

208P

Issue(s): Non-Unanimous Stipulation  
and Agreement  
Witness/Type of Exhibit: Mantle/Affidavit  
Sponsoring Party: Public Counsel  
Case No.: EO-2018-0092

**AFFIDAVIT OF LENA M. MANTLE  
IN OPPOSITION OF THE  
NON-UNANIMOUS STIPULATION AND AGREEMENT**

Submitted on Behalf of the Office of the Public Counsel

**THE EMPIRE DISTRICT ELECTRIC COMPANY**

CASE NO. EO-2018-0092

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*Denotes Confidential Information  
that has been redacted*

May 9, 2018

OPC Exhibit No. 208-P  
Date 5-11-18 Reporter AS  
File No. EO-2018-0092

**Public Version**



1. I am the same Lena M. Mantle who previously submitted Rebuttal and Surrebuttal testimony in this docket on behalf of the Office of Public Counsel (“OPC”).

2. The Empire District Electric Company (“Empire”), Midwest Energy Consumers Group (“MECG”), Staff of the Missouri Public Service Commission (“Staff”), Renew Missouri Advocates (“Renew Missouri”), and Missouri Department of Economic Development – Division of Energy (“DE”) executed and filed a Non-Unanimous Stipulation and Agreement (“S&A”) in this case on April 24, 2018.

3. Empire, MECG, and Staff witnesses filed affidavits in support of the S&A on April 24, 2018.

4. This affidavit is filed in opposition to the S&A and in response to the supporting affidavits.

5. The signatories to the S&A request the Commission to find that a decision by Empire to acquire up to 600 MW of wind projects in the manner described in its application is reasonable, and to authorize Empire to enter into power purchase agreement(s) with Wind Holdco(s) for nameplate capacity of up to 600 MW of wind projects. The signatories to the S&A are also asking the Commission to authorize Empire to record its capital investment to acquire the Wind Projects as utility plant-in-service to be audited and included as a component of Empire’s cost of service in its next general rate case.

6. By executing the S&A, the signatories to it have committed to recommend to the Commission in future general rate cases where the wind projects are included in Empire’s rate base that Empire’s capital structure be in a range of 47% to 53% and its debt cost be reasonable for an electric utility with a BBB credit rating.

7. In the S&A Empire agrees to file a request for a Certificate of Convenience and Necessity (“CCN”) for each of the wind projects, whether located in or outside of Missouri. The other signatories agree to not contest Empire’s request for CCNs for the wind projects.

8. The S&A provides for a mechanism whose stated purpose is to provide for a sharing of risk between customers and shareholders regarding the cost of the wind projects and the revenues generated from the Southwest Power Pool (“SPP”) from the wind projects.

9. In the S&A Empire agrees to not make a filing prior to April 1, 2019, to generally increase its electric rates.

10. The S&A sets out general parameters regarding Empire contracts for financing with tax equity partners (“TE partners”), which includes an agreement for Empire to provide to the TE partner, to the extent necessary, a fixed amount for each mega-watthour (“MWh”) the wind farm generates, while Empire would receive the variable revenue from SPP for each MWh the wind farm generates.

11. The signatories agree that Empire’s Asbury generating plant (“Asbury”) shall not be retired at this time. However, they acknowledge that the future operations of Asbury “shall be determined at the discretion of management.”

12. The terms of the S&A allow the signatories and OPC the authority to review inspect, and audit books, accounts, and other records held by Empire, Liberty Utilities Service Corporation, Wind Holdco(s), and Wind Project Cos(s) for the purposes of ensuring compliance with the S&A.

13. The signatories recommend that the Commission grant to Empire a variance from the Commission’s electric utility Promotional Practices Rule 4 CSR 240-20.015(2)(A) and (3) for the arrangements between Empire and its affiliates necessary to own and operate the wind projects.

14. The S&A contains a provision which, upon agreement by the signatories, the S&A may be appended with any concessions or conditions concerning matters within orders for the public utility commissions in Arkansas, Kansas, and Oklahoma.

15. Lastly, Empire agrees to file revised retail tariff sheets to take effect October 1, 2018, to reflect a reduction in base rate revenue requirement as the result of the implementation of the Tax Cuts and Jobs Act of 2017.

The Non-Unanimous Stipulation and Agreement is Not in the Interest of the Empire’s Customers

16. The addition of wind resources by Empire in this case is a thinly veiled request from Empire for the Commission to approve Empire using its customers to guarantee a large investment to increase Empire’s shareholders’ return, based on Empire’s speculation that, in five

to ten years down the road, Empire's customers may begin to realize benefits greater than the costs of the wind investment. The S&A filed in this case does not change the nature of Empire's request. The nearly \$1 billion investment<sup>1</sup> the S&A would allow is not needed to provide service to Empire's customers and would increase Empire's customer's rates by at least 12% in 2021,<sup>2</sup> all the while providing to Empire's shareholders and the tax equity partner a return on their investment.

17. Because this project is only to increase Empire's rate base so that its shareholders will earn a return on that investment with the expectation that the project will, at some unknown point in the future provide a small off-set to Empire's customers' bills, it can be likened to Empire asking the Commission to approve Empire building a fast food restaurant, where the franchise and building costs are to be included in Empire's rate base because Empire will use the profits earned by the restaurant to reduce its customers' bills. The difference is that with a fast food restaurant, the customers would likely see a profit much sooner.

18. In my surrebuttal testimony in this case, I presented OPC's recommendation that the Commission find Empire's request in this case to be imprudent given the uncertainties of Empire's plan, the large magnitude of Empire's proposed investment, and that Empire does not need the wind generation to meet its customers' energy needs. Even with the changes to which the signatories have agreed in the S&A—including building of 600 MW instead of 800 MW of wind generation—Empire still does not need 600 MW of wind generation to meet its customers' energy needs;<sup>3</sup> therefore, the new proposal is also imprudent.

19. In his affidavit supporting the S&A, MECG witness Greg Meyer states that the S&A plan would only increase Empire's revenue requirement by 12%. Assuming equal percentage increases across all classes and rate components, this "only" 12% would result in an increase of about \$16 a month or \$197 a year in the bill of the typical Empire residential customer who uses 1,000 kilowatt-hours ("kWh") a month.

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<sup>1</sup> To OPC's knowledge at the time this affidavit was written, the split of the investment between Empire and the tax equity partner is yet to be determined.

<sup>2</sup> MECG witness Greg Meyer Affidavit, page 7

<sup>3</sup> Empire's current preferred resource plan shows that it does not need additional resources to serve its customers until 2029. Empire witness James McMahon Affidavit, page 6.

20. In his revenue requirement increase calculation, Mr. Meyer included the revenues Empire modelled that it would receive from the wind projects. However, under the plan in the S&A, the known impact of the wind projects is the revenue requirement without revenue from SPP for wind energy sales. If the wind revenue is not included, the typical customer's bill would increase 23% or approximately \$31 a month for a total of \$377 a year beginning in 2021. If the wind project revenue modelled is just half of what Empire projects, the rate increase would be 17%, corresponding to increasing the bills of the typical residential customer by approximately \$23 a month or \$279 annually.

21. This increase, whether it be 12% or 23%, is for capital investments that Empire does not need to serve its customers. Empire's modelling shows the revenues from the projects will not be significantly different greater than Empire's revenue requirement increase until 11 to 12 years after the wind projects are included in Empire's cost of service used to set its rates.

There is no Certainty in How Revenues From the Wind Projects will Flow Through to Customers

22. In my rebuttal testimony, I testified to how the benefits to Empire's customers of a reduced revenue requirement were not likely to flow through to the customers annually as modelled by Empire, and how a more realistic timing of rate cases substantially reduced the "savings" to Empire's customers. For this S&A Empire still modeled changes in its revenue requirement flowing through to customers on an annual basis. Empire witness Mr. Christopher D. Krygier testifies in his surrebuttal testimony that Empire intends that the modeled change in revenue requirement due to increased revenues from the wind projects would flow through Empire's fuel adjustment clause ("FAC.")

23. While I am not an attorney, I have considerable experience while on Staff in developing the Commission's FAC rules 4 CSR 240-3.161 and 4 CSR 240-20.090. I have provided testimony numerous times both while at Staff and since joining the OPC regarding the FAC filings of Empire and the other three investor-owned electric utilities in Missouri.

24. The Missouri statute that allows the Commission to authorize electric utilities to use a FAC, Section 386.266, RSMo., provides no reference to a rate adjustment mechanism allowing the pass through of revenues from a regional transmission organization, such as the SPP, to its customers between general rate cases. Section 386.266.1, RSMo., allows the Commission

to grant a rate adjustment mechanism to permit an electric utility's changes in fuel and purchased power, including transportation, to flow through to its customers between general rate proceedings. The energy markets as we know them today did not exist when this statute was written and became law.

25. The FACs currently authorized by the Commission do allow for the flow through to customers of off-system sales revenues. However, currently this revenue is generated from sales of energy that exceeds what the utility's customers need, and from resources that the utilities built to meet those customers' needs. It is difficult to split the fuel used for sales to retail customers and off-system sales, so the revenues have been included in the FAC. However, if Empire builds the wind projects as described in the S&A, this will be the first time I am aware of in Missouri where an electric utility this Commission rate regulates builds a generating resource solely for the purpose of generating revenues in an energy market.

26. In addition, as it has been presented to the Commission and the parties in this case, Empire would not be receiving the revenues from SPP for energy generated by the wind projects. Those revenues would instead go to the Wind Hold Co(s). The S&A does not specify that this would change. In my opinion revenues to Empire from the Wind Hold Co(s). are not off-system sales revenues.

27. Moreover, it is yet to be determined if costs passed to Empire through the Wind Hold Co. can actually be classified as purchased power costs. Empire's response to OPC data request 1318 states that the Wind Hold Co. will not be selling any energy to Empire. Therefore costs that the Wind Hold Co charges Empire should not be considered purchased power costs that Empire incurs. OPC sent a data request regarding the accounting treatment of the guarantee the Wind Project Co(s) will receive the expected price per MWh for the first 10 years of this agreement, what Empire refers to as a "hedge." In its response to that data request (OPC 1318), Empire states that it intends to record these payments in FERC Account 555 Purchased Power. However, based on my experience recording a cost in Account 555 does not necessarily make it a purchased power cost that could or should flow through a FAC.

