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 Approval of New or Modified Tariffs for Service to Large Load Customers	)))))	File No. ET-2026-0184

APPLICATION, REQUEST FOR VARIANCE, AND REQUEST FOR EXPEDITED TREATMENT

COMES NOW The Empire District Electric Company d/b/a Liberty ("Liberty" or the "Company") and, for its application for approval of new or modified tariffs for service to Large Load customers, request for variance, request for authorization to establish regulatory mechanisms to track and defer Large Load program costs, and request for expedited treatment (collectively, the "Application"), pursuant to Section 393.140(11), RSMo, 20 CSR 4240-2.060, 20 CSR 4240-2.080(14), 20 CSR 4240-2.205 and 20 CSR 4240-20.100(11), states as follows:

I. APPLICANT

1. The Empire District Electric Company is a Kansas corporation, doing business under the fictitious name of Liberty, in good standing in all respects, with its principal office and place of business located at 602 Joplin Street, Joplin, Missouri. Liberty is engaged in providing electric and natural gas utility services in portions of Missouri as a public utility under the jurisdiction of the Commission. Liberty has previously submitted to the Commission a certified copy of its Articles of Incorporation (File No. EF-94-39). The Company's Fictitious Name Registration with the Missouri Secretary of State and its Certificate of Corporate Good Standing are attached hereto and incorporated herein by this reference as Schedules A and B, respectively.

2. Filings, notices, orders and other correspondence and communications concerning this Application should be addressed to the undersigned counsel and to:

Charlotte Emery
Senior Director Rates and Regulatory Affairs
The Empire Electric District Company
602 Joplin Street
Joplin, Missouri 64834
regulatory.information@libertyutilities.com

3. Liberty has no pending action or final unsatisfied judgment or decision against it from any state or federal agency or court which involves customer service or rates, which action, judgment, or decision has occurred within three years of the date of this Application.[1]

4. Liberty has no overdue annual report or assessment fees.

5. A 60-day notice with respect to authority sought herein was filed on January 16, 2026, and assigned the above-captioned file number. On July 1, 2026, Liberty filed a motion requesting a 30-day extension of time to file its Application. The Commission granted Liberty's request for extension of time on July 2, 2026 setting the deadline for Liberty's large load tariff Application to August 15, 2026. On August 11, 2026, Liberty filed a second motion for extension of time in this matter, seeking a second 30-day extension of the time to file its noticed case. The Commission granted this second request for an extension of time on August 13, 2026 setting the deadline for the instant Application to September 14, 2026.

6. Prior to filing this Application, representatives of Liberty participated in a brief informational discussion with representatives of the Office of the Commission regarding matters that may be addressed in this proceeding.

II. BACKGROUND

7. Through this Application, Liberty seeks an order from the Commission approving, on or before January 31, 2027, Liberty's proposed Schedule Transmission Service Large Load ("Schedule TS-LL"), the accompanying new and modified tariff sheets, and any additional

[1] The Company notes there is a pending investigation at the Commission under Case No. OO-2025-0233.

conforming tariff changes that are identified through the course of this proceeding as necessary to implement Liberty's Large Load customer tariff and program. As explained in more detail throughout the filing, Schedule TS-LL is designed to provide a clear and workable framework for serving qualifying Large Load customers while supporting the customer-protection principles reflected in Senate Bill 4 ("SB4").

8. In support of this Application, Liberty is filing the direct testimony of the following witnesses:

- **Charlotte T. Emery:** Ms. Emery is the Company's lead policy witness. In this role, she provides policy support and background for Liberty's Large Load customer tariff and program. Her testimony explains the market and policy context for Large Load tariff development, Liberty's unique size and risk profile, and the manner in which Schedule TS-LL is designed to enable responsible Large Load development while protecting Non-Large Load customers from unreasonable costs and risks. Ms. Emery also describes the principal terms of Schedule TS-LL and related customer agreements, Liberty's proposed revenue sharing mechanism, requested regulatory asset treatment for Large Load program costs, its requested Renewable Energy Standard ("RES") variance, and the importance of timely Commission action on this Application.

- **Aaron J. Doll:** Mr. Doll describes Liberty's existing resource planning processes and explains how Liberty expects to adapt and implement its planning process to accommodate Large Load customers. Specifically, Mr. Doll explains how Liberty intends to acquire the resources needed to serve new Large Load customers and interconnect them to the grid. To that end, Mr. Doll also details specifics about the Capacity Support Charge contained in Schedule TS-LL, as well as how Liberty is adapting its interconnection process to accommodate new Large Load growth. Finally, Mr. Doll provides an overview of Liberty's current Large Load interconnection queue.

