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EA-2025-0299

REBUTTAL TESTIMONY

OF

JOHN A. ROBINETT

Submitted on Behalf of the Office of the Public Counsel

**THE EMPIRE DISTRICT ELECTRIC COMPANY
D/B/A LIBERTY**

FILE NO. EA-2025-0299

*** _____ ***

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May 7, 2026

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TABLE OF CONTENTS

Testimony	Page
Combustion Turbine	2
Local Public Hearing	11
Construction Work in Progress	12
Conclusion	14

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THE EMPIRE DISTRICT ELECTRIC COMPANY D/B/A LIBERTY

CASE NO. EA-2025-0299

1 **Q. What is your name and what is your business address?**

2 A. John A. Robinett, PO Box 2230, Jefferson City, Missouri 65102.

3 **Q. By whom are you employed and in what capacity?**

4 A. I am employed by the Missouri Office of the Public Counsel (“OPC”) as a Utility Engineering
5 Specialist.

6 **Q. Have you previously provided testimony before the Missouri Public Service
7 Commission?**

8 A. Yes. I have testified in front of the Missouri Public Service Commission (“Commission”)
9 in both my former position with Commission Staff (“Staff”) and in my current position
10 with OPC.

11 **Q. What is your work and educational background?**

12 A. A copy of my work and educational experience is attached to this testimony as Schedule
13 JAR-R-1.

14 **Q. Why are you filing rebuttal testimony?**

15 A. The purpose of this testimony is to respond to The Empire District Electric Company d/b/a
16 Liberty’s (“Liberty”) request for a Certificate of Convenience and Necessity (“CCN”) for
17 a combustion turbine generating facility that will take advantage of the Expedited Resource
18 Adequacy Study (“ERAS”) process through the Southwest Power Pool (“SPP”). Though I
19 recognize that the project is needed to meet SPP winter resource adequacy requirements, I
20 have several concerns with this project that will likely affect OPC’s position in the future

1 rate proceeding when Liberty requests to begin recovering costs for this project. To ensure
2 that all stakeholders are aware of my concerns, I offer this testimony to explain them here.

3 This testimony also presents the OPC's position on Liberty's request for the
4 Commission to establish the amount of construction work in progress ("CWIP") that it may
5 seek to recover in a future rate case. Specifically, I first suggest that the Commission deny
6 Liberty's request for CWIP, as Liberty has previously forecasted to its customers that they
7 will not bear the costs of this project until the plant is fully operational and used for service.
8 Alternatively, if the Commission chooses to set an amount of CWIP in this case that Liberty
9 may seek to recover in a future rate case, I suggest that the Commission limit the amount
10 of CWIP to the estimate identified in the 1898 Company Technology Assessment Study
11 (the "1898 Technology Study") attached to Mr. Shaen T. Rooney's Direct Testimony as
12 Schedule SR-3 or the level presented in Liberty's response to Staff data request 0077.
13 Additionally, it is my position that the timeframe the Commission should order should be
14 the 19 months starting in July of 2028 that Liberty has designated as construction for the
15 combustion turbine in its response to Staff data request 0027 and 0027.1, attached as
16 Schedule JAR-R-2 Based on the update in Staff data request 0027.1 the time period may
17 need to be extended by four additional months to 23 months to reflect a later in-service
18 date as shown in Staff data request 0027.1. This means that only costs incurred in that time
19 frame could be collected early from customers through CWIP.