The Non-Empire Signatories Are Uncertain About What is Included in the Stipulation and Agreement

28. On April 19, 2018, Empire, on behalf of itself and all other parties, filed a joint motion to amend the procedural schedule by extending some filing and discovery deadlines. If its order granting the extension, the parties were granted three days, April 25 through April 27, 2018, to issue discovery regarding the filed S&A.

29. In those three days, OPC issued 175 data request to the signatories. Of those 175 data requests, 115 were the same 23 data requests sent to each of the signatories regarding the S&A to enable OPC to gain a better understanding of the signatories' intent. The responses from all the parties to these data requests<sup>4</sup> are attached to this affidavit.

30. In general, for data requests directed to all the signatories, the non-Empire signatories responded that they did not have the information or knowledge required to answer the data request, and directed OPC to Empire's response to the same data request. In this data request to gain a better understanding of Staff's intent, Staff's response deferred to Empire's answer in 17 or 74% of its responses. Of those 17 responses, Staff responded to nine that it did not have first-hand information necessary to respond. This was to data requests about how the market mechanism worked, what price Empire's customers would be paying the TE partner, and how these costs were to be recorded.

31. MEGC's response to two of OPC's data requests to MEGC (OPC Data Requests 8044 and 8045), provided on May 1, 2018, included an Excel spreadsheet with formulas intact. In its written response to these data requests, MEGC stated: "It is MEGC's understanding that this spreadsheet was previously provided by Empire District Electric Company as a workpaper supporting its affidavit in support of the stipulation." This spreadsheet, which is not attached to this affidavit due to its voluminous nature, contains more details regarding the results of the modeling of the S&A by Empire. This spreadsheet includes the information regarding the S&A plan which was not provided in the workpapers supporting the S&A provided with the filing of the S&A. The spreadsheet attached to the data request response includes, among other analysis, a rate impact calculation, a treatment of the replacement of the current wind PPA and Empire's

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<sup>4</sup> Voluminous attachments to data requests are not included



outputs from the modelling of the S&A, including unit information, income statements, and capital expenditures for scenarios with high and low gas prices with the 2017 ABB Fall market price forecasts.

32. Empire provided two spreadsheets as workpapers to its affidavits in support of the S&A. One for the calculation of the impact of the change in the tax law and another with limited modelling results. No one provided workpapers that show how the proposed market protection mechanism would work. No one provided estimates of wind project outputs, revenues, operation and maintenance costs underlying the S&A. No one provided detail on the replacement of the current wind PPAs. All of these are in the spreadsheet MECG provided in discovery. The Empire workpaper that purports to contain results of Empire's analysis on the S&A plan that was provided with the affidavits in support of the S&A is an Excel workbook titled, "Wind Study 600 MW Wind Plans\_F17\_High\_Low McMahan.xls." The title of the file initially led me to believe it contained the results of Empire's analysis of S&A plan with high and low gas prices. However, when I compared the workbook from Empire with the workbook MECG provided I realized that Empire's workbook actually contains the results of the analysis with the Fall 2016 and Fall 2017 ABB market forecast results.

33. OPC also received data requests as late as after 4:00 p.m. on May 3, 2018. While OPC is appreciative of getting additional workpapers on the S&A, the timing of the receipt of these workpapers, along with the complexity of the workbooks, has given OPC little time to evaluate Empire's analysis and the limited time OPC had to ask for more information through data requests ended before OPC received this spreadsheet.

#### The Modelling Estimates Continue to Fluctuate

34. Empire is basing its claim that this plan would lower customer bills in the long run on its analysis that compares the calculated present value of revenue requirement ("PVRR") as estimated by the Strategic Planning Module.<sup>5</sup> This model has numerous inputs. Modeling mistakes are made as pointed out in the rebuttal testimony of Staff witness John Rogers.<sup>6</sup> Changes to model inputs, such as changing market prices to the Fall 2017 ABB market prices, reduced the

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<sup>5</sup> McMahan Direct, page 11, line 15

<sup>6</sup> Rogers Rebuttal, page 4, line 3

10 year PVRR of the current preferred resource plan by \$59 million or 1.3%. The 10 year PVRR of Empire's current preferred plan has changed by \$320 million (7.3%) from the modelling results Empire provided when it filed this case through the last modelling results Empire provided to OPC.

35. Empire's modelling is a function of the inputs into the model. As described above the results can easily vary. When estimating over 30 years, no single estimate is more accurate than another. That is why models should be used to inform decisions, not make decisions. This is why minimization of PVRR is the primary criteria, not the only criteria for choosing a preferred resource plan. Empire is using these models to make a definite statement – customers will save money on their bills in the long run. However, Empire was not willing to craft an agreement that guarantees its customers would not be harmed, and the S&A neither provides that guarantee or holds Empire to any of the results of its modelling.

#### This is Not Resource Planning

36. In the affidavits of MECG witness Greg Meyer and Empire witness James McMahon describe the S&A as a "resource plan." While in the plainest meaning of the words, it is a plan that includes resources, it is not a plan regarding the most efficient resources to the electricity needs of Empire's customers which, in my experience, is the historical definition of resource planning for vertically integrated electric utilities. Empire's "resource planning" exercise in this case was designed to provide earnings to shareholders with the expectation that the revenues Empire would receive from the wind resources would, in the long-run, be greater than the costs to its customers. The S&A just decreases the earnings for the shareholders by 25% plus a limited sharing if Empire's modeling is incorrect. However, the S&A is likely to reduce revenues from the wind resources by more than 25% because of the \*\*

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37. Empire witness McMahon describes in his direct testimony the first step of Empire's analysis for filing this case as an analysis of the least cost combination of supply-side and demand-side resources.<sup>7</sup> While he did state a couple of "constraints" to the model, he did not mention that Empire constrained the model so that it only allowed Empire's Asbury plant, Energy Center combustion turbines, and Ozark Beach units to retire. This means that Empire did not allow

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<sup>7</sup> McMahon Direct, page 11, lines 9-11.

the model to retire either of Empire's natural gas combined cycle plants or the shares of the coal plants Empire owns. Empire did not allow the model to retire Empire's blackstart combustion turbines.<sup>8</sup>

38. With the limited options this optimization model was given and the fact that it was optimizing against the SPP market and not for Empire's customers' needs, it is understandable that the model would choose to close Asbury and add as much wind as Empire would allow it to. Having reviewed the resource planning process for electric utilities since 1993, it is my opinion, had the model been allowed to actually determine which resources to retire, the results are likely to have been very different.

39. If the minimization of financial risk to Empire due to natural gas prices was a true concern as Mr. McMahon expounds in his affidavit,<sup>9</sup> Empire should have allowed its optimization model the option of closing at least one of its two combined cycle plants. By only allowing the model to retire Asbury but not its combined cycle plants, Empire was allowing the model to reduce the diversity of its generation resources and expose its customers to the natural gas volatility Mr. McMahon seems so concerned about.<sup>10</sup>

40. In this type of resource planning, which places no significance on customers' load,<sup>11</sup> demand-resources are not cost-effective. Demand-side resources that are intended to reduce energy usage are counter-intuitive to a plan with a goal of earning revenue by adding energy generating resources that are not needed to serve load.

#### Variance from Affiliate Transaction Rules Should not be Granted

41. The Commission should not grant Empire a variance from the Commission Affiliate Transaction Rule 4 CSR 240-20.015(2)(A) and (3) because Empire did not provide good cause for the variance. Commission rule 4 CSR 240-2.060(4) requires the utility requesting a variance to provide specific indication of the rule in which the variance is sought. In addition Rule

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<sup>8</sup> Empire response to OPC DR 8535.1

<sup>9</sup> McMahan Affidavit, paragraph 4

<sup>10</sup> It is not OPC's position that natural gas prices are volatile. The latest U.S. Energy Information Administration reports natural gas prices to be stable.

<sup>11</sup> McMahan Direct, Attachment JM-2, page 34 of 44

4 CSR 240-2.060(4) requires the utility to provide the reasons for the proposed variance and a complete justification setting out the good cause for granting the variance.

42. In the S&A, the signatories specify which sections of the affiliate transaction rule from which they are requesting the Commission grant Empire a variance—4 CSR 240-20.015(2)(A) and (3). Rule 4 CSR 240-20.015(2)(A) requires the utility to provide compensation for a service from an affiliate to the lesser of fully distributed cost or market cost and to receive compensation from an affiliate at the greater of fully distributed cost or market value. Rule 4 CSR 240-20.015(3) sets out the evidentiary standards for affiliate transactions.

43. Empire, in its direct testimony, merely requested the commission authorize affiliate transactions to the extent required in order to implement the Customer Savings Plan.<sup>12</sup> In my opinion nothing that Empire or the signatories have provided establishes good cause for the variance. In addition, there are no restrictions on what the Wind Hold Co. and Wind Project Co(s) may become in the future. The Commission should not grant a blanket variance without good cause and customer protections.

44. According to Empire's response to OPC data request 13 provided on May 2, 2018, Empire does not have final or draft articles of incorporation, by-laws, corporate registrations, or any other documentation related to the organization and operation of Wind Hold Co. and Wind Project Co(s) because it is still conducting the process of selecting and procuring the wind projects. Because these companies do not exist at this time, the Commission should not grant any variances to its affiliate transaction rule.

#### Conclusion

45. Staff response to OPC data request 78 is a good summary of this S&A:

The Stipulation does not identify that the wind projects are needed at this time. Rather, it is an agreement entered into with a lot of give and take from all Signatories, through many hours of settlement negotiations. Accordingly, in order for EDE to confidently proceed with the Wind Projects as outlined in the Stipulation, the Signatories agreed not to contest the need for the projects in future CCNs, as that would be inconsistent with the agreement made within the Stipulation. Staff recognizes both the Company and some of its customers have expectations for low-

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<sup>12</sup> Direct Testimony of Christopher D. Krygier, page 9, lines 4-6

cost, diverse sources of energy for the future. The project reasonably addresses these expectations. Data Request Response provided by Natelle Dietrich ([natelle.dietrich@psc.mo.gov](mailto:natelle.dietrich@psc.mo.gov)).

