

**Exhibit No.:**

**Issue(s):**

**Witness/Type of Exhibit:**

**Sponsoring Party:**

**Case No.:**

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Stateline CCN  
Robinett/Surrebuttal  
Public Counsel  
EA-2025-0299

**SURREBUTTAL 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

May 27, 2026

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**SURREBUTTAL TESTIMONY**

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**JOHN A. ROBINETT**

**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. Are you the same John A. Robinett who filed rebuttal testimony on behalf of the**  
4 **Missouri Office of the Public Counsel (“OPC”) in this proceeding?**

5 A. Yes.

6 **Q. Why are you filing surrebuttal testimony?**

7 A. The purpose of this testimony is to respond to the Staff of the Public Service Commission  
8 of the State of Missouri (“Staff” and “Commission,” respectively) rebuttal report that  
9 discusses The Empire District Electric Company d/b/a Liberty’s (“Liberty”) request for a  
10 Certificate of Convenience and Necessity (“CCN”) for a combustion turbine generating  
11 facility that will take advantage of the Expedited Resource Adequacy Study (“ERAS”)  
12 process through the Southwest Power Pool (“SPP”). In this testimony I will provide my  
13 position related to Staff’s position on Liberty’s request for Construction Work in Progress  
14 (“CWIP”). Specifically, I will focus on the construction period and the need to prove  
15 CWIP is cheaper than other methods for recovery. In this testimony I will additionally  
16 discuss Staff’s recommendation for the Commission to deny decisional prudence.

17 **CWIP CONSTRUCTION PERIOD**

18 **Q. How does the statute provide limitations for CWIP?**

19 A. The statute that authorizes CWIP for new natural gas generating facilities, § 393.135  
20 RSMo., has the following language:

21 The amount shall be limited by:

- 1 (a) The estimated cost of such project; and  
2 (b) Project expenditures made within the estimated construction period for such  
3 project.

4 **Q. How does Staff interpretate the construction period?**

5 A. Staff appears to define construction in this case as every potential aspect of the project,  
6 including design of the plant and procurement of equipment. It is my understanding that  
7 the statute clearly says it is to be limited for expenditures during the construction period.

8 **Q. What is the definition of construction?**

9 A. Black's Law Dictionary the deluxe 11<sup>th</sup> edition, defines construction as "the act of building  
10 by combining or arranging parts or elements; the thing so built." Webster's third New  
11 International Dictionary defines construction as "the act of putting parts together to form a  
12 complete integrated object."

13 **Q. How do you interpret the statutory limitation related to the construction period?**

14 A. Though I am not an attorney, I interpret the limitation referring to the "construction period"  
15 to refer only to the active construction period. Therefore, I propose using Liberty's own  
16 project timeline that defined a construction period of 19 months, which may need to be  
17 extended by an additional 4 months. Attached as Schedule JAR-S-1 is Liberty's response  
18 to Staff data request number 0027 that identifies the project timeline.

1 **CWIP VERSUS AFUDC CALCULATION**

2 **Q. Staff recommends that Liberty provide an analysis that the utilization of CWIP will**  
3 **be less costly than traditional deferral of allowance for funds used during**  
4 **construction (“AFUDC”) as part of testimony and workpapers included with any and**  
5 **all requests for CWIP to be included in rate base in a future general rate proceeding.**  
6 **How do you respond?**

7 A. Though I am not an attorney, it is my understanding that this is not a requirement of the  
8 statute that authorizes CWIP, § 393.135 RSMo. If the Commission desires this information  
9 before it determines if the utility should be allowed to charge and collect CWIP it should  
10 order it as a condition. The Commission should do so not only in this case but every CCN  
11 application that comes before it where a utility requests approval of CWIP for a project.  
12 Alternatively, this requirement could be added by a statute revision or included in the rule  
13 that governs applications for electric utility’s rate increase request 20 CSR 4240-3.160 to  
14 require this calculation be performed by the utility seeking CWIP recovery for natural gas  
15 generation plants.

16 **DECISIONAL PRUDENCE**

17 **Q. What was Staff’s position related to decisional prudence?**

18 A. Beginning at page 66 line 9 Staff discusses its position related to Liberty’s request for  
19 decisional prudence. Staff recommends the Commission consider the concerns raised by  
20 Staff witnesses throughout their recommendation report and find that granting decisional  
21 prudence in this instance is not justified. Staff recommends at page 67 of its rebuttal report  
22 that the Commission reject Liberty’s request for decisional prudence in this case and  
23 instead consider decisional prudence in a future rate case where all factors can be reviewed.

