

Exhibit No. 163

Staff – Exhibit 163
Testimony of Karen Lyons
Surrebuttal
File No. ER-2024-0261

Exhibit No.:
Issue(s): Cyber Security
Witness: Karen Lyons
Sponsoring Party: MoPSC Staff
Type of Exhibit: Surrebuttal Testimony
Case No.: ER-2024-0261
Date Testimony Prepared: September 17, 2025

MISSOURI PUBLIC SERVICE COMMISSION

FINANCIAL AND BUSINESS ANALYSIS DIVISION

AUDITING DEPARTMENT

SURREBUTTAL TESTIMONY

OF

KAREN LYONS

**THE EMPIRE DISTRICT ELECTRIC COMPANY,
d/b/a Liberty**

CASE NO. ER-2024-0261

*Jefferson City, Missouri
September 2025*

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KAREN LYONS

CASE NO. ER-2024-0261

A. My name is Karen Lyons. My business address is 615 E. 13th Street,
s City, Missouri 64106.

A. Yes.

A. In my surrebuttal, I will respond to Empire witness Charlotte T. Emery regarding security costs.

A. Ms. Emery states in her rebuttal testimony that no party responded to the any proposed adjustment to annualize non-labor O&M costs associated with the Cyber ty Program and additional ongoing costs expected through 2027.¹

A. No. The first time Staff learned of a cyber security expense adjustment is in
nery's rebuttal testimony and workpapers supporting Empire's rebuttal revenue

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1 requirement. Consequently, Staff did not make a specific adjustment for cyber
2 security expense.

3 Q. Did another Empire witness address cyber security costs in their direct testimony
4 in this case?

5 A. Yes. Empire witness Shawn Eck addresses Empire's Cyber Security Program
6 and beginning on page 13 of his direct testimony, he discusses cyber security capital, labor, and
7 non-labor costs. Specifically, he refers to Ms. Emery with regard to the proposed capital
8 additions and states that Empire proposes a forecasted level of cyber security expense
9 through 2027 that includes 20 additional full-time employees ("FTE") through 2027. Again,
10 no adjustment was made by Empire for non-labor costs. It should also be noted that the
11 proposed cyber security capital costs addressed by Mr. Eck is forecasted in Empire's revenue
12 requirement. Projecting plant additions is common when major utilities file a general rate case
13 to anticipate its cost of service through the true-up date. Staff and the utility will update to
14 actual costs during the true-up phase of the case. Staff viewed the cyber security capital forecast
15 as a typical plant addition that Empire forecasted through the true-up period in this rate case
16 and that the forecast would be replaced with actual plant investments through the true up period.

17 Q. Does Empire's proposal to use forecasted levels of cyber security costs violate
18 the matching principle? Please explain.

19 A. Yes. A utility's rates are developed based on use of ratemaking adjustments
20 known as annualizations and normalizations to establish an ongoing investment, revenue, and
21 expense relationship. The amounts determined through the ratemaking adjustments are
22 intended to match the relationship with a utility investment, revenue and expense at a point in
23 time, and anticipates that the same relationship will continue in the foreseeable future, allowing

1 the utility the opportunity to earn its authorized return. Empire's proposal to isolate cyber
2 security costs by using forecasted levels beyond the true-up date without considering changes
3 that will occur with other areas of its cost of service disrupts the relationship that occurs between
4 its investment, revenue and expense.

5 Q. Does Staff support Empire's proposal to include forecasted cyber security
6 capital, labor, and non-labor costs through 2027?

7 A. Staff does not support Empire's proposal for the following reasons.

- 8 • Forecasted costs are not known and measurable and are developed by making
9 assumptions that may or may not occur.
- 10 • The use of forecasted costs disrupts the matching relationship among
11 investment, revenue and expense. Empire's proposal for use of forecasted levels
12 only applies to increasing cost items: it does not account for costs that may
13 decrease and offset the cost increases in part or in whole.

14 In addition, 1) Empire failed to include a cyber security non-labor expense adjustment
15 in its direct filing. 2) Staff considers Empire's proposal for additional FTE's and additional
16 capital as discrete adjustments. Staff Witness Matthew R. Young addresses discrete
17 adjustments in his rebuttal testimony.² Although Mr. Young did not specifically address cyber
18 security in his rebuttal testimony, Staff's position on discrete adjustments still applies.

19 Q. Did Staff request actual cyber security costs from Empire?

20 A. Yes. After learning about Empire's proposal for cyber security costs in rebuttal
21 testimony, Staff requested actual costs for the calendar years 2020-2024. Staff requested this
22 information to review trends in these costs. Unfortunately, in response to Staff's Data Request,
23 Empire provided Staff with actual costs for the 12 months ending March 2025. Staff was unable

² Case No. ER-2024-0261, Matthew R. Young, page 4-7.

Surrebuttal Testimony of
Karen Lyons

1 to determine if a trend exists with these costs since only one year of actual costs was provided
2 by Empire.

3 Q. Did Staff include cyber security costs in its recommended revenue requirement?

4 A. Staff did not make a specific adjustment for capital, labor and, non-labor cyber
5 security costs, however, to the extent Empire incurred actual capital, labor and non-labor costs
6 through the true up period, March 31, 2025, Staff reflected these costs in its recommended
7 revenue requirement. This is accomplished by including actual capital costs and calculating
8 payroll using the actual employee headcount as of the true up period, March 31, 2025. Staff also
9 included non-labor cyber security expense based on the test year.

10 Q. Does this conclude your surrebuttal testimony?

11 A. Yes it does.

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 Electric Service Provided to Customers)
in Its Missouri Service Area)

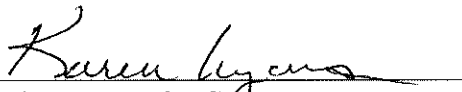
Case No. ER-2024-0261

AFFIDAVIT OF KAREN LYONS

STATE OF MISSOURI)
COUNTY OF Jackson) ss.

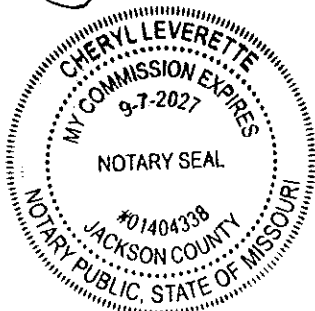
COMES NOW KAREN LYONS and on her oath declares that she is of sound mind and lawful age; that she contributed to the foregoing *Surrebuttal / True-Up Direct Testimony of Karen Lyons*; and that the same is true and correct according to her best knowledge and belief.

Further the Affiant sayeth not.


KAREN LYONS

JURAT

Subscribed and sworn before me, a duly constituted and authorized Notary Public, in and for the County of Jackson, State of Missouri, at my office in Kansas City, on this 8th day of September 2025.




Notary Public