This S&A is an agreement to get Commission approval of a project that is not needed so Empire could “confidently” charge the costs to its customers.

## Missouri Public Service Commission

Respond Data Request

<b>Data Request No.</b>	0060
<b>Company Name</b>	MO PSC Staff-(All)
<b>Case/Tracking No.</b>	EO-2018-0092
<b>Date Requested</b>	4/26/2018
<b>Issue</b>	Other - Other
<b>Requested From</b>	Marcella Forck
<b>Requested By</b>	Nathan Williams
<b>Brief Description</b>	Rate impact
<b>Description</b>	5. In his affidavit supporting the settlement agreement Midwest Energy Consumers Group witness Greg R. Meyer estimates the rate impact of the settlement to current rates, if implemented, to be 12%, and attributes the benefit of the federal corporate tax rate change from 35% to 21% to be about 5%. Assuming the only changes to Empire's revenue requirement used for setting rates in its last general rate case are due to the closure of the ash impoundment (According to Empire's response to Sierra Club data request 1-03, \$17,912,000) and the settlement agreement (which includes the new ash landfill, the new ash conveyance system, the up to 600 MW of wind farms, transmission associated with the new wind farms, and the impact of changing the federal corporate income tax rate from 35% to 21%), provide the percentage changes to Empire's revenue requirement attributable to (1) closure of the ash impoundment, (2) the new ash landfill, (3) the new ash conveyance system, (4) the up to 600 MW of wind farms, (5) transmission associated with the new wind farms, (6) the impact of changing the federal corporate income tax rate from 35% to 21%, and (7) each other rate-impacting provision of the settlement agreement, together with your workpapers showing your calculations.
<b>Response</b>	Staff did not perform the calculations that would be responsive to this data request. Staff defers to MECG's response to OPC DR 5. Data Request Response provided by Marcella Forck (marcella.forck@psc.mo.gov).
<b>Objections</b>	NA

The attached information provided to Missouri Public Service Commission Staff in response to the above data information request is accurate and complete, and contains no material misrepresentations or omissions, based upon present facts of which the undersigned has knowledge, information or belief. The undersigned agrees to immediately inform the Missouri Public Service Commission if, during the pendency of Case No. EO-2018-0092 before the Commission, any matters are discovered which would materially affect the accuracy or completeness of the attached information. If these data are voluminous, please (1) identify the relevant documents and their location (2) make arrangements with requestor to have documents available for inspection in the MO PSC Staff-(All) office, or other location mutually agreeable. Where identification of a document is requested, briefly describe the document (e.g. book, letter, memorandum, report) and state the following information as applicable for the particular document: name, title number, author, date of publication and publisher, addresses, date written, and the name and address of the person(s) having possession of the document. As used in this data request the term "document(s)" includes publication of any format, workpapers, letters, memoranda, notes, reports, analyses, computer analyses, test results, studies or data, recordings, transcriptions and printed, typed or written materials of every kind in your possession, custody or control or within your knowledge. The pronoun "you" or "your" refers to MO PSC Staff-(All) and its employees, contractors, agents or others employed by or acting in its behalf.

<b>Security :</b>	Public
<b>Rationale :</b>	NA

Attachment LMM-1

1/104

## Missouri Public Service Commission

### Respond Data Request

<b>Data Request No.</b>	0061
<b>Company Name</b>	MO PSC Staff-(All)
<b>Case/Tracking No.</b>	EO-2018-0092
<b>Date Requested</b>	4/26/2018
<b>Issue</b>	Other - Other
<b>Requested From</b>	Marcella Forck
<b>Requested By</b>	Nathan Williams
<b>Brief Description</b>	Commission's authority to authorized purchase agreements
<b>Description</b>	5. Identify the source of the Commission's authority to authorize Empire to enter into purchase agreement(s) for a nameplate capacity of up to 600 MW of Wind Projects through a subsidiary as the signatories recommend in 14.a. of the Non-Unanimous Stipulation and Agreement.
<b>Response</b>	See attached for data request response. Response provided by Marcella Forck (Marcella.forck@psc.mo.gov).
<b>Objections</b>	NA

The attached information provided to **Missouri Public Service Commission** Staff in response to the above data information request is accurate and complete, and contains no material misrepresentations or omissions, based upon present facts of which the undersigned has knowledge, information or belief. The undersigned agrees to immediately inform the **Missouri Public Service Commission** if, during the pendency of Case No. **EO-2018-0092** before the Commission, any matters are discovered which would materially affect the accuracy or completeness of the attached information. If these data are voluminous, please (1) identify the relevant documents and their location (2) make arrangements with requestor to have documents available for inspection in the **MO PSC Staff-(All)** office, or other location mutually agreeable. Where identification of a document is requested, briefly describe the document (e.g. book, letter, memorandum, report) and state the following information as applicable for the particular document: name, title number, author, date of publication and publisher, addresses, date written, and the name and address of the person(s) having possession of the document. As used in this data request the term "document(s)" includes publication of any format, workpapers, letters, memoranda, notes, reports, analyses, computer analyses, test results, studies or data, recordings, transcriptions and printed, typed or written materials of every kind in your possession, custody or control or within your knowledge. The pronoun "you" or "your" refers to **MO PSC Staff-(All)** and its employees, contractors, agents or others employed by or acting in its behalf.

<b>Security :</b>	Public
<b>Rationale :</b>	NA

*Attachment LMM-1*  
2/104

Response provided by: Marcie Forck

Response Number: 61

Date of Response: May 1, 2018

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Response:

After further consideration, the Signatories intend to make the following modifications to their Non-Unanimous Stipulation and Agreement in order to more accurately describe their intent:

Paragraph 14.a. – “The Signatories agree EDE, through its ownership in Wind Holdco(s), will ~~is authorized to~~ enter into purchase agreement(s) for a nameplate capacity of up to 600 MW of Wind Projects...”

Paragraph 18.a. – “The Signatories agree EDE, through its ownership in Wind Holdco(s), will ~~is authorized to~~ contract with tax equity partner(s) for financing of the Wind Projects...”

Given the anticipated changes, Staff does not believe the requested information is relevant.

Responsible person(s): Marcie Forck



## Missouri Public Service Commission

### Respond Data Request

<b>Data Request No.</b>	0057
<b>Company Name</b>	MO PSC Staff-(All)
<b>Case/Tracking No.</b>	EO-2018-0092
<b>Date Requested</b>	4/26/2018
<b>Issue</b>	Other - Other
<b>Requested From</b>	Marcella Forck
<b>Requested By</b>	John Riley
<b>Brief Description</b>	Buy out price
<b>Description</b>	1317. A. What is the expected buy-out price, after the flip date, for the tax equity's portion of the wind project? B. Is the buy-out price affected by any tax equity payments made to the wind project due to excess production tax credits (PTCs)?
<b>Response</b>	Staff has no first-hand knowledge of information that is responsive to this data request. However, the response provided by Empire to OPC DR 1317 is consistent with Staff's understanding. Data Request Response provided by Marcella Forck (marcella.forck@psc.mo.gov).
<b>Objections</b>	NA

The attached information provided to **Missouri Public Service Commission Staff** in response to the above data information request is accurate and complete, and contains no material misrepresentations or omissions, based upon present facts of which the undersigned has knowledge, information or belief. The undersigned agrees to immediately inform the **Missouri Public Service Commission** if, during the pendency of Case No. **EO-2018-0092** before the Commission, any matters are discovered which would materially affect the accuracy or completeness of the attached information. If these data are voluminous, please (1) identify the relevant documents and their location (2) make arrangements with requestor to have documents available for inspection in the **MO PSC Staff-(All)** office, or other location mutually agreeable. Where identification of a document is requested, briefly describe the document (e.g. book, letter, memorandum, report) and state the following information as applicable for the particular document: name, title number, author, date of publication and publisher, addresses, date written, and the name and address of the person(s) having possession of the document. As used in this data request the term "document(s)" includes publication of any format, workpapers, letters, memoranda, notes, reports, analyses, computer analyses, test results, studies or data, recordings, transcriptions and printed, typed or written materials of every kind in your possession, custody or control or within your knowledge. The pronoun "you" or "your" refers to **MO PSC Staff-(All)** and its employees, contractors, agents or others employed by or acting in its behalf.

<b>Security :</b>	Public
<b>Rationale :</b>	NA

*Attachment LMM-1*

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## Missouri Public Service Commission

### Respond Data Request

<b>Data Request No.</b>	0058
<b>Company Name</b>	MO PSC Staff-(All)
<b>Case/Tracking No.</b>	EO-2018-0092
<b>Date Requested</b>	4/26/2018
<b>Issue</b>	Other - Other
<b>Requested From</b>	Marcella Forck
<b>Requested By</b>	John Riley
<b>Brief Description</b>	hedging
<b>Description</b>	1318. A. The non-unanimous agreement allows for a fixed price hedging agreement(s) with Wind Project Co(s) What is the expected fixed price? B. How will the hedge amounts be recorded in the USOA? Who will be responsible for these costs/revenues?
<b>Response</b>	Staff has no first-hand knowledge of information that is responsive to this data request. However, the response provided by Empire to OPC DR 1318 is consistent with Staff's understanding. Data Request Response provided by Marcella Forck (marcella.forck@psc.mo.gov).
<b>Objections</b>	NA

The attached information provided to **Missouri Public Service Commission Staff** in response to the above data information request is accurate and complete, and contains no material misrepresentations or omissions, based upon present facts of which the undersigned has knowledge, information or belief. The undersigned agrees to immediately inform the **Missouri Public Service Commission** if, during the pendency of Case No. **EO-2018-0092** before the Commission, any matters are discovered which would materially affect the accuracy or completeness of the attached information. If these data are voluminous, please (1) identify the relevant documents and their location (2) make arrangements with requestor to have documents available for inspection in the **MO PSC Staff-(All)** office, or other location mutually agreeable. Where identification of a document is requested, briefly describe the document (e.g. book, letter, memorandum, report) and state the following information as applicable for the particular document: name, title number, author, date of publication and publisher, addresses, date written, and the name and address of the person(s) having possession of the document. As used in this data request the term "document(s)" includes publication of any format, workpapers, letters, memoranda, notes, reports, analyses, computer analyses, test results, studies or data, recordings, transcriptions and printed, typed or written materials of every kind in your possession, custody or control or within your knowledge. The pronoun "you" or "your" refers to **MO PSC Staff-(All)** and its employees, contractors, agents or others employed by or acting in its behalf.