1 **Q. Do you have concerns or comments about Staff's recommendation related to the**  
2 **decisional prudence issue?**

3 A. While I agree that the Commission should not grant decisional prudence in this case it is  
4 for a much more limited reason or condition than Staff.

5 In reaching this position, I struggle due to Liberty's need for capacity created by SPP's  
6 changes to the winter resource adequacy requirements. Therefore, the general decision to  
7 build, I do not question.

8 However, when asked whether it was decisionally prudent for Liberty to build the  
9 Class F turbine that it seeks a CCN for here, I do not agree at this time that such a decision  
10 was prudent. I have many questions that remain unanswered. These questions relate to  
11 the concerns Staff presented in its rebuttal report and that I addressed in my rebuttal  
12 testimony. They address topics such as, but not limited to, the decision on the type of unit  
13 to build, timing of discussions with turbine manufacturers, SPP approval of winter resource  
14 adequacy requirements being approved and implemented<sup>1</sup>, status of required  
15 archaeological/cultural studies,<sup>2</sup> the timing of entering the market, the discussion with the  
16 turbine manufacturers, and the decision that traditional acquisition methods of receiving a  
17 turbine were not possible. Further, while I do not know how many independent developers  
18 had turbine reservations, the very limited number that Liberty inquired of concerns me.<sup>3</sup>  
19 Liberty's decision to lock a smaller unit into the ERAS process than the calculation showed  
20 it could have also concerns me<sup>4</sup>. For at least these reasons, I suggest that the Commission

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<sup>1</sup> Attached as Schedule JAR-S-2 is Liberty's response to OPC data requests 8527, 8529, 8524, 8526, and 8503.

<sup>2</sup> Attached as Schedule JAR-S-3 is Liberty's response to OPC data request 8512.

<sup>3</sup> Attached as Schedule JAR-S-5C is Liberty's response to OPC data requests 8537,8541, 8536, 8532, 8535, 8556, and 8542.

<sup>4</sup> Attached as Schedule JAR-S-4 is Liberty's responses to OPC data requests 8509, 8533, 8522, and 8530.

1 not grant decisional prudence related to Liberty's selection of a F class combustion turbine  
2 in this case for reasons presented by both Staff and myself.

3 To the extent that these concerns relate to economic prudence, they are not a part  
4 of this CCN case and will be handled in a future rate proceeding where Liberty seeks to  
5 recover the costs of the units when placed into rates on a going forward basis. However,  
6 the testimony presented by both Staff and myself in this case should be considered the first  
7 steps and notice to the Commission for the future potential economic disallowances based  
8 on decisions and actions Liberty has taken in this CCN process for a combustion turbine.

9 **Q. Could you summarize your recommendations from this testimony?**

10 A. Yes. First, I recommend that the Commission not adopt Staff's interpretation of the  
11 construction period if it decides to set an amount of CWIP that Liberty may collect for this  
12 project and instead rely on Liberty's own schedule that defines the construction period for  
13 this project as 19-23 months. Second, I recommend that the Commission order or find that  
14 decisional prudence should not be granted for Liberty in this case.

15 **Q. Does this conclude your surrebuttal testimony?**

16 A. Yes, it does.

**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                 ) Case No. EA-2025-0299  
Convenience and Necessity to Support     )  
Resource Adequacy                             )

**AFFIDAVIT OF JOHN A. ROBINETT**

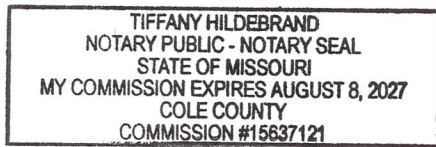
STATE OF MISSOURI     )  
   ) ss  
COUNTY OF COLE     )

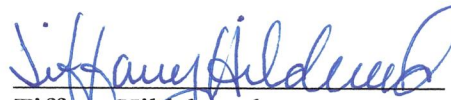
John A. Robinett, of lawful age and being first duly sworn, deposes and states:

1. My name is John A. Robinett. I am a Utility Engineering Specialist for the Office of the Public Counsel.
2. Attached hereto and made a part hereof for all purposes is my surrebuttal testimony.
3. I hereby swear and affirm that my statements contained in the attached testimony are true and correct to the best of my knowledge and belief.

  
\_\_\_\_\_  
John A. Robinett  
Utility Engineering Specialist

Subscribed and sworn to me this 26<sup>th</sup> day of May 2026.



  
\_\_\_\_\_  
Tiffany Hildebrand  
Notary Public

My Commission expires August 8, 2027.