

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

In the Matter of the Clarification of PPA	)	
Replacement Values for The Empire	)	
District Electric Company's d/b/a Liberty's	)	Case No. EO-2026-0101
Market Price Protection Mechanism	)	

**PUBLIC COUNSEL'S PROCEDURAL SCHEDULE ARGUMENT**

COMES NOW the Office of Public Counsel (Public Counsel) and for its argument against the Commission ordering in this case a procedural schedule predicated on admitting evidence in this case which is irrelevant to the Commission's intent in its orders regarding the Market Price Protection Mechanism ("MPPM") states:

1. The issues before the Commission here began with Public Counsel's November 13, 2023, *Motion in Response to Liberty's First Annual MPPM Notice Filing* where Public Counsel asserted that Liberty's notice filing did not comport with the Commission-ordered MPPM.

2. In Case No. EA-2019-0010, as to the MPPM, the Commission ordered,

The market price protection mechanism, as described more fully in Appendix B to the Non-Unanimous Stipulation and Agreement, and attached hereto, shall be implemented. In general terms, that mechanism seeks to provide for the sharing of risk between customers and shareholders associated with the possibility of reduced market prices and wind production associated with the Wind Projects. Such mechanism reflects the possibility that all Wind Projects may not be included in Empire rates in the same rate case. As such, the mechanism shall go into effect on the first day of the month after the effective date of rates in which a Wind Project is first placed into rates and shall remain in effect for 10 years following the effective date of rates resulting from the first general rate case in which all Wind Projects are included in rates.

3. In Case No. ER-2021-0312, as to the MPPM, the Commission said,

The fourth partial stipulation also resolves the . . . market price protection mechanism issues, . . .

And ordered,

The Fourth Partial Stipulation and Agreement is approved. It is attached to this order, and its terms are incorporated by reference. The signatories to that stipulation and agreement are ordered to comply with its terms.

4. As to the MPPM the Fourth Partial Stipulation and Agreement, in full, says,

In resolution of Issue #18, Market Price Protection Mechanism (“MPPM”), the Signatories agree as follows:

a. Clarification only.

b. –

i. Rate base revenue requirement component only changes with the effective date of new rates.

ii. All wind project costs recovered from customers will be included, not including the PISA costs.

iii. All wind project revenues returned to customers, including SPP IM revenues, revenues from the sale of RECs, Paygo, the value of the production tax credits, and all miscellaneous revenues.

iv. A PPA replacement value will be calculated:

- For any renewable compliance standard not met by the existing wind PPAs through life of the MPPM;
- Based on the energy from the wind projects being used to meet the renewable standards that is not met by existing solar requirements (e.g., currently 2% of Missouri RES).

v. Costs and revenues included at the Missouri jurisdictional level.

vi. Interest at Empire’s long-term debt rate (e.g., long-term debt will be the carrying costs) will be included. vii. 50/50 split with soft cap of \$52.5 million on customers’ losses with Commission making determination on how additional losses, if any, are treated at the conclusion of the MPPM.

(c) All costs and revenue components shall be tracked including the revenues included in the FAC to assure that all costs and/or revenues are appropriately treated. Balances as of the end of each MPPM year will be submitted to the Commission 60 days following the end of each MPPM year. Since Paygo has a base amount included in the Wind Revenue Requirement, any amount above/below the base amount will be incorporated into the MPPM calculation to ensure a timely capturing of costs and/or revenues.

5. No one has requested the Commission to modify the MPPM. Thus, the first question here is “What did the Commission order?”—a question solely of Commission intent. The second is “Do Liberty’s MPPM filings comply with what the Commission ordered?”—a question solely for the Commission.

6. The only evidence relevant to the Commission’s intent with its orders where it adopted and clarified the MPPM is the evidence the Commission had before it when it took those actions and what it said in its orders adopting and clarifying the MPPM.

7. Office of the Public Counsel objects to the admission of evidence in this case that the Commission had not seen in evidence before it issued its orders adopting and clarifying the MPPM because such evidence is irrelevant to the Commission’s intent; therefore, Public Counsel also objects to a procedural schedule in this case which contemplates adducing such irrelevant evidence.

8. The existing Commission orders and evidentiary records in Case Nos. EO-2018-0092, EA-2019-0010 and ER-2021-0312 relevant to the MPPM are what the Commission should review for further clarifying its intent. No evidentiary records in Case No. ER-2024-0261 or new evidence are relevant to the Commission’s intent when it adopted or when it clarified the MPPM.

**Wherefore**, the Office of the Public Counsel offers the foregoing argument against a procedural schedule in this case which includes the Commission taking evidence that is irrelevant to the Commission’s intent when it issued its orders adopting and clarifying the Market Price Protection Mechanism.

Respectfully,

/s/ Nathan Williams

Nathan Williams  
Chief Deputy Public Counsel  
Missouri Bar No. 35512

Office of the Public Counsel  
Post Office Box 2230  
Jefferson City, MO 65102  
(573) 526-4975 (Voice)  
(573) 751-5562 (FAX)  
[Nathan.Williams@opc.mo.gov](mailto:Nathan.Williams@opc.mo.gov)

**CERTIFICATE OF SERVICE**

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or electronically mailed to all counsel of record this 9<sup>th</sup> day of December 2025.

/s/ Nathan Williams