<b>Security :</b>	Public
<b>Rationale :</b>	NA

*Attachment LMM-1*

*5/104*

## Missouri Public Service Commission

### Respond Data Request

<b>Data Request No.</b>	0059
<b>Company Name</b>	MO PSC Staff-(All)
<b>Case/Tracking No.</b>	EO-2018-0092
<b>Date Requested</b>	4/26/2018
<b>Issue</b>	Other - Other
<b>Requested From</b>	Marcella Forck
<b>Requested By</b>	John Riley
<b>Brief Description</b>	COS and NOL
<b>Description</b>	1319. The non-unanimous agreement illustrates: Calculate the Income tax payable for the Wind Projects by dividing the return on equity amount in dollars by one minus the composite tax rate then multiple that quotient by the return on equity in dollars. Will the wind company create a net operating loss (NOL) or a profit? Is Empire currently operating at a NOL? If Empire's cost of service (COS) includes a provision for income tax, why is income tax included in the Wind Revenue Requirement? How will Empire or its customers benefit from the Wind Company's NOL or profit?
<b>Response</b>	Staff has no first-hand knowledge of information that is responsive to this data request. However, the response provided by Empire to OPC DR 1319 is consistent with Staff's understanding. Data Request Response provided by Marcella Forck (marcella.forck@psc.mo.gov).
<b>Objections</b>	NA

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<b>Security :</b>	Public
<b>Rationale :</b>	NA

*Attachment LMM-1*

6/104

## Missouri Public Service Commission

### Respond Data Request

<b>Data Request No.</b>	0052
<b>Company Name</b>	MO PSC Staff-(All)
<b>Case/Tracking No.</b>	EO-2018-0092
<b>Date Requested</b>	4/26/2018
<b>Issue</b>	Other - Other
<b>Requested From</b>	Marcella Forck
<b>Requested By</b>	Lena Mantle
<b>Brief Description</b>	Tax Equity Partners
<b>Description</b>	8036. Reference S&A para 13. – What determines how long there will be participation from tax equity partners? What circumstances would lead to the participation extending past 10 years? What circumstances would lead to the participation being less than 10 years?
<b>Response</b>	Staff has no first-hand knowledge of information that is responsive to this data request. However, the response provided by Empire to OPC DR 8036 is consistent with Staff's understanding. Data Request Response provided by Marcella Forck (marcella.forck@psc.mo.gov).
<b>Objections</b>	NA

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<b>Security :</b>	Public
<b>Rationale :</b>	NA

*Attachment LMM-1*  
7/104

## Missouri Public Service Commission

### Respond Data Request

<b>Data Request No.</b>	0053
<b>Company Name</b>	MO PSC Staff-(All)
<b>Case/Tracking No.</b>	EO-2018-0092
<b>Date Requested</b>	4/26/2018
<b>Issue</b>	Other - Other
<b>Requested From</b>	Marcella Forck
<b>Requested By</b>	Lena Mantle
<b>Brief Description</b>	Level of DSM
<b>Description</b>	8037. Describe the level of DSM included in the stipulation and agreement plan.
<b>Response</b>	Staff has no first-hand knowledge of information that is responsive to this data request. However, the response provided by Empire to OPC DR 8037 is consistent with Staff's understanding. Data Request Response provided by Marcella Forck (marcella.forck@psc.mo.gov).
<b>Objections</b>	NA

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<b>Security :</b>	Public
<b>Rationale :</b>	NA

*Attachment LMM-1*  
8/104

## Missouri Public Service Commission

### Respond Data Request

<b>Data Request No.</b>	0054
<b>Company Name</b>	MO PSC Staff-(All)
<b>Case/Tracking No.</b>	EO-2018-0092
<b>Date Requested</b>	4/26/2018
<b>Issue</b>	Other - Other
<b>Requested From</b>	Marcella Forck
<b>Requested By</b>	Lena Mantle
<b>Brief Description</b>	Reference S&A para 17c
<b>Description</b>	8038. Reference S&A para 17c – Does the mechanism only apply to instances of reduced market prices and wind production regardless of the reason for reduced market prices or wind production reductions? Would it apply if SPP market rule change the dispatchability of the wind resources? Would it apply if transmission is not available for the resource?
<b>Response</b>	Staff concurs with the response provided by Empire to OPC DR 8038. Data Request Response provided by Marcella Forck (marcella.forck@psc.mo.gov).
<b>Objections</b>	NA

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<b>Security :</b>	Public
<b>Rationale :</b>	NA

*Attachment LMM-1*

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## Missouri Public Service Commission

### Respond Data Request

<b>Data Request No.</b>	0055
<b>Company Name</b>	MO PSC Staff-(All)
<b>Case/Tracking No.</b>	EO-2018-0092
<b>Date Requested</b>	4/26/2018
<b>Issue</b>	Other - Other
<b>Requested From</b>	Marcella Forck
<b>Requested By</b>	Lena Mantle
<b>Brief Description</b>	S&A Attachment
<b>Description</b>	8039. Please provide the S&A Attachment A Excel spreadsheet, with formulas intact.
<b>Response</b>	Please see the confidential file labeled "Confidential – Market Protection Provision". The file has been identified as "confidential" in accordance with Commission Rule 4 CSR 240-2.135(2)(A)4 and 6. Data Request Response provided by: David Holmes, Greg Meyer, John Rogers
<b>Objections</b>	NA

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<b>Security :</b>	Public
<b>Rationale :</b>	NA

*Attachment LMM-1*  
10/104

## Missouri Public Service Commission

### Respond Data Request

<b>Data Request No.</b>	0056
<b>Company Name</b>	MO PSC Staff-(All)
<b>Case/Tracking No.</b>	EO-2018-0092
<b>Date Requested</b>	4/26/2018
<b>Issue</b>	Other - Other
<b>Requested From</b>	Marcella Forck
<b>Requested By</b>	Lena Mantle
<b>Brief Description</b>	Revenues from the wind turbines
<b>Description</b>	8040. Who receives the revenues from the wind turbines from energy generated during testing? If the Empire customers receive the revenues, how will those revenues be treated?
<b>Response</b>	Staff has no first-hand knowledge of information that is responsive to this data request. However, the response provided by Empire to OPC DR 8040 is consistent with Staff's understanding. Data Request Response provided by Marcella Forck (marcella.forck@psc.mo.gov).
<b>Objections</b>	NA

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<b>Security :</b>	Public
<b>Rationale :</b>	NA

*Attachment LMM-1*

11/104



## Missouri Public Service Commission

### Respond Data Request

<b>Data Request No.</b>	0072
<b>Company Name</b>	MO PSC Staff-(All)
<b>Case/Tracking No.</b>	EO-2018-0092
<b>Date Requested</b>	4/27/2018
<b>Issue</b>	Other - Other
<b>Requested From</b>	Marcella Forck
<b>Requested By</b>	Jere Buckman
<b>Brief Description</b>	Does the Market Protection Mechanism take into account the "hedge" Empire will be paying the tax equ
<b>Description</b>	8055. Reference S&A, para. 17 – Does the Market Protection Mechanism take into account the "hedge" Empire will be paying the tax equity partner? If so, please describe how this amount is included in the calculation.
<b>Response</b>	The response provided by Empire to OPC DR 8055 is consistent with Staff's understanding. Data Request Response provided by John Rogers (john.rogers@psc.mo.gov).
<b>Objections</b>	NA

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<b>Security :</b>	Public
<b>Rationale :</b>	NA

*Attachment LMM-1  
12/104*

**Missouri Public Service Commission****Respond Data Request**

<b>Data Request No.</b>	0073
<b>Company Name</b>	MO PSC Staff-(All)
<b>Case/Tracking No.</b>	EO-2018-0092
<b>Date Requested</b>	4/27/2018
<b>Issue</b>	Other - Other
<b>Requested From</b>	Marcella Forck
<b>Requested By</b>	Jere Buckman
<b>Brief Description</b>	Can construction of the wind farms begin before a CCN is granted by the Commission?
<b>Description</b>	8056. Reference S&A, para. 16a – Can construction of the wind farms begin before a CCN is granted by the Commission?
<b>Response</b>	Staff's intention in including this provision was that EDE would obtain the CCN prior to construction of the wind farms. Data Request Response provided by Marcella Forck (marcella.forck@psc.mo.gov).
<b>Objections</b>	NA

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<b>Security :</b>	Public
<b>Rationale :</b>	NA

*Attachment LMM-1  
13/104*

## Missouri Public Service Commission

### Respond Data Request

<b>Data Request No.</b>	0074
<b>Company Name</b>	MO PSC Staff-(All)
<b>Case/Tracking No.</b>	EO-2018-0092
<b>Date Requested</b>	4/27/2018
<b>Issue</b>	Other - Other
<b>Requested From</b>	Marcella Forck
<b>Requested By</b>	Jere Buckman
<b>Brief Description</b>	What is the definition of Wind Revenue Requirement and what are the components that make up Wind Rev
<b>Description</b>	8057. Reference S&A, Appendix A - What is the definition of Wind Revenue Requirement and what are the components that make up Wind Revenue Requirement?
<b>Response</b>	As provided by Empire in response to OPC DR 8057, Wind Revenue Requirement is defined as WRR in section 2 of Appendix A. It includes the sum of operation and maintenance, labor, tax equity payments / (credits), property taxes, return on and of, income taxes for the new Wind Projects (row 14 excel, as calculated in Exhibit B). Data Request Response provided by John Rogers (john.rogers@psc.mo.gov).
<b>Objections</b>	NA

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<b>Security :</b>	Public
<b>Rationale :</b>	NA