- **Talha Sheikh:** Mr. Sheikh sponsors the rate components of the Company's Schedule TS-LL. He describes development of the rate components and their consistency with the design principles outlined in SB4. Specifically, Mr. Sheikh describes how the Schedule TS-LL rate components are designed to fully recover from Large Load customers the costs associated with serving them, while mitigating the risk of other customer classes from bearing unjust or unreasonable costs that may arise from serving Large Load customers.

III. <u>REQUEST FOR APPROVAL OF SCHEDULE TS-LL</u>

9. Liberty developed Schedule TS-LL to establish a standardized, Commission-approved framework for serving qualifying Large Load customers whose electric demand exceeds the threshold specified in the tariff. Schedule TS-LL builds on the Company's existing Schedule TS rate design, while adding terms, charges, and customer-specific mechanisms that reflect the unique circumstances associated with serving loads of this magnitude. A tariffed framework will provide greater transparency and regulatory certainty regarding the nature of service, the costs to be paid by Large Load customers, and the protections applicable to Non-Large Load customers. It will also help Liberty engage more efficiently with prospective customers seeking a clear path to power within Liberty's Missouri service territory.

10. In developing Schedule TS-LL, Liberty reviewed Large Load tariff frameworks approved for Ameren Missouri and Evergy, as well as other approaches being considered or implemented nationally. Those frameworks provided useful reference points because they address many of the same economic development, cost assignment, credit support, minimum bill, and exit fee considerations implicated by Large Load service. At the same time, Liberty tailored its proposal to reflect its own system, customer base, resource position, interconnection queue, and risk profile. Given Liberty's smaller size, more limited system headroom, and more limited ability to absorb or repurpose infrastructure if a Large Load customer does not materialize or exits early, Schedule TS-LL incorporates additional commercial and customer-protection measures.

11. As part of this filing, the Company requests approval of the following modified tariffs as well as the table of contents included in this filing:

- **<u>Schedule TS-LL</u>**: Liberty's Transmission Service Large Load schedule, designed to establish the rates, terms, conditions, and customer-specific cost recovery mechanisms applicable to qualifying Large Load customers, consistent with the customer-protection principles reflected in SB4.

- **Schedule TS**: Liberty's Transmission Service schedule, modified to clarify that eligible Large Load customers must take service under Schedule TS-LL.

- **P.S.C. Mo. No. 6, Sec. 5, Original Sheet No. 17c, Rules and Regulations**: Liberty's line extension policy, as modified to clarify how line extension provisions apply to Large Load customers taking service under Schedule TS-LL and to reinforce that the costs of transmission, distribution, and related facilities necessary to serve new Large Load customers will be addressed through Schedule TS-LL, the customer's ESA, and other applicable agreements consistent with the principles and tariff provisions approved in this proceeding.

- **Rider SUTC**: Minor conforming modifications to the Company's_Securitized Utility Tariff Charge ("Rider SUTC") account for the creation of Schedule TS-LL.

- **Schedule SBEDR**: Minor conforming modifications to the Company's_Limited Large Customer Economic Development Rider ("Schedule SBEDR") account for the creation of Schedule TS-LL. In conjunction with these modifications, the Company has included provisions in Schedule TS-LL consistent with Ameren Missouri and Evergy's approach to support the concept that economic development customers who also take service under Schedule TS-LL pay their fair share of costs consistent with the policy objectives of SB4 and the Large Load customer tariff.

In addition to these new and modified tariffs, Liberty expects that conforming edits may be necessary to other tariffs and riders to implement Schedule TS-LL. Liberty may propose specific changes to other tariffs as needed through the course of this proceeding or subsequently after this proceeding based on the final decision.

12. The specific terms of Schedule TS-LL and the framework for entering associated customer agreements are described in Ms. Emery's direct testimony. At a high level, Schedule TS-LL is built around the principle that Liberty should be able to pursue Large Load customer opportunities and support Missouri's economic development objectives, in a manner that supports the concept that the incremental costs and risks associated with serving those customers are reasonably assigned to the customer or customers causing them. To that end, Schedule TS-LL requires each qualifying Large Load customer to enter into an Electric Service Agreement ("ESA")

with Liberty for a minimum 15-year Fixed Term with an optional additional Load Ramp Term, and includes robust Minimum Monthly Bill, Exit Fee, and Credit Support provisions. Schedule TS-LL also assigns to Large Load customers the costs of incremental generation, transmission, network upgrades, and related facilities required to serve their load, including through upfront deposits, pre-payments, or contributions in aid of construction ("CIAC") where appropriate. Each Large Load customer's bill will include (i) Base Service Charges, (ii) Existing Generation Charges to the extent the customer is served by Liberty's existing generation resources, (iii) Incremental Facility Charges for customer-specific incremental costs, and (iv) Other Charges generally applicable to Liberty's customers under Commission-approved tariffs. Collectively, these provisions are designed to align cost responsibility with cost causation, mitigate stranded-asset and under-recovery risks, and protect Non-Large Load customers from unreasonable cost shifts.

