

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service
Commission held at its office in
Jefferson City on the 25th day of
February, 2015.

In the Matter of The Empire)	
District Electric Company for Authority)	<u>File No. ER-2014-0351</u>
to File Tariffs Increasing Rates for)	Tracking No. YE-2015-0074
Electric Service Provided to Customers)	
in the Company's Missouri Service Area)	

ORDER GRANTING APPLICATION FOR TEMPORARY WAIVER

Issue Date: February 25, 2015

Effective Date: March 6, 2015

On January 26, 2015, The Empire District Electric Company ("Empire") filed an *Application for Waiver*, requesting a partial variance from Commission Rule 4 CSR 240-3.161(3)(Q). Commission Rule 4 CSR 240-3.161(3) provides that when an electric utility files a general rate proceeding after a rate adjustment mechanism ("RAM") is established, the electric utility must provide certain supporting information if it seeks to continue or modify the RAM. Empire acknowledges that the Commission's rule applies to Empire in this proceeding. Subsection (Q) of 4 CSR 240-3.161(3) requires Empire to submit the results of heat rate tests on all "nuclear and non-nuclear steam generators, HRSG, steam turbines and combustion turbines conducted within the previous twenty-four (24) months."

In its *Application for Waiver*, Empire states that it prepared for a planned outage at its Asbury Unit 1, in order to apply a new Air Quality Control System ("AQCS") and to replace major components of the steam turbine. Empire states that these projects will impact the unit heat rate and make the results of a heat rate test conducted before the

outage irrelevant. Empire seeks a temporary waiver from the heat rate test reporting requirement for Asbury Unity 1, and states that the test will be performed, “as soon as feasible following the completion of tuning and testing.” Empire adds that the results will then be submitted to the Commission and to all parties in this matter. No definitive time frame was provided by Empire.

On January 27, the Commission issued an order setting a deadline for the filing of objections to Empire’s application. In its application, Empire indicates that attorneys for all parties to this matter were contacted. The Staff of the Commission filed a response indicating that while it does not object to Empire receiving a temporary, one-time variance for purposes of this general rate case, it does not support a permanent waiver of the requirements in 4 CSR 240-3.161(3). No further responses or objections were received from the parties.

Section (16) of 4 CSR 240-3.161 states that provisions of the rule may be waived for good cause. The Commission finds good cause exists for granting Empire a temporary waiver of the heat rate test reporting requirement for Asbury Unit 1, until after the tuning and testing of the AQCS.

THE COMMISSION ORDERS THAT:

1. The Commission waives the heat rate test filing requirement in Commission Rule 4 CSR 240-3.161(3)(Q) and grants Empire District Electric Company a temporary variance for its Asbury Unit 1. This temporary variance from the requirement to file heat rate testing results for Asbury Unit 1 shall expire upon the completion of tuning and testing of the AQCS and steam turbine.

2. This order shall be effective on March 6, 2015.



BY THE COMMISSION

A handwritten signature in black ink that reads "Morris L. Woodruff".

Morris L. Woodruff
Secretary

R. Kenney, Chm., Stoll, W. Kenney,
Hall, and Rupp, CC., concur.

Burton, Regulatory Law Judge.