

BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

In the Matter of the Clarification of PPA	)	
Replacement Values for The Empire District	)	<u>Case No. EO-2026-0101</u>
Electric Company's d/b/a Liberty's Market	)	
Price Protection Mechanism	)	

ORDER GRANTING ADMINISTRATIVE NOTICE AND DENYING OBJECTIONS

Issue Date: August 28, 2026

Effective Date: August 28, 2026

This order grants requests that the Commission take administrative notice of several documents from other cases and denies the objections to taking administrative notice from the Office of the Public Counsel (Public Counsel).

Background

In Case No. EA-2019-0010, a wind generation certificate of convenience and necessity case, several of the parties submitted a non-unanimous stipulation and agreement containing the Market Price Protection Mechanism (MPPM). The MPPM is a risk sharing mechanism designed to share the risks from reduced market prices and wind production associated with Liberty's wind projects between shareholders and ratepayers. Public Counsel objected to the non-unanimous stipulation and agreement. The Commission's *Report and Order* in that case approved the MPPM independently from the non-unanimous stipulation and agreement but referenced the non-unanimous stipulation as describing the MPPM.

In Case No. ER-2021-0312, Liberty's 2021 general rate case, the Commission approved an unopposed stipulation and agreement between the Staff of the Commission

(Staff), Liberty, and Public Counsel. Terms in that stipulation and agreement clarified portions of the MPPM.

Liberty filed notice of its first MPPM submission in Case No. ER-2021-0312 on July 28, 2023. Liberty's MPPM submission tracks all costs and revenues of the MPPM. Public Counsel's response to Liberty's MPPM submission asserted that Liberty used the wrong PPA replacement value balances and that those balances should be zero. The Commission directed Liberty, Staff, and Public Counsel to address the MPPM PPA replacement value issue in Liberty's next rate case, Case No. ER-2024-0261

In Case No. ER-2024-0261, Liberty's 2024, general rate case, the Commission's January 24, 2026, *Report and Order* directed that the MPMM PPA replacement values be addressed in this docket separately from the rate case because the MPPM has no impact on the rate case revenue requirement.

Administrative Notice

In this docket, Staff requested the Commission take administrative notice of several documents from Case Nos. EO-2018-0092, EA-2019-0010, ER-2021-0312, and ER-2024-0261. Public Counsel objected to the Commission taking administrative notice of some parts of those documents. Public Counsel's objections asserted that the documents from Liberty's most recent rate case, Case No. ER-2024-0261, and its preceding rate case, Case No. ER-2021-0312, are irrelevant because those cases occurred after the Commission approved the MPPM and are not relevant to the intent of the Commission when it approved the MPPM. Public Counsel also objects because some of the information comes from

settlement discussions. Public Counsel asserts such evidence is inadmissible under Commission Rule 20 CSR 4240-2.090 (7).

Along with its objections, Public Counsel requested the Commission take administrative notice of additional documents from Case Nos. EO-2018-0092, EA-2019-0010, and documents from EO-2023-0358. No objections to Public Counsel's requested administrative notice were received.

Decision

Liberty's first MPPM submission was filed in Case No. ER-2021-0312 and it was there that Public Counsel raised the MPPM issue. The Commission then moved the MPPM issue to Liberty's next rate case, Case No. ER-2024-0261 for resolution of the MPPM issue. The documents from that case were admitted as evidence.

The documents Public Counsel objects to are in the case where Public Counsel introduced the MPPM issue or were admitted into evidence for the purpose of resolving the MPPM issue. The documents are relevant to the MPPM issue, were previously admitted, or would require the creation of needless duplicative testimony for this case.

Therefore, the Commission will grant the requests of both Staff and Public Counsel to take administrative notice of documents from other cases and deny the objections of Public Counsel to the Commission taking notice of specific documents.

THE COMMISSION ORDERS THAT:

1. The Commission will take administrative notice of the documents requested in Staff's *Proposed Procedural Schedule*, filed December 5, 2025.

2. The Commission will take administrative notice of the documents requested in *Public Counsel's Request for Administrative Notice*, filed March 20, 2026.

3. *Public Counsel's Objections*, filed March 20, 2026, objecting to the Commission taking administrative notice of specific portions of documents, is denied.

4. This order shall be effective when issued.



BY THE COMMISSION

Nancy Dippell

Nancy Dippell
Secretary

John T. Clark, Senior Regulatory Law Judge,
by delegation of authority pursuant to
Section 386.240, RSMo 2016.

Dated at Jefferson City, Missouri,
on this 28th day of August, 2026.

STATE OF MISSOURI

OFFICE OF THE PUBLIC SERVICE COMMISSION

Pursuant to 386.290, RSMo., I have compared the preceding copy with the original on file in this office and I do hereby certify the same to be a true copy therefrom and the whole thereof.

WITNESS my hand and seal of the Public Service Commission, at Jefferson City, Missouri, this 28th day of August, 2026.



Nancy Dippell

Nancy Dippell
Secretary

MISSOURI PUBLIC SERVICE COMMISSION

August 28, 2026

Case No: EO-2026-0101

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Enclosed find a certified copy of an Order or Notice issued in the above-referenced matter(s).¹

Sincerely,



**Nancy Dippell
Secretary**

¹

Recipients listed above with a valid e-mail address will receive electronic service. Recipients without a valid e-mail address will receive paper service.