

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

In the Matter of the Application of The)
Empire District Electric Company d/b/a)
Liberty for a Certificate of Convenience and)
Necessity to Support Resource Adequacy)

Case No. EA-2025-0299

**REPLY TO LIBERTY’S REQUEST FOR PROCEDURAL SCHEDULE AND
RESPONSE REGARDING MOTION FOR LOCAL PUBLIC HEARINGS**

COMES NOW, the Office of the Public Counsel (the “OPC”) and respectfully offers this Reply to Liberty’s Request for Procedural Schedule and Response Regarding Motion for Local Public Hearings (the “Liberty Response,” Doc. 16), requesting that the Public Service Commission of the State of Missouri (the “Commission”) (1) schedule both an in-person and virtual local public hearing and (2) reject The Empire District Electric Company d/b/a Liberty’s (“Liberty”) proposed procedural schedule and instead order the parties to file a joint proposed procedural schedule. In support, the OPC states as follows:

1. On October 24, 2025, Liberty filed an Application and supporting Direct Testimony requesting that the Commission grant a Certificate of Convenience and Necessity (“CCN”) to construct a “new combustion turbine generator with a capacity of approximately 250 MW.” (Application 3, Doc. 2). Liberty also requested that the Commission determine “the prudence of the decision to construct/operate the new asset subject to the Commission’s subsequent review of costs.” (*Id.* 10).
2. On February 27, 2026, Renew Missouri Advocates d/b/a Renew Missouri¹ (“Renew”) and the OPC filed a Motion for Local Public Hearings and Request for Expedited Treatment (the “Motion for LPH”), requesting that the Commission schedule two (2) local public hearings in this matter: one virtual and one in-person. (Doc. 14). Renew

¹ Renew applied to intervene in this matter and the Commission granted that request. (Docs. 6, 8).

and the OPC suggested a venue for the in-person hearing that had confirmed availability during the parties' suggested timeframe. (*Id.* 1). Renew and the OPC requested a Commission decision on the Motion for LPH no later than March 6, 2026. (*Id.* 1-2).

3. The Commission shortened the time to respond to the Motion for LPH to March 3, 2026. (Order Shortening Resp. Time 1, Doc. 15).
4. On March 3, 2026, Liberty responded to the Motion for LPH. In that Response, Liberty for the first time requested a Commission decision in this matter no later than August 1, 2026. (Liberty Resp. 1). Liberty also requested that the Commission establish a procedural schedule and proposed such a schedule. (*Id.* 1, 3-4). As it pertains to the local public hearings, Liberty stated that it “does not believe that a local public hearing is a necessity in this matter in order for the Commission to make a public interest determination under RSMo. §393.170 and Commission Rule 20 CSR 4240-20.045.” (*Id.* 3). It continued saying that “[i]f the Commission believes a public hearing would be helpful, Liberty suggests virtual instead of in-person and requests that the date be at least 33 days from the date of the order establishing the same, to allow for notice to be included with customer bills (as opposed to through a separate mailing).” (*Id.*).

OPC Reply Regarding Local Public Hearings

5. As it regards the local public hearings, the OPC maintains its support for local public hearings in this matter. Local public hearings serve an important role in the regulatory process. They not only allow members of the public to have their questions answered by Liberty, Staff, or the OPC, but they also provide individuals an opportunity to speak

directly to the Commissioners who will make a decision on Liberty's application. Both of these roles are important.

6. The OPC also reaffirms its request for *both* an in-person and a virtual local public hearing. The OPC sees immense value in offering two local public hearings. Doing so allows those individuals who wish to speak, but who are not available at one time or location another opportunity to do so. Further, while a virtual local public hearing can provide flexibility for certain members of the public to attend, it requires access to and a comfort with technology to make attendance possible. Attendance at an in-person location near the proposed site of the generation, however, eliminates those requirements and expands the opportunity to attend to a greater number of people, including those most affected by the proposed facility.² Similarly, members of the public who live near the proposed generating facility will be most impacted by this project. Holding an in-person hearing near these individuals not only provides them a greater opportunity to participate, it sends a message that the Commission values their input.
7. The OPC acknowledges that Liberty has expressed that it requires approximately 33 days of lead time to provide notice of the local public hearings to its customers with their bills as opposed to through a separate mailing.³ (Liberty Resp. 3). Initially, the OPC notes that the Commission has only ordered its Staff to file a Recommendation or

² As support for this position, the OPC directs the Commission's attention to the in-person local public hearing for Union Electric Company d/b/a Ameren Missouri's ("Ameren") Reform Solar Project. Similar to this project, Ameren intends to construct Reform only on ground owned by Ameren. Even so, the in-person hearing was well-attended. See Ryan Shiner, *Around 50 People Attend Public Meeting on 250-Megawatt Solar Facility in Callaway County*, KMIZ, <https://abc17news.com/news/callaway/2026/01/06/around-50-people-attend-public-meeting-on-250-megawatt-solar-facility-in-callaway-county/> (Jan. 6, 2026, last accessed Mar. 4, 2026).

³ The OPC does not oppose Liberty providing notice with its customers' bills.

a status report by March 16, 2026. (Order Extending Time for Recommendation 1, Doc. 12). The Commission has not addressed filings by any other party or scheduled a hearing. (*See id.*). Further, though Liberty now requests a Commission order by August 1, 2026, approximately five months exist between the filing of this Reply and that date. (*See Liberty Resp. 1*). Therefore, sufficient time exists to schedule the local public hearings, while still allowing Liberty the time necessary to send notice of those hearings.

8. To ensure that individuals who wish to attend a local public hearing regarding Liberty's proposed generating facility have the opportunity to do so, the OPC requests that the Commission schedule both an in-person local public hearing to be held at 6:00 p.m. near the proposed site of the generating facility⁴ and a virtual local public hearing to be held at 12:00 p.m. (noon) on such a date that Liberty has the opportunity to provide notice of the hearings. Should the Commission deny the OPC's request to schedule an in-person local public hearing, the OPC requests that the Commission schedule the virtual local public hearing to be held at 6:00 p.m.

OPC Response Regarding Procedural Schedule

9. As it regards Liberty's request for a procedural schedule, the OPC does not oppose Liberty's general request for a procedural schedule. However, the OPC opposes the specific procedural schedule suggested by Liberty as it provides not only for Liberty to file Supplemental Direct Testimony, but only a short window to respond to such testimony. (*See Liberty Resp. 3*). The proposed procedural schedule also does not

⁴ In the Motion for LPH, Renew and the OPC suggested the Joplin Elks Lodge, located at 1802 W 26th Street, Joplin, MO 64804.

address issues such as data request response times. (*See id.*). For at least these reasons, the OPC suggests the Commission reject Liberty’s proposed schedule and instead order the parties to work together to file a jointly proposed procedural schedule.

WHEREFORE, the OPC respectfully requests that the Commission (1) schedule both an in-person local public hearing and a virtual local public hearing for future dates that would allow Liberty to provide notice of those hearings, (2) reject Liberty’s proposed procedural schedule and instead order the parties to file a jointly proposed procedural schedule, and (3) provide for any other relief deemed necessary and appropriate by the Commission.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that copies of the forgoing will be emailed to all counsel of record this 4th day of March 2026.

/s/ Lindsay VanGerpen