*Attachment LMM-1  
14/104*

## Missouri Public Service Commission

Respond Data Request

<b>Data Request No.</b>	0075
<b>Company Name</b>	MO PSC Staff-(All)
<b>Case/Tracking No.</b>	EO-2018-0092
<b>Date Requested</b>	4/27/2018
<b>Issue</b>	Other - Other
<b>Requested From</b>	Marcella Forck
<b>Requested By</b>	Jere Buckman
<b>Brief Description</b>	What are the current needs of Empire's customers that this agreement addresses?
<b>Description</b>	8058. Reference Staff affidavit, page 1: What are the current needs of Empire's customers that this agreement addresses?
<b>Response</b>	If the question is aiming at clarifying the statement, "Staff recommends the Commission approve the Agreement as it provides key protections for Missouri ratepayers while balancing the needs of Empire and its equity partners," Staff referred to protections rather than needs related to Empire's customers. To that end, the Staff affidavit was referring to the Customer Protections identified in paragraph 17 of the Stipulation. These protections serve to address the possibility that customer savings do not manifest during the first 10 years of the CSP. The protections further identify a process to agree on in-service criteria for wind projects under contract for construction, provide for a flow-back to customers in the event Empire receives an offset due to a decreased purchase price for the new wind projects, protect against the possibility that the market price for wind drops substantially, and prevent Empire from filing its next general rate case until on or after April 1, 2019. Additionally, the Stipulation provides for a Most Favored Nations clause which appends additional benefits to Missouri customers in the event concessions or conditions favorable to customers are included in Arkansas, Kansas, or Oklahoma's orders granting approval of the Wind Projects. Staff Response provided by John Rogers (john.rogers@psc.mo.gov).
<b>Objections</b>	NA

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<b>Security :</b>	Public
<b>Rationale :</b>	NA

*Attachment LMM-1*  
15/104

## Missouri Public Service Commission

Respond Data Request

<b>Data Request No.</b>	0075
<b>Company Name</b>	MO PSC Staff-(All)
<b>Case/Tracking No.</b>	EO-2018-0092
<b>Date Requested</b>	4/27/2018
<b>Issue</b>	Other - Other
<b>Requested From</b>	Marcella Forck
<b>Requested By</b>	Jere Buckman
<b>Brief Description</b>	What are the current needs of Empire's customers that this agreement addresses?
<b>Description</b>	8058. Reference Staff affidavit, page 1: What are the current needs of Empire's customers that this agreement addresses?
<b>Response</b>	Updated Response: Staff believes its initial response to this DR responded to the question posed. On page 1 of Staff's affidavit, Staff isn't purporting that the Stipulation addresses customer needs. Instead, the Stipulation addresses customer protections, as outlined in Staff's initial response to this DR. Given that understanding, Staff will attempt to address the question it now believes OPC intended to ask. The needs of Empire's customers are safe and reliable utility services at just and reasonable rates. The Non-Unanimous Stipulation and Agreement is expected to result in utility services that are safe and reliable in compliance with all legal mandates, and in a manner that serves the public interest. The Non-Unanimous Stipulation and Agreement is expected to result in just and reasonable rates because lower long-term utility costs are expected to occur as a result of the Customer Protection provisions in the agreement. Data Request Response provided by John Rogers (john.rogers@psc.mo.gov).
<b>Objections</b>	NA

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<b>Security :</b>	Public
<b>Rationale :</b>	NA

*Attachment LMM-1*  
16/104

## Missouri Public Service Commission

### Respond Data Request

<b>Data Request No.</b>	0076
<b>Company Name</b>	MO PSC Staff-(All)
<b>Case/Tracking No.</b>	EO-2018-0092
<b>Date Requested</b>	4/27/2018
<b>Issue</b>	Other - Other
<b>Requested From</b>	Marcella Forck
<b>Requested By</b>	Jere Buckman
<b>Brief Description</b>	Reference Staff affidavit, page 1: What are the current needs of Empire that this agreement addresse
<b>Description</b>	8059. Reference Staff affidavit, page 1: What are the current needs of Empire that this agreement addresses?
<b>Response</b>	If the question is aiming at clarifying the statement, "Staff recommends the Commission approve the Agreement as it provides key protections for Missouri ratepayers while balancing the needs of Empire and its equity partners," Staff would point out that the Stipulation was a mutual agreement that included customer protections requested by certain parties, as well as assurances requested by the Company. The assurances for EDE are addressed in the Stipulation, in paragraphs 14, 16, 18, 19, and 22. Data Request Response provided by Natelle Dietrich (natelle.dietrich@psc.mo.gov).
<b>Objections</b>	NA

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<b>Security :</b>	Public
<b>Rationale :</b>	NA

*Attachment LMM-1*

17/104

## Missouri Public Service Commission

Respond Data Request

<b>Data Request No.</b>	0077
<b>Company Name</b>	MO PSC Staff-(All)
<b>Case/Tracking No.</b>	EO-2018-0092
<b>Date Requested</b>	4/27/2018
<b>Issue</b>	Other - Other
<b>Requested From</b>	Marcella Forck
<b>Requested By</b>	Jere Buckman
<b>Brief Description</b>	Reference Staff affidavit, page 1: What are the current needs of Empire's equity partners? Absent th
<b>Description</b>	8060. Reference Staff affidavit, page 1: What are the current needs of Empire's equity partners? Absent this agreement would Empire have any equity partners?
<b>Response</b>	If the question is aiming at clarifying the statement, "Staff recommends the Commission approve the Agreement as it provides key protections for Missouri ratepayers while balancing the needs of Empire and its equity partners," Staff understands that the tax equity partners will need to recover their full investment, and any conditions related to their agreement to enter into a tax equity partnership will be spelled out in the contract each partner signs with EDE. Nothing would preclude Empire from entering into independent contracts with tax equity partners. This Stipulation provides a guarantee that Signatories will not contest EDE's ability to contract with tax equity partners for financing the Wind Projects, as long as the agreements are consistent with the parameters identified in paragraph 18.a. Data Request Response provided by John Rogers (john.rogers@psc.mo.gov).
<b>Objections</b>	NA

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<b>Security :</b>	Public
<b>Rationale :</b>	NA

*Attachment LMM-1*  
*18/104*

## Missouri Public Service Commission

### Respond Data Request

<b>Data Request No.</b>	0078
<b>Company Name</b>	MO PSC Staff-(All)
<b>Case/Tracking No.</b>	EO-2018-0092
<b>Date Requested</b>	4/27/2018
<b>Issue</b>	Other - Other
<b>Requested From</b>	Marcella Forck
<b>Requested By</b>	Jere Buckman
<b>Brief Description</b>	Please explain how the wind projects are needed at this time by 1) Empire's customers and 2) Empire.
<b>Description</b>	8061. Reference Staff affidavit, page 4, Staff's commitment to not contest the need for the wind projects: Please explain how the wind projects are needed at this time by 1) Empire's customers and 2) Empire.
<b>Response</b>	The Stipulation does not identify that the wind projects are needed at this time. Rather, it is an agreement entered into with a lot of give and take from all Signatories, through many hours of settlement negotiations. Accordingly, in order for EDE to confidently proceed with the Wind Projects as outlined in the Stipulation, the Signatories agreed not to contest the need for the projects in future CCNs, as that would be inconsistent with the agreement made within the Stipulation. Staff recognizes both the Company and some of its customers have expectations for low-cost, diverse sources of energy for the future. The project reasonably addresses these expectations. Data Request Response provided by Natelle Dietrich (natelle.dietrich@psc.mo.gov).
<b>Objections</b>	NA

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<b>Security :</b>	Public
<b>Rationale :</b>	NA

*Attachment LMM-1  
19/104*



## Missouri Public Service Commission

### Respond Data Request

<b>Data Request No.</b>	0062
<b>Company Name</b>	MO PSC Staff-(All)
<b>Case/Tracking No.</b>	EO-2018-0092
<b>Date Requested</b>	4/26/2018
<b>Issue</b>	Other - Other
<b>Requested From</b>	Marcella Forck
<b>Requested By</b>	John Robinett
<b>Brief Description</b>	Tax Equity Partners
<b>Description</b>	8562. The last sentence of paragraph 13, which appears on page 4 of the Non-Unanimous Stipulation and Agreement follows: "After approximately ten years of tax equity participation and EDE joint ownership of the Wind Project Co. (through the Wind Holdco), EDE has the right to purchase the tax equity partner's ownership interest in the Wind Holdco, at which point EDE would wholly own the Wind Project Co." For each project, what is the actual or estimated cost to "purchase the tax equity partner's ownership interest in the Wind Holdco"?
<b>Response</b>	Staff has no first-hand knowledge of information that is responsive to this data request. However, the response provided by Empire to OPC DR 8562 is consistent with Staff's understanding. Data Request Response provided by Marcella Forck (marcella.forck@psc.mo.gov).
<b>Objections</b>	NA

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<b>Security :</b>	Public
<b>Rationale :</b>	NA

*Attachment LMM-1  
20/104*

## Missouri Public Service Commission

### Respond Data Request

<b>Data Request No.</b>	0063
<b>Company Name</b>	MO PSC Staff-(All)
<b>Case/Tracking No.</b>	EO-2018-0092
<b>Date Requested</b>	4/26/2018
<b>Issue</b>	Other - Other
<b>Requested From</b>	Marcella Forck
<b>Requested By</b>	John Robinett
<b>Brief Description</b>	Southwest Power Pool
<b>Description</b>	8563. As used in the following sentence from paragraph 14.a. on page 4 of the Non-Unanimous Stipulation and Agreement, "Furthermore, EDE agrees that the Wind Project(s) shall be operated in accordance with applicable Southwest Power Pool Integrated Marketplace ("SPP IM") rules and in a manner that is not detrimental to EDE's customers," does applicable Southwest Power Pool Integrated Marketplace ("SPP IM") rules mean only current SPP IM rules or does it include future revisions to the SPP IM rules too?
<b>Response</b>	As stated in the response provided by Empire to OPC DR 8563, "applicable Southwest Power Pool Integrated Marketplace rules" includes compliance with all SPP IM rules, both today and in the future. Data Request Response provided by Marcella Forck (Marcella.forck@psc.mo.gov).
<b>Objections</b>	NA

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<b>Security :</b>	Public
<b>Rationale :</b>	NA