IV. REQUEST FOR VARIANCE

13. As discussed in Ms. Emery's direct testimony, Commission Rule 20 CSR 4240-20.100 includes RES portfolio requirements and establishes a percentage of renewable energy that Missouri electric utilities must produce or procure. Liberty requests a variance to allow the Company to exclude load associated with Large Load customers that satisfy the applicable RES exemption criteria from the total retail electric sales used to establish Liberty's RES obligation. This variance will help support that Schedule TS-LL functions consistently with SB4 and the tariff's broader customer-protection design.

14. Under the variance, load associated with customers satisfying the RES exemption criteria will not increase Liberty's renewable energy compliance obligations. Whereas, without the variance, Liberty could be required to include exempt Large Load customer load in the calculation of its RES obligations, potentially creating costs that are not attributable to Non-Large Load customers and that would be inconsistent with both SB4 and the customer-protection objectives

underlying Schedule TS-LL. The requested relief is also consistent with the Commission's treatment of similar Large Load tariffs approved for other Missouri utilities and will help maintain a level playing field for responsible Large Load customer development in Missouri.

V. REQUEST FOR AUTHORIZATION TO ESTABLISH REGULATORY ASSET TREATMENT FOR LARGE LOAD PROGRAM COSTS

15. As discussed in Ms. Emery's direct testimony, Liberty requests authorization to establish a regulatory asset to track and defer reasonable costs incurred in developing, implementing, administering, and supporting service to Large Load customers. These costs may include, among other things, expenses associated with development of Schedule TS-LL, regulatory, consulting, legal, engineering, and administrative expenses incurred in obtaining Commission approval of the tariff, and costs associated with future regulatory proceedings or approvals necessary to evaluate or provide service to Large Load customers. The purpose of the regulatory asset is to preserve these costs for future Commission review and support that they are ultimately allocated in a manner consistent with cost causation principles.

16. Liberty is not requesting recovery of any specific amount in this proceeding; rather, it requests authority to track and defer such costs, with the appropriate allocation, amortization period, and ratemaking treatment to be determined in a future proceeding based on the facts and circumstances known at that time.

17. As discussed in Ms. Emery's direct testimony, Liberty requests authorization to track, and, when applicable, to defer to a regulatory liability revenue to share with customers through a future Commission-approved mechanism.

VI. MOTION FOR EXPEDITED TREATMENT

18. Liberty respectfully requests the Commission issue an order approving this Application by January 31, 2027. As explained in Ms. Emery's direct testimony, timely

Commission action is important because prospective Large Load customers often evaluate multiple potential locations and place significant value on certainty regarding the timing of infrastructure development, resource procurement, and regulatory approvals necessary to support service. Approval of Schedule TS-LL by January 31, 2027, will provide Liberty, prospective customers, and stakeholders with greater certainty regarding the framework for Large Load service within Liberty's Missouri service territory, while still allowing sufficient opportunity for review of the Application. Timely approval will also support Missouri's economic development objectives and complement the customer-protection measures embedded in Schedule TS-LL.

VII. CONCLUSION

WHEREFORE, Liberty respectfully requests the Commission approve Schedule TS-LL and the accompanying new and modified tariff sheets, grant the requested RES variance, authorize Liberty to establish regulatory asset treatment for Large Load program costs, grant expedited treatment by issuing a final order by January 31, 2027, and grant such other relief as the Commission deems just and reasonable.

Respectfully submitted,

BRYDON, SWEARENGEN & ENGLAND, P.C.

By: /s/ Kevin A. Thompson
Kevin A. Thompson. Mo. Bar No. 36288
P.O. Box 456
Jefferson City, Missouri 65102-0456
Telephone (573) 635-7166
Email: kthompson@brydonlaw.com

ATTORNEYS FOR THE EMPIRE DISTRICT ELECTRIC COMPANY DOING BUSINESS AS LIBERTY

CERTIFICATE OF SERVICE

I hereby certify that the above document was filed in EFIS on this 11th day of September, 2026, with notification of the same being sent to all counsel of record.

/s/ Kevin A. Thompson
Kevin A. Thompson