 2025, declare that the foregoing is true and correct to the best of my knowledge and belief.

/s/ Shaen T. Rooney