*Attachment LMM-1  
21/104*

## Missouri Public Service Commission

### Respond Data Request

<b>Data Request No.</b>	0064
<b>Company Name</b>	MO PSC Staff-(All)
<b>Case/Tracking No.</b>	EO-2018-0092
<b>Date Requested</b>	4/26/2018
<b>Issue</b>	Other - Other
<b>Requested From</b>	Marcella Forck
<b>Requested By</b>	John Robinett
<b>Brief Description</b>	Engineer
<b>Description</b>	8564. Paragraph 14.b. of the Non-Unanimous Stipulation and Agreement refers to an engineer who "must confirm in a written report, to be provided to EDE, that the Wind Project has achieved mechanical completion, and there is a reasonable likelihood the Wind Project will satisfy the in-service criteria provided for in paragraph 17(a) and be timely placed in-service, including a reasonable likelihood that the turbines will meet or exceed the guaranteed power curve for such turbines to be included in the turbine supply agreement(s) with Wind Project Co(s)." Who chooses the engineer? Who pays the engineer and for the engineer's report? What credentials must the engineer have? By whom will the engineer be employed—Empire, Staff, the wind farm builder, and independent third party, someone else?
<b>Response</b>	Staff has no first-hand knowledge of information that is responsive to this data request. However, the response provided by Empire to OPC DR 8564 is consistent with Staff's understanding. Data Request Response provided by Marcella Forck (marcella.forck@psc.mo.gov).
<b>Objections</b>	NA

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<b>Security :</b>	Public
<b>Rationale :</b>	NA

*Attachment LMM-1  
22/104*

## Missouri Public Service Commission

### Respond Data Request

<b>Data Request No.</b>	0065
<b>Company Name</b>	MO PSC Staff-(All)
<b>Case/Tracking No.</b>	EO-2018-0092
<b>Date Requested</b>	4/26/2018
<b>Issue</b>	Other - Other
<b>Requested From</b>	Marcella Forck
<b>Requested By</b>	John Robinett
<b>Brief Description</b>	what revenues will result from renewable energy credits generated by the up to 600 MW of wind farms
<b>Description</b>	8565. On an annual basis, what revenues will result from renewable energy credits generated by the up to 600 MW of wind farms that are a subject of the settlement?
<b>Response</b>	As stated in the response provided by Empire to OPC DR 8565, REC revenues were not modeled as part of the Settlement agreement. Data Request Response provided by Marcella Forck (marcella.forck@psc.mo.gov).
<b>Objections</b>	NA

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<b>Security :</b>	Public
<b>Rationale :</b>	NA

*Attachment LMM-1*  
23/104

## Missouri Public Service Commission

### Respond Data Request

<b>Data Request No.</b>	0066
<b>Company Name</b>	MO PSC Staff-(All)
<b>Case/Tracking No.</b>	EO-2018-0092
<b>Date Requested</b>	4/26/2018
<b>Issue</b>	Other - Other
<b>Requested From</b>	Marcella Forck
<b>Requested By</b>	John Robinett
<b>Brief Description</b>	600 MW of wind farms
<b>Description</b>	8566. Is it contemplated that up to 600 MW of wind farms of the settlement will first be included in Empire's rate base in Missouri in a single rate case, or in multiple rate cases?
<b>Response</b>	The response provided by Empire to OPC DR 8566 is consistent with Staff's understanding. Data Request Response provided by Marcella Forck (marcella.forck@psc.mo.gov).
<b>Objections</b>	NA

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<b>Security :</b>	Public
<b>Rationale :</b>	NA

*Attachment LMM-1*  
24/104

## Missouri Public Service Commission

### Respond Data Request

<b>Data Request No.</b>	0067
<b>Company Name</b>	MO PSC Staff-(All)
<b>Case/Tracking No.</b>	EO-2018-0092
<b>Date Requested</b>	4/26/2018
<b>Issue</b>	Other - Other
<b>Requested From</b>	Marcella Forck
<b>Requested By</b>	John Robinett
<b>Brief Description</b>	depreciation rate for the wind assets include net salvage
<b>Description</b>	8567. Does the agreed upon 3.33% depreciation rate for the wind assets include net salvage?
<b>Response</b>	The response provided by Empire to OPC DR 8567 is consistent with Staff's understanding: Currently, the net salvage rate is set to zero with the understanding that the depreciation study contemplated by the agreement would revisit that rate. Data Request Response provided by Marcella Forck (marcella.forck@psc.mo.gov).
<b>Objections</b>	NA

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<b>Security :</b>	Public
<b>Rationale :</b>	NA

*Attachment LMM-1  
25/104*

## Missouri Public Service Commission

### Respond Data Request

<b>Data Request No.</b>	0068
<b>Company Name</b>	MO PSC Staff-(All)
<b>Case/Tracking No.</b>	EO-2018-0092
<b>Date Requested</b>	4/26/2018
<b>Issue</b>	Other - Other
<b>Requested From</b>	Marcella Forck
<b>Requested By</b>	John Robinett
<b>Brief Description</b>	Wind Projects
<b>Description</b>	8568. If non-residential customers are assigned a portion of Renewable Energy Credits received from the Wind Projects will those customers be allocated the full cost to serve them based on the portion of wind assets assigned to them?
<b>Response</b>	The assignment of Renewable Energy Credits from the Wind Projects was not contemplated in the Stipulation. Accordingly, the rate design related to such assignment would be determined in a general rate case. Data Request Response provided by Marcella Forck (marcella.forck@psc.mo.gov).
<b>Objections</b>	NA

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<b>Security :</b>	Public
<b>Rationale :</b>	NA

*Attachment LMM-1*  
26/104

## Missouri Public Service Commission

### Respond Data Request

<b>Data Request No.</b>	0069
<b>Company Name</b>	MO PSC Staff-(All)
<b>Case/Tracking No.</b>	EO-2018-0092
<b>Date Requested</b>	4/26/2018
<b>Issue</b>	Other - Other
<b>Requested From</b>	Marcella Forck
<b>Requested By</b>	John Robinett
<b>Brief Description</b>	Environmental Protection Agency's coal combustion residuals rules and effluent limitation guidelines
<b>Description</b>	8569. With regard to the Environmental Protection Agency's coal combustion residuals rules and effluent limitation guidelines compliance costs for Asbury, have the signatories only agreed to full recovery of and a return on those compliance costs for Asbury as part of the settlement agreement?
<b>Response</b>	Yes. Data Request Response provided by Marcella Forck (marcella.forck@psc.mo.gov).
<b>Objections</b>	NA

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<b>Security :</b>	Public
<b>Rationale :</b>	NA

*Attachment LMM-1*  
27/104



## Missouri Public Service Commission

Respond Data Request

<b>Data Request No.</b>	0070
<b>Company Name</b>	MO PSC Staff-(All)
<b>Case/Tracking No.</b>	EO-2018-0092
<b>Date Requested</b>	4/26/2018
<b>Issue</b>	Other - Other
<b>Requested From</b>	Marcella Forck
<b>Requested By</b>	John Robinett
<b>Brief Description</b>	recovery of the Environmental Protection Agency's coal combustion residuals rules and effluent limit
<b>Description</b>	8570. With regard to recovery of the Environmental Protection Agency's coal combustion residuals rules and effluent limitation guidelines compliance costs for Asbury, what is the weighted average cost of capital to which they have agreed, and what is the source of that weighted average cost of capital?
<b>Response</b>	Assuming the question asks for the weighted average cost of capital to which parties have agreed, there is no agreed-upon weighted average cost of capital for the Asbury compliance costs. Staff agrees with the response provided by Empire to OPC DR 8570, that the weighted cost of capital will be the same as for Empire's other rate base assets, as determined in each general rate case. Data Request Response provided by Marcella Forck (marcella.forck@psc.mo.gov).
<b>Objections</b>	NA

The attached information provided to **Missouri Public Service Commission** Staff in response to the above data information request is accurate and complete, and contains no material misrepresentations or omissions, based upon present facts of which the undersigned has knowledge, information or belief. The undersigned agrees to immediately inform the **Missouri Public Service Commission** if, during the pendency of Case No. **EO-2018-0092** before the Commission, any matters are discovered which would materially affect the accuracy or completeness of the attached information. If these data are voluminous, please (1) identify the relevant documents and their location (2) make arrangements with requestor to have documents available for inspection in the **MO PSC Staff-(All)** office, or other location mutually agreeable. Where identification of a document is requested, briefly describe the document (e.g. book, letter, memorandum, report) and state the following information as applicable for the particular document: name, title number, author, date of publication and publisher, addresses, date written, and the name and address of the person(s) having possession of the document. As used in this data request the term "document(s)" includes publication of any format, workpapers, letters, memoranda, notes, reports, analyses, computer analyses, test results, studies or data, recordings, transcriptions and printed, typed or written materials of every kind in your possession, custody or control or within your knowledge. The pronoun "you" or "your" refers to **MO PSC Staff-(All)** and its employees, contractors, agents or others employed by or acting in its behalf.

<b>Security :</b>	Public
<b>Rationale :</b>	NA

*Attachment LMM-1*  
28/104

**CONFIDENTIAL**  
**Missouri Public Service Commission**

Respond Data Request

<b>Data Request No.</b>	0071
<b>Company Name</b>	MO PSC Staff-(All)
<b>Case/Tracking No.</b>	EO-2018-0092
<b>Date Requested</b>	4/26/2018
<b>Issue</b>	Other - Other
<b>Requested From</b>	Marcella Forck
<b>Requested By</b>	John Robinett
<b>Brief Description</b>	Wind Assets
<b>Description</b>	Data request #8571 is CONFIDENTIAL 8562. Is Empire's commitment to site **250 MW of wind farms in Missouri** inclusive of siting the wind operations and service facility **in Missouri** over the life of the wind assets located there ?
<b>Response</b>	Please see attached for data request response. Data Request Response Provided by Marcella Forck (marcella.forck@psc.mo.gov).
<b>Objections</b>	NA

The attached information provided to **Missouri Public Service Commission** Staff in response to the above data information request is accurate and complete, and contains no material misrepresentations or omissions, based upon present facts of which the undersigned has knowledge, information or belief. The undersigned agrees to immediately inform the **Missouri Public Service Commission** if, during the pendency of Case No. **EO-2018-0092** before the Commission, any matters are discovered which would materially affect the accuracy or completeness of the attached information. If these data are voluminous, please (1) identify the relevant documents and their location (2) make arrangements with requestor to have documents available for inspection in the **MO PSC Staff-(All)** office, or other location mutually agreeable. Where identification of a document is requested, briefly describe the document (e.g. book, letter, memorandum, report) and state the following information as applicable for the particular document: name, title number, author, date of publication and publisher, addresses, date written, and the name and address of the person(s) having possession of the document. As used in this data request the term "document(s)" includes publication of any format, workpapers, letters, memoranda, notes, reports, analyses, computer analyses, test results, studies or data, recordings, transcriptions and printed, typed or written materials of every kind in your possession, custody or control or within your knowledge. The pronoun "you" or "your" refers to **MO PSC Staff-(All)** and its employees, contractors, agents or others employed by or acting in its behalf.

