

In the Matter of the Request of The Empire District Electric Company d/b/a Liberty for Authority to File Tariffs Increasing Rates For Electric Service Provided to Customers In its Missouri Service Area.)
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Case No. ER-2024-0261

COMES NOW The Empire District Electric Company d/b/a Liberty (“Liberty” or the “Company”) and, for its *Motion for an Order Nunc Pro Tunc and Expedited Treatment*, states as follows to the Missouri Public Service Commission (the “Commission”):

1. On January 14, 2026, the Commission issued its *Report & Order* in Case No. ER-2024-0261, the Company's general rate case. Therein, the Commission ordered, "Empire is authorized to file as applicable tariff sheets sufficient to recover the revenues approved in, and in compliance with, the findings of this order."

2. On March 6, 2026, the Company filed compliance tariffs, which were assigned Tracking No. JE-2026-0123. These tariff sheets contained the FAC rates which were subsequently approved by the Commission in Cases ER-2026-0260 and EO-2026-0261 on May 20, 2026 (the 12th Revised Sheet No. 17q) for service on and after June 1, 2026. On June 18, 2026, the Company filed certain substitute tariff pages.

3. On July 15, 2026, the Commission approved the compliance tariffs to become effective on August 3, 2026 (Order Approving Compliance Tariff Sheets).

4. As part of the June 18, 2026 tariff substitution filing, the Company had included a revised 13th Revised Tariff Sheet 17q, which reflects the tariff format to be used for future Fuel Adjustment Clause (“FAC”) rates but which did not contain the rates and other

information that should have been associated with that tariff sheet. The Company's currently authorized FAC rates remain those set forth in 12th Revised Tariff Sheet 17q, which should remain in effect until December 1, 2026. As a result, the approval of the compliance tariff package on July 15, 2026 inadvertently resulted in the 13th Revised Tariff Sheet 17q superseding the 12th Revised Tariff Sheet 17q before the latter had completed its intended term and without reflecting the substantive information associated with that tariff sheet.

5. The Commission's decision in its *Report & Order* dated January 14, 2026, was to continue the Company's existing FAC rates, subject to certain adjustments reflected in agreements attached to and incorporated into the Commission's order. Those adjustments did not alter the currently effective FAC rate elements set forth in 12th Revised Tariff Sheet 17q. Accordingly, the 12th Revised Tariff Sheet 17q should remain the governing tariff sheet through December 1, 2026, at which time a new 13th Revised Tariff Sheet 17q would be filed to govern FAC rates approved thereafter. The Company's inclusion of the 13th Revised Tariff Sheet 17q in the compliance tariff filing was not intended to terminate the effectiveness of the 12th Revised Tariff Sheet 17q prior to December 1, 2026.

6. The purpose of a *nunc pro tunc* order is to correct clerical omissions or mistakes so that the record speaks the truth by evidencing an act done or a judgment actually rendered at a prior time but not carried into or properly recorded in the record. ***Andrae v. Andrae***, 171 S.W.3d 170, 172 (Mo. App., E.D. 2005). Such relief is appropriate here because the Order Approving Compliance Tariff Sheets inadvertently caused the 13th Revised Tariff Sheet 17q to become effective before the expiration of the

12th Revised Tariff Sheet 17q, and contrary to the Commission's Report and Order issued herein.

7. A *nunc pro tunc* order amending the Commission's Order Approving Compliance Tariff Sheets will correct the order such that the 12th Revised Tariff Sheet 17q remains effective (as a practical matter, through December 1, 2026), and that the 13th Revised Tariff Sheet 17q is rejected.

8. The Company suggests that item one of the Order Approving Compliance Tariff Sheets ordered section be revised to read as follows:

The proposed tariff sheets assigned Tracking No. JE-2026-0123, filed on March 6, 2026, and as substituted on June 18, 2026, with the exception of 13th Revised Sheet No. 17q, are approved to become effective on August 3, 2026. 13th Revised Sheet No. 17q is rejected.

9. Because the existing 13th Revised Sheet No. 17q was erroneously approved and currently purports to have been effective as of August 3, 2026, it is important that the Commission address this matter as quickly as is possible. Accordingly, Liberty requests expedited treatment pursuant to Commission Rule 20 CSR 4240-2.080(14). The action requested would be consistent with the Commission's report and Order herein and confirm that the Company's filed and approved tariff reflects the approved rates. Therefore, a grant of this Motion is in the public interest. Liberty further states that this Motion is being filed as quickly as possible after the issue described herein was recognized.

10. The Company has conferred with the Commission Staff regarding this request, and Staff supports this request.

WHEREFORE, the Company respectfully requests that the Commission issue an order granting expedited treatment and, thereafter, issue an Order Nunc Pro Tunc

correcting the Order Approving Compliance Tariff Sheets as described herein; and grant such other relief as it deems just and proper.

Respectfully submitted,

**BRYDON, SWEARENGEN &
ENGLAND, P.C.**

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ATTORNEYS FOR THE EMPIRE
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LIBERTY

CERTIFICATE OF SERVICE

I hereby certify that the above document was filed in EFIS on this 5th day of August 2026, with notification of the same being sent to all counsel of record; and I further certify that the above document was sent by electronic transmission to all counsel of record.

//S// Dean L. Cooper