

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

In the Matter of the Application of The Empire)
District Electric Company for Approval of) Case No. EO-2018-0092
Its Customer Savings Plan)

RESPONSE TO MOTION TO PROVIDE ADDITIONAL EVIDENCE

COMES NOW The Empire District Electric Company (“Empire”), by and through counsel, and, in response to the Motion to Provide Additional Evidence (“Motion”) filed on May 11, 2018, respectfully states as follows to the Missouri Public Service Commission (“Commission”):

1. On May 10, 2018, the City of Joplin (“Joplin”) made an oral request that the Commission direct Empire to provide certain additional information. The request was later joined by the Office of the Public Counsel and filed in EFIS on May 11, 2018. The Regulatory Law Judge later ordered that responses to the Motion be provided by May 15, 2018.

2. The Motion requests the following information:

a) “Counsel requested the ‘customer savings’ figures in McMahon’s Affidavit in Support of the Stipulation which are based on a 44% contribution of capital by Empire to be recalculated for both the lower threshold and higher threshold capital contributions identified in the Non-unanimous Stipulation and Agreement, all else being held equal.”

b) “In addition, Counsel requested that Empire provide ratepayer impact calculations and associated workpapers for both the lower threshold and higher threshold capital contributions, holding all else equal.¹”

3. Empire objects to this Motion. First, as is even contemplated by the request, the responsive information does not exist today. Empire would need to create that information, which would take a significant amount of time. As Mr. Holmes testified at the hearing, it is not

¹ Ratepayer impact calculations (based on unknown capital contribution) were provided in response to OPC DR-5.

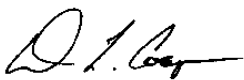
simply a matter of changing the Empire or tax equity contribution percentage, and having that amount flow through a spreadsheet. Empire would need to calculate for each of the three projects in question the varying amounts of Empire vs. the tax equity partner's contribution, which in turn would require an adjustment to other tax equity variables from page 10 of the Stipulation, including the percentage of partnership cash distributions, contingent contributions, and partnership taxable income allocations, each of which is in a range.

4. Second, the information requested relates to the Non-Unanimous Stipulation and Agreement filed on April 24, 2018 (and, more generally, the tax equity structure that has been discussed throughout this case), not to anything unique that transpired at the hearing. This information could have been requested anytime through the close of the discovery period, but was not. Neither Joplin nor OPC has provided any good cause why they could not have requested this information during discovery on the Stipulation. The Company would note that OPC issued over 70 data requests to the Company on the Stipulation and associated affidavits in support.

5. The purpose of the Motion seems to be to avoid that discovery deadline by attempting to get the Commission to order its production. No justification exists for such step.

WHEREFORE, Empire respectfully requests the Commission consider this Response to Motion to Provide Additional Evidence and, thereafter, deny the Motion.

Respectfully submitted,



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ATTORNEYS FOR THE EMPIRE DISTRICT ELECTRIC COMPANY

CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the foregoing document was sent by electronic mail or by U.S. Mail, postage prepaid, on May 15, 2018, to the following:

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