<b>Security :</b>	Confidential
<b>Rationale :</b>	Information contained in this data request has been deemed highly confidential.

*Attachment LMM-1*  
29/104

Response provided by: Marcie Forck

Response Number: DR 71 \*\*CONFIDENTIAL\*\*

Date of Response: May 1, 2018

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Response:

The response provided by Empire to OPC DR 8571 is consistent with Staff's understanding:

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Responsible person(s): Marcie Forck

**Midwest Energy Consumers Group  
Response to Office of Public Counsel's Data Request 5**

**Case No. EO-2018-0092**

Response provided by: Greg Meyer  
Response Number: 5  
Date of Response: May 1, 2018

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Request: In his affidavit supporting the settlement agreement Midwest Energy Consumers Group witness Greg R. Meyer estimates the rate impact of the settlement to current rates, if implemented, to be 12%, and attributes the benefit of the federal corporate tax rate change from 35% to 21% to be about 5%. Assuming the only changes to Empire's revenue requirement used for setting rates in its last general rate case are due to the closure of the ash impoundment (According to Empire's response to Sierra Club data request 1-03, \$17,912,000) and the settlement agreement (which includes the new ash landfill, the new ash conveyance system, the up to 600 MW of wind farms, transmission associated with the new wind farms, and the impact of changing the federal corporate income tax rate from 35% to 21%), provide the percentage changes to Empire's revenue requirement attributable to (1) closure of the ash impoundment, (2) the new ash landfill, (3) the new ash conveyance system, (4) the up to 600 MW of wind farms, (5) transmission associated with the new wind farms, (6) the impact of changing the federal corporate income tax rate from 35% to 21%, and (7) each other rate-impacting provision of the settlement agreement, together with your workpapers showing your calculations.

Response: The affidavit was limited solely to the overall revenue requirement impact and did not attempt to break down the revenue requirement impact by separate components. MECCG and / or Greg Meyer have not conducted the requested analysis and does not know if it has the information necessary to conduct such an analysis.

Responsible person(s): Greg Meyer

**Midwest Energy Consumers Group  
Response to Office of Public Counsel's Data Request 6**

**Case No. EO-2018-0092**

Response provided by: David Woodsmall

Response Number: 6

Date of Response: May 1, 2018

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Request: Identify the source of the Commission's authority to authorize Empire to enter into purchase agreement(s) for a nameplate capacity of up to 600 MW of Wind Projects through a subsidiary as the signatories recommend in 14.a. of the Non-Unanimous Stipulation and Agreement.

Objection: MECG objects to this data request on the basis that it seeks a legal opinion. Subject to this objection, MECG provides the following response.

Response: After further consideration, the Signatories intend to make the following modifications to their Non-Unanimous Stipulation and Agreement in order to more accurately describe their intent:

Paragraph 14(a): "The signatories agree EDE, through its ownership in Wind Holdco(s), will is ~~authorized to~~ enter into purchase agreement(s) for a nameplate capacity of up to 600 MW of Wind Projects..."

Paragraph 18(a): "The signatories agree EDE, through its ownership in Wind Holdco(s), is ~~authorized to~~ will contract with tax equity partner(s) for financing of the Wind Projects..."

Given the anticipated changes, MECG does not believe that the requested information is relevant.

Responsible person(s): David Woodsmall

**Midwest Energy Consumers Group  
Response to Office of Public Counsel's Data Requests  
1317, 1318, 1319, 8036, 8038, 8039, 8040**

**Case No. EO-2018-0092**

Response provided by: David Woodsmall  
Response Number: 1317, 1318, 1319, 8036, 8038, 8039, 8040  
Date of Response: April 30, 2018

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Response: MECG is uncertain whether OPC, by sending out DRs to the Joint Signatories, intended to receive an answer from every signatory or whether OPC sought a response from one signatory on behalf of all of the Joint Signatories. Nevertheless, MECG provides this response.

MECG has no first-hand knowledge of information that is responsive to these data requests. However, the answer provided by Empire is consistent with MECG's understanding.

Responsible person(s): David Woodsmall

**Midwest Energy Consumers Group  
Response to Office of Public Counsel's Data Requests  
1317, 1318, 1319, 8036, 8038, 8039, 8040**

**Case No. EO-2018-0092**

Response provided by: David Woodsmall  
Response Number: 1317, 1318, 1319, 8036, 8038, 8039, 8040  
Date of Response: April 30, 2018

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MECG has no first-hand knowledge of information that is responsive to these data requests. However, the answer provided by Empire is consistent with MECG's understanding.

Responsible person(s): David Woodsmall

**Midwest Energy Consumers Group  
Response to Office of Public Counsel's Data Request 8037**

**Case No. EO-2018-0092**

Response provided by: Greg Meyer

Response Number: 8037

Date of Response: May 1, 2018

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Request: Describe the level of DSM included in the stipulation and agreement plan.

Response: As reflected in Empire's response to DR 8037, it is MECG's understanding that the level of DSM included in the Analysis of the stipulation is identical to what was included in the Customer Savings Plan analysis – the realistic achievable potential level.

Responsible person(s): Greg Meyer



**Midwest Energy Consumers Group  
Response to Office of Public Counsel's Data Request 8055**

**Case No. EO-2018-0092**

Response provided by: Greg Meyer

Response Number: 8055

Date of Response: May 1, 2018

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Request: Reference S&A, para. 17 – Does the Market Protection Mechanism take into account the “hedge” Empire will be paying the tax equity partner? If so, please describe how this amount is included in the calculation.

Response: It is MECG’s understanding that Empire will not be paying a hedge to the tax equity partner.

**Responsible person(s): Greg Meyer**

**Midwest Energy Consumers Group  
Response to Office of Public Counsel's Data Request 8056**

**Case No. EO-2018-0092**

Response provided by: David Woodsmall

Response Number: 8056

Date of Response: May 1, 2018

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Request: Reference S&A, para. 16a – Can construction of the wind farms begin before a CCN is granted by the Commission?

Objection: MECG objects to this data request on the basis that it calls for a legal interpretation of Section 393.170. Subject to this objection, MECG provides the following response.

Response: The stipulation states that “EDE agrees that for any of the Wind Projects physically located in the state of Missouri, and for any Wind Projects which are located outside of the state of Missouri for which a Certificate of Convenience and Necessity (“CCN”) is required by Commission regulations, EDE shall file a request for a CCN with respect to its interest in the Wind Projects, consistent with Commission Rule 4 CSR 240-3.105,2 before authorizing construction of the facilities.” (emphasis added).

Responsible person(s): David Woodsmall

**Midwest Energy Consumers Group  
Response to Office of Public Counsel's Data Request 8057**

**Case No. EO-2018-0092**

Response provided by: Greg Meyer  
Response Number: 8057  
Date of Response: May 1, 2018

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Request: Reference S&A, Appendix A - What is the definition of Wind Revenue Requirement and what are the components that make up Wind Revenue Requirement?

Response: See MECG's response to OPC DR# 8572 which states that "The wind revenue requirement is an annual revenue requirement calculation associated with the 600 MW of wind generation. Specifically, the wind revenue requirement would include the return "on "and "of" the wind investment, the operating costs of the wind investment and associated property taxes."

**Responsible person(s): Greg Meyer**

**Midwest Energy Consumers Group  
Response to Office of Public Counsel's Data Request 8041**

**Case No. EO-2018-0092**

Response provided by: Greg Meyer

Response Number: 8041

Date of Response: May 1, 2018

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Request: "Reference Meyer affidavit, para. 7a – Please provide the rationale for why 600 MW is reasonable and 800 MW is not.

Objection: MECG objects to this data request on the basis that the word "reasonable" is vague. The data request fails to provide any definition by which reasonableness is to be determined. Subject to this objection, MECG provides the following response.

Response: MECG's willingness to execute a stipulation at 600 MWs of wind was based primarily on a consideration of cost and benefits. Specifically, as reflected in McMahon's surrebuttal (page 22), over a 10 year period, 550 MWs of wind delivered approximately the same level of customer benefits as 800 MWs. While delivering approximately the same level of benefits, 550 MWs of wind would require significantly less capital investment.

The reasonableness of 600 MWs versus 550 MWs is reflected in the Affidavit in Support provided by Empire witness McMahon.

Responsible person(s): Greg Meyer

**Midwest Energy Consumers Group  
Response to Office of Public Counsel's Data Request 8042**

**Case No. EO-2018-0092**

Response provided by: Greg Meyer

Response Number: 8042

Date of Response: May 1, 2018

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Request: Reference Meyer affidavit, para. 8 – Is it Mr. Meyer's testimony that the analysis conducted by Empire meets the requirements of the Commission's Electric Utility Resource Planning Chapter 22?

Objection: MECG objects to this data request in that a determination of whether an analysis meets the Commission's Electric Utility Resource Planning Rule is a legal determination. Nevertheless, MECG provides the following response.

Response: A review of the Commission's IRP rule was not part of the scope of work for Mr. Meyer, nor has he conducted an extensive review of the Commission's Electric Utility Resource Planning Rule to determine whether the analysis conducted in the context of EO-2018-0092 meets the requirements of that rule.