20 Combustion Turbine

21 **Q. Can you provide a description of the proposed project?**

22 A. Liberty is seeking this CCN to construct a combustion turbine with an approximate
23 capacity of 250MW. Liberty has proposed to place this new unit on current company-

1 owned land at the Stateline generating facility. That facility already has a combustion
2 turbine and combined cycle unit. Liberty plans to procure an F-class turbine.¹ In response
3 to OPC data request 8540 Liberty provided a **_____

4 _____ .**

5 **Q. Do you have concerns with project?**

6 A. Yes. I am concerned that the selected turbine does not take into account future load growth.
7 I am also concerned with the timing of the procurement and that cost increases have already
8 been incurred. I am concerned that Liberty to my knowledge has yet to sign an agreement
9 to procure the turbine and major components of the generating unit. Finally, I am concerned
10 that Liberty did not select the lowest project capital cost per installed kW as shown in the
11 1898 Technology Study.²

12 **Q. Does Liberty's selection of a 250 MW combustion turbine generating unit consider**
13 **future potential load growth?**

14 A. No, this is for current native load and to meet SPP resource adequacy requirements.

15 **Q. Did Liberty select the least cost option on a dollar/kilowatt basis as described in its**
16 **own study, the 1898 Technology Study that was attached as Schedule SR-3 to the**
17 **direct testimony of Mr. Rooney?**

18 A. No. The lowest cost of energy on a dollar/kiloWatt basis identified in the 1898 Technology
19 Study was the J-class turbine. Liberty did not select this option³. The J-class would

¹ EA-2025-0299 Direct Testimony of Liberty Witness Shaen T. Rooney

² This is a calculation of project cost divided by installed kW. It does not consider revenue requirement impact of the units, fuel costs, property taxes, nor revenues from sales on energy into the market, or any other factor.

³ Schedule SR-3 page ii Table 1: Evaluated Generation Technologies

1 produce more energy, but it would have had a higher upfront cost than the F-class turbine
2 that Liberty ultimately selected.

3 **Q. When did SPP and FERC approve the ERAS process?**

4 A. SPP approved the ERAS process on May 6, 2025.⁴ FERC approved the ERAS process on
5 July 21, 2025.⁵

6 **Q. When did Liberty submit its plan to SPP through the ERAS process?**

7 A. As specified on page 8 of Liberty witness Mr. Aaron J. Doll's Direct Testimony, Liberty
8 filed its ERAS application with SPP on September 26, 2025. Mr. Doll goes on to say that
9 following correction of minor deficiencies SPP confirmed that Liberty's application had
10 been accepted into the ERAS study queue on October 14, 2025.

11 **Q. What was the deadline to submit to SPP through the ERAS process?**

12 A. My understanding is that utilities had a deadline of October 2, 2025 to submit a request
13 through the ERAS process.

14 **Q. When did Liberty discover that the turbine market was strained?**

15 A. Based on its responses to data requests and Mr. Rooney's Supplemental Direct Testimony,
16 Liberty discovered the extent to which the turbine market was strained in the fourth quarter
17 of 2025⁶.

18 **Q. Did any other Missouri utilities discuss the strained turbine market?**

19 A. Yes. Union Electric Company d/b/a Ameren Missouri ("Ameren" or "Ameren Missouri")
20 filed testimony on June 26, 2025, in Case Number EA-2025-0238, the Big Hollow

⁴ Liberty Response to OPC data request 8538 attached as Schedule JAR-R-3.

⁵ Liberty Response to OPC data request 8538 attached as Schedule JAR-R-3.

⁶ Liberty Response of OPC data request 8543 attached as Schedule JAR-R-4.

1 Combustion Turbine and Battery Energy Storage System, indicating that the turbine market
2 was constrained. In the Direct Testimony of Ameren Missouri witness Mr. Christopher A.
3 Stumpf, Ameren discussed the very constrained turbine market during the bid review
4 process for its Castle Bluff project. Ameren Missouri filed its application for the Castle
5 Bluff CCN on June 7, 2024. That project included F-class turbines. The public version of
6 Mr. Stumpf's direct testimony is attached as Schedule JAR-R-5.

7 **Q. Did Liberty consider a different turbine option after learning the market was**
8 **constrained?**

9 A. No. It seems that when Liberty discovered the turbine market was constrained, it was
10 already locked into the ERAS process with its application. It did not consider any other
11 option. It appears that Liberty also did not consider whether it would be easier to acquire
12 the larger turbine due to only applying for the 250 MW project. This is so even though
13 Liberty responded to OPC data request 8521⁷ that all technologies studied were available.

14 **Q. Should Liberty have considered a different turbine after discovery of the constrained**
15 **market?**

16 A. It is my opinion that Liberty was imprudent by not at least looking back at and considering
17 other options that were looked at in the initial resource selection study. Given the increase
18 in cost of the original selected plan (the 250 MW combustion turbine, F-class) it begs the
19 question: would the larger turbine still have been significantly more at this point in time?

20 **Q. Does Liberty need this generating facility?**

21 A. Due to the increase in winter capacity resource adequacy requirements approved by SPP
22 for 2026 Liberty is short of the reserve margin percentage required by SPP and would be

⁷ Liberty response to OPC data request number 8521 attached as Schedule JAR-R-6

1 subject to penalties if it does not build an additional resource or resources or otherwise
2 procure additional capacity.

3 **Q. What is the current SPP planning reserve margin and has there been discussion to**
4 **potentially further increase the resource adequacy requirements?**

5 A. At page 3 of Mr. Doll's Direct Testimony, he discusses how the IRP modeled SPP planning
6 reserve margin for winter 2026 moving to 36% and rising to 44% in 2029. Additionally,
7 Liberty responded to OPC data request 8529, stating that the current planning reserve
8 margin for winter 2030/2031 is 38%. My concern here is that with this turbine being built
9 to meet the current 36% planning reserve margin for winter that it may not be large enough
10 to account for further increases for winter planning reserve margin requirements.

11 **Q. Has Liberty been approached by large load customers?**

12 A. Yes, like other load serving entities in this state, large load customers have contacted
13 Liberty. Attached as Schedule JAR-R-7HC is Liberty's response to Staff data request
14 number 0012 and to OPC data request numbers 8510, 8511, and 8513. Liberty's response
15 to each of these data requests discusses its contacts from large power users and the various
16 stages of discussions with each entity.

17 **Q. What is Liberty's all time peak usage and when did it occur?**

18 A. Liberty provided its summer and winter all time peaks in response to OPC data request
19 number 8502 (attached as Schedule JAR-R-8). Liberty's all-time peak occurred in the
20 winter of 2022 at a level of 1249 MW. Liberty's all time summer peak is from 2011 and
21 was 1198 MW.

1 **Q. Does that all-time peak contain any data center or large load customer load?**

2 A. That all-time peak includes commercial and industrial load but none of the included load
3 is to the scale of data centers.

4 **Q. What is the size of the large power entities that have made contact with Liberty?**

5 A. Between the responses to Staff data request number 0012 and OPC data request number
6 8510, Liberty could see a very large increase in load. *** _____

7 _____

8 _____

9 _____

10 _____

11 _____

12 _____

13 _____

14 _____

15 _____

16 _____ ***

17 **Q. Does this concern you? If so, why?**

18 A. This is very concerning. If the loads discussed in the previous question and answer come
19 onto Liberty's system it would completely alter Liberty as a utility and how it operates in
20 my opinion. Just one of the potential loads could significantly alter Liberty's operations.
21 The current requested CCN does not consider load growth, just the additional capacity
22 necessary to meet SPP requirements.

1 **Q. Are there any benefits to how Liberty has presented this CCN application?**

2 A. Yes. It is my opinion that Liberty has drawn a very clean and clear line regarding resources
3 and load. If Liberty were to add any large load customers and it needed to build resources
4 to match that load, it should rest solely on the future large customer to pay for the
5 generation build necessary to meet its needs.

6 **Q. Has Liberty secured the equipment for this CCN?**

7 A. No. Based on Liberty's responses to both Staff and OPC data requests and its statements
8 in Mr. Rooney's Supplemental Direct Testimony filed in this case securing the turbine for
9 this project is still a work in progress. My understanding at the time of this testimony is
10 that Liberty still has not executed a contract to procure a turbine for this CCN. It is unclear
11 when Liberty intends to do so. This is concerning since this means the price for equipment
12 and construction has not been locked down and could still be subject to additional
13 increases. Schedule JAR-R-9C attached are Liberty's responses to data requests from Staff
14 that discuss the status of major equipment acquisition and non-completed studies that will
15 determine whether certain emissions controls will need to be added to the unit.

16 **Q. Do you believe that Liberty has acted prudently in acquiring the turbine for this
17 project?**

18 A. No. I do not.

19 **Q. In your opinion what actions point to Liberty being imprudent?**

20 A. There are several. First, with regard to the timeline of this project, the time period between
21 when the Integrated Resource Plan ("IRP") identified a need for this turbine (April 2025
22 IRP) and when Liberty first reached out to the turbine manufacturers was at least 3-4
23 months. Second, Liberty's decision to lock itself into a smaller turbine based on its

1 submission to SPP for ERAS approval and failure to pivot or consider pivoting when it
2 determined the market was far more constrained than it had anticipated. Third, based on
3 Liberty's responses to data requests, it has not finalized a terms sheet or contract for the
4 turbine needed to complete the project.⁸ Finally, Liberty also has not completed studies
5 that will determine whether equipment will be needed for emission control. Liberty states
6 this cannot be determined until specific emissions data for the turbine to be supplied is
7 available.⁹

8 **Q. Was Liberty prudent by submitting a project through the ERAS process?**

9 A. Yes, I believe it was prudent for Liberty to utilize the ERAS process for expedited review
10 to add this resource. Throughout the ERAS process, Liberty participated in the working
11 group process at various SPP working groups to advocate for a change to the then-proposed
12 capacity ceiling calculation. Liberty's ultimate Load Responsible Entity ceiling
13 calculation was *** _____ *** for the winter resource adequacy-derived ceiling under
14 ERAS framework.¹⁰ However, in this Application, Liberty seeks a CCN for only 250 MW,
15 well below the threshold it was ultimately awarded.

16 **Q. What was the original cost estimate provided by Liberty?**

17 A. The original cost estimates provided for this combustion turbine project were **____
18 _____** provided in the 1898 Technology Study, attached to Mr. Rooney's direct
19 testimony or **_____** provided in response to Staff data request 0077.

⁸ See Schedule JAR-R-9C

⁹ Liberty Response to Staff data request 0031.2 attached as Schedule JAR-R-10

¹⁰ Attached as Schedule JAR-R-11C Liberty Responses to OPC data request 8517, 8518, Staff data requests 0033,
and 0033.1

1 **Q. Have the original estimates changed during the course of this case?**

2 A. Yes. The original estimates provided in both the 1898 Technology Study and in response
3 to Staff data request 0077 are lower than the updated values provided in the Supplemental
4 Direct Testimony of Mr. Shaen T. Rooney filed on March 12, 2026.

5 **Q. How has the value changed and to what degree?**

6 A. The original cost estimate provided for this combustion turbine project was **_____
7 _____** in response to Staff data request 0077 or **_____** identified in the 1898
8 Technology Study. The new value of the project as projected in the supplemental direct
9 testimony of Mr. Shaen T. Rooney is **_____** This is an increase of over
10 36.01% or 50.34% depending on which initial estimate is used. This increase took place
11 in a period of 7 months, from September 5, 2025, to March 12, 2026. Liberty's responses
12 to Staff and OPC data requests related to project budget are attached as Schedule JAR-R-
13 12C. I think it is important to note that attachment SR-3 valued a J-class turbine at **_____
14 _____** Liberty deemed this amount too large to place on its rate payers.^{11 12} Yet
15 Liberty's current price estimates for the smaller F-class turbine are nearly the same as that
16 it deemed too large for its ratepayers.

17 **Q. What is driving the change in value according to Liberty?**

18 A. At page 8 of the Supplemental Direct Testimony of Mr. Rooney, Liberty points to the
19 current market, constrained market conditions, and a delay in securing turbine supply as
20 the reasons for the increase in project cost from the filing of the application. In addition,
21 Liberty points to the updated project values now including overheads and allowance for

¹¹ Liberty Response to Staff Data Request 0069 attached as Schedule JAR-R13

¹² See also the supplemental direct testimony of Mr. Shaen Rooney page 3 lines 12-18 and page 10 lines 9-11

1 funds used during construction (“AFUDC”). Additionally, the project includes a
2 contingency for a selective catalytic reduction system on the unit if the Missouri
3 Department of Natural Resources requires it through the air emissions source construction
4 permit.

5 Local Public Hearing

6 **Q. Did you attend the Virtual Local Public Hearing on April 16, 2026?**

7 A. Yes. I was online for both the Question and Answer session and the On-The-Record portion
8 of the virtual local public hearing.

9 **Q. What were some of the main themes addressed?**

10 A. Individuals on the call questioned the siting of the unit, specifically why the unit was to be
11 located on the land nearest to the residential areas. Individuals were concerned with noise
12 from the combustion turbine.

13 There was also a question about whether this was for a future data center.

14 Finally, an individual asked about notice being provided to the affected Native American
15 tribes located within fifty miles of the generating facility.

16 **Q. Did any of these discussions raise concerns for you?**

17 A. Yes. The discussion related to the notification to the Native American tribes about the
18 construction of the generating facilities. Specifically, when addressing this question,
19 Liberty personnel noted that such notice was only required as a part of the air permitting
20 process. The Liberty personnel noted that Liberty had not yet begun the air permitting
21 process, and that was the reason the Native American tribes had not yet been notified of
22 the project.

1 **Q. Does OPC have a witness that will discuss the air permitting issue?**

2 A. Yes. Ms. Jill Wade, P.E., will discuss the air permitting necessary for this project and the
3 OPC's concerns related to Liberty's delayed procurement of an air permit for this project.

4 Construction Work in Progress

5 **Q. Did Liberty request construction work in progress ("CWIP") in its Application for a**
6 **Certificate of Convenience and Necessity?**

7 A. No. The October 24, 2025, Application does not include a request for construction work in
8 progress ("CWIP") for the combustion turbine Liberty seeks to add as part of this CCN
9 case.

10 **Q. Did Liberty request CWIP in its Direct Testimony filed in support of the Application?**

11 A. No. Liberty did not discuss CWIP in either Mr. Shaen T. Rooney's or Mr. Aaron J. Doll's
12 Direct Testimonies also filed on October 24, 2025.

13 **Q. Did Liberty include its request for CWIP in its Request for a Procedural Schedule**
14 **and Response Regarding Motion for Local Public Hearing filed on March 3, 2026?**

15 A. Again, no. Liberty did not request CWIP for this project in that filing.

16 **Q. When did Liberty request CWIP in this CCN case?**

17 A. Liberty's request for CWIP treatment was filed before the Commission on March 12, 2026,
18 in Mr. Shaen T. Rooney's Supplemental Direct Testimony. This supplemental filing came
19 after both Staff and OPC asked data requests about whether Liberty intended to request
20 CWIP for this project.

1 **Q. Should the Commission set the estimate for potential CWIP recovery as part of this**
2 **case?**

3 A. No. Liberty failed to seek CWIP when it filed its Application and appears to only have
4 sought it after both Staff and OPC asked if Liberty intended to seek CWIP for this project.

5 **Q. Are there any other reasons why you believe the Commission should deny Liberty's**
6 **request for CWIP treatment for this combustion turbine?**

7 A. Yes. Liberty has told its customers that it will not begin recovering for the combustion
8 turbine until it is fully operational and used for service, and then only after it has been
9 included in a rate proceeding after the in-service date for the combustion turbine. Attached
10 as Schedule JAR-R-14C is an article from the Joplin Globe discussing Liberty's request
11 for a CCN for this combustion turbine. That article addresses Liberty witness Aaron J.
12 Doll's statement that "Costs will eventually be passed on to the consumer. . . but that won't
13 happen until the generator is running, and Liberty will have to be in its regular rate change
14 cycle with the PSC. That means consumers won't see the cost until after 2030."

15 The message to Liberty's rate payers is that they will not pay for this unit until after
16 it is placed into service in late 2030. However, in its Supplemental Direct Testimony filed
17 in this case on March 12, 2026, Liberty now requests the opportunity to use CWIP. If the
18 Commission allows CWIP, Liberty will begin collecting construction costs in rate base
19 prior to the new unit being placed into service. This is directly contrary to the messaging
20 it has told its ratepayers.

1 **Q. If the Commission believes that Liberty should be allowed the opportunity to request**
2 **CWIP in a future rate case, what balance should it identify in this case?**

3 A. If and only if the Commission determines that Liberty should be granted the opportunity
4 to request CWIP in a future rate proceeding, then I recommend the Commission limit the
5 project budget to either ****_____**** the value provided in response to Staff data
6 request 0077¹³ or that provided in the 1898 Technology Study, (****_____****). This
7 number is substantially lower than the updated and “original budget” for the project
8 provided in supplemental testimony filed on March 12, 2026. The Commission should also
9 order that the construction period should be the 19 months starting in July of 2028 that
10 Liberty has designated as construction for the combustion turbine in its response to Staff
11 data request 0027 and 0027.1, attached in Schedule JAR-R-2. This means that only costs
12 incurred in that time frame could be collected early from customers through CWIP. Based
13 on the update in Staff data request 0027.1 the time period may need to be extended by four
14 additional months to 23 months to reflect a later in-service date.

15 **Conclusion**

16 **Q. What are your recommendations for conditions as part of this CCN application?**

17 A. I recommend that the Commission should order Liberty to provide additional information
18 in case of further cost increases and that it should provide notice to the Commission when
19 it secures the turbine and other major components. Additionally, Liberty should provide
20 monthly construction reports documenting the progress and process of construction and

¹³ Attached as Schedule JAR-R-15C

1 indicate any deviations or change orders that are approved by Liberty and that affect the
2 budget.

3 **Q. Are you making any rate making suggestions as part of this testimony?**

4 A. No. This is testimony to lay the groundwork for potential disallowances when Liberty seeks
5 recovery of this combustion turbine in a future rate proceeding.

6 Liberty should be on notice that its actions in this case have led to an increase in
7 costs for this project already. Liberty's failure to act has cost rate payers more for the 250
8 MW combustion turbine. Liberty set itself up with path dependent decisions and was not
9 able to pivot when it realized the market was tighter for turbines than it anticipated. This is
10 a well-known issue and Liberty should have been aware of it.

11 **Q. What are your recommendations for Liberty's CWIP request?**

12 A. Liberty's requests for CWIP should be denied as their messaging to customers says they
13 will not be paying for the new combustion turbine unit until after it is placed into service
14 and included in a future general rate proceeding as plant in service. In the event that the
15 Commission determines that Liberty should be granted the opportunity to seek CWIP in its
16 next general rate proceeding, the Commission should limit the project costs to the original
17 values presented for the F-class turbine in response to Staff data request 0077 (**____
18 ____**) or the 1898 Technology Study(**_____**). Additionally, the
19 Commission should take a strict interpretation of the construction period and only include
20 expenditures during the construction period of 18 months (July 2028 through January of
21 2030 the projected in-service date with a possibility of a 4 month slide for in-service)
22 according to Staff Data request number 0027 and 0027.1.

1 **Q. Does this conclude your rebuttal testimony?**

2 A. Yes, it does.