Responsible person(s): Greg Meyer

**Midwest Energy Consumers Group  
Response to Office of Public Counsel's Data Request 8043**

**Case No. EO-2018-0092**

Response provided by: Greg Meyer

Response Number: 8043

Date of Response: May 1, 2018

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Request: Is it Mr. Meyer's belief that the revenues from the wind energy from this project can be passed through the fuel adjustment charge? If yes, please provide the rationale.

Response: Yes. Based upon a review of the Empire District Electric Company's fuel adjustment clause rate schedule (Section 4, Sheet 17u-17ac), Mr. Meyer believes that revenues from wind energy will flow through the FAC in the same fashion as sales from other Empire generating facilities.

Responsible person(s): Greg Meyer

**Midwest Energy Consumers Group  
Response to Office of Public Counsel's Data Request 8044**

**Case No. EO-2018-0092**

Response provided by: Greg Meyer

Response Number: 8044

Date of Response: May 1, 2018

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Request: Reference Meyer affidavit, para. 19 – Please provide workpapers used to calculate Mr. Meyer's estimated rate impact (pre-tax reform) of 12%.

Response: See the attached spreadsheet. It is MECG's understanding that this spreadsheet was previously provided by Empire District Electric Company as a workpaper supporting its affidavit in support of the stipulation.

Responsible person(s): Greg Meyer

**Midwest Energy Consumers Group  
Response to Office of Public Counsel's Data Request 8045**

**Case No. EO-2018-0092**

Response provided by: Greg Meyer

Response Number: 8045

Date of Response: May 1, 2018

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Request: Reference Meyer affidavit, para. 19 – Please provide workpapers used to calculate Mr. Meyer's estimated rate impact of 17% when including the effects from tax reform.

Response: See the attached spreadsheet. It is MECG's understanding that this spreadsheet was previously provided by Empire District Electric Company as a workpaper supporting its affidavit in support of the stipulation.

Responsible person(s): Greg Meyer



**Midwest Energy Consumers Group  
Response to Office of Public Counsel's Data Request 8562**

**Case No. EO-2018-0092**

Response provided by: David Woodsmall

Response Number: 8562

Date of Response: May 1, 2018

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Request: The last sentence of paragraph 13, which appears on page 4 of the Non-Unanimous Stipulation and Agreement follows: "After approximately ten years of tax equity participation and EDE joint ownership of the Wind Project Co. (through the Wind Holdco), EDE has the right to purchase the tax equity partner's ownership interest in the Wind Holdco, at which point EDE would wholly own the Wind Project Co." For each project, what is the actual or estimated cost to "purchase the tax equity partner's ownership interest in the Wind Holdco"?

Response: MECG has no first-hand knowledge of information that is responsive to these data requests.

Responsible person(s): David Woodsmall

**Midwest Energy Consumers Group  
Response to Office of Public Counsel's Data Request 8563**

**Case No. EO-2018-0092**

Response provided by: Greg Meyer

Response Number: 8563

Date of Response: May 1, 2018

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Request: As used in the following sentence from paragraph 14.a. on page 4 of the Non-Uniform Stipulation and Agreement, "Furthermore, EDE agrees that the Wind Project(s) shall be operated in accordance with applicable Southwest Power Pool Integrated Marketplace ("SPP IM") rules and in a manner that is not detrimental to EDE's customers," does applicable Southwest Power Pool Integrated Marketplace ("SPP IM") rules mean only current SPP IM rules or does it include future revisions to the SPP IM rules too?

Response: It is MECCG's belief that this commitment would apply to both current SPP IM rules as well as future revisions.

Responsible person(s): Greg Meyer

**Midwest Energy Consumers Group  
Response to Office of Public Counsel's Data Request 8564**

**Case No. EO-2018-0092**

Response provided by: Greg Meyer

Response Number: 8564

Date of Response: May 1, 2018

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Request: Paragraph 14.b. of the Non-Unanimous Stipulation and Agreement refers to an engineer who “must confirm in a written report, to be provided to EDE, that the Wind Project has achieved mechanical completion, and there is a reasonable likelihood the Wind Project will satisfy the in-service criteria provided for in paragraph 17(a) and be timely placed in-service, including a reasonable likelihood that the turbines will meet or exceed the guaranteed power curve for such turbines to be included in the turbine supply agreement(s) with Wind Project Co(s).” Who chooses the engineer? Who pays the engineer and for the engineer’s report? What credentials must the engineer have? By whom will the engineer be employed—Empire, Staff, the wind farm builder, and independent third party, someone else?

Response: MECG concurs in the answer provided by Empire.

Responsible person(s): Greg Meyer

**Midwest Energy Consumers Group  
Response to Office of Public Counsel's Data Request 8565**

**Case No. EO-2018-0092**

Response provided by: Greg Meyer

Response Number: 8565

Date of Response: May 1, 2018

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Request: On an annual basis, what revenues will result from renewable energy credits generated by the up to 600 MW of wind farms that are a subject of the settlement?

Response: Renewable energy credits will be determined based upon the output of the 600 MWs of wind. At this time it is not possible to provide the requested information.

Responsible person(s): Greg Meyer

**Midwest Energy Consumers Group  
Response to Office of Public Counsel's Data Request 8566**

**Case No. EO-2018-0092**

Response provided by: Greg Meyer

Response Number: 8566

Date of Response: May 1, 2018

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Request: Is it contemplated that up to 600 MW of wind farms of the settlement will first be included in Empire's rate base in Missouri in a single rate case, or in multiple rate cases?

Response: The settlement contemplates both a single and / or multiple rate cases for 600 MWs of wind to be in service.

Responsible person(s): Greg Meyer

**Midwest Energy Consumers Group  
Response to Office of Public Counsel's Data Request 8567**

**Case No. EO-2018-0092**

Response provided by: Greg Meyer

Response Number: 8567

Date of Response: May 1, 2018

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Request: Does the agreed upon 3.33% depreciation rate for the wind assets include net salvage?

Response: The 3.33% depreciation rate is based on an initial 30 year service life. Net salvage can be addressed, if needed, in a future depreciation study conducted by the Company.

Responsible person(s): Greg Meyer

**Midwest Energy Consumers Group  
Response to Office of Public Counsel's Data Request 8568**

**Case No. EO-2018-0092**

Response provided by: Greg Meyer

Response Number: 8568

Date of Response: May 1, 2018

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Request: If non-residential customers are assigned a portion of Renewable Energy Credits received from the Wind Projects will those customers be allocated the full cost to serve them based on the portion of wind assets assigned to them?

Response: Decisions regarding the cost of any renewable energy credits as part of a non-residential program will be considered in a future rate case.

Responsible person(s): Greg Meyer

**Midwest Energy Consumers Group  
Response to Office of Public Counsel's Data Request 8569**

**Case No. EO-2018-0092**

Response provided by: Greg Meyer

Response Number: 8569

Date of Response: May 1, 2018

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Request: With regard to the Environmental Protection Agency's coal combustion residuals rules and effluent limitation guidelines compliance costs for Asbury, have the signatories only agreed to full recovery of and a return on those compliance costs for Asbury as part of the settlement agreement?

Response: Yes

Responsible person(s): Greg Meyer



**Midwest Energy Consumers Group  
Response to Office of Public Counsel's Data Request 8570**

**Case No. EO-2018-0092**

Response provided by: Greg Meyer

Response Number: 8570

Date of Response: May 1, 2018

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Request: With regard to recovery of the Environmental Protection Agency's coal combustion residuals rules and effluent limitation guidelines compliance costs for Asbury, what is the weighted average cost of capital to which they have agreed, and what is the source of that weighted average cost of capital?

Response: The weighted average cost of capital will be considered as part of a rate case.

Responsible person(s): Greg Meyer

**Midwest Energy Consumers Group  
Response to Office of Public Counsel's Data Request 8571**

**Case No. EO-2018-0092**

Response provided by: Greg Meyer

Response Number: 8571

Date of Response: May 1, 2018

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Request: Is Empire's commitment to site \*\* inclusive of  
siting the wind operations and service facility \*\* \*\* over the life of the wind assets  
located there?

Response: The reference is only to the location of a wind farm and does not refer to operations  
and service facilities.

Responsible person(s): Greg Meyer

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

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

**MISSOURI DIVISION OF ENERGY**  
**ANSWERS TO OPC DATA REQUESTS**

The Missouri Division of Energy (DE) offers the following answers to OPC data request Nos. 5-6, 1317-1319, and 8036-8040.

***DR 5.*** *In his affidavit supporting the settlement agreement Midwest Energy Consumers Group witness Greg R. Meyer estimates the rate impact of the settlement to current rates, if implemented, to be 12%, and attributes the benefit of the federal corporate tax rate change from 35% to 21% to be about 5%. Assuming the only changes to Empire's revenue requirement used for setting rates in its last general rate case are due to the closure of the ash impoundment (According to Empire's response to Sierra Club data request 1-03, \$17,912,000) and the settlement agreement (which includes the new ash landfill, the new ash conveyance system, the up to 600 MW of wind farms, transmission associated with the new wind farms, and the impact of changing the federal corporate income tax rate from 35% to 21%), provide the percentage changes to Empire's revenue requirement attributable to (1) closure of the ash impoundment, (2) the new ash landfill, (3) the new ash conveyance system, (4) the up to 600 MW of wind farms, (5) transmission associated with the new wind farms, (6) the impact of changing the federal corporate income tax rate from 35% to 21%, and (7) each other rate-impacting provision of the settlement agreement, together with your workpapers showing your calculations.*

**DE Response:** DE did not perform the requested calculations and has no workpapers to provide in response to this data request. It is DE's understanding that other Signatories will provide responsive information.

***DR 6.*** *Identify the source of the Commission's authority to authorize Empire to enter into purchase agreement(s) for a nameplate capacity of up to 600 MW of Wind Projects through a subsidiary as the signatories recommend in 14.a. of the Non-Unanimous Stipulation and Agreement.*

**DE Response:** § 386.250(1) and (7); and § 393.140(1), (4), (8), and (12) RSMo.

**DR 1317.** A. What is the expected buy-out price, after the flip date, for the tax equity's portion of the wind project? B. Is the buy-out price affected by any tax equity payments made to the wind project due to excess production tax credits (PTCs)?

**DE Response:** DE does not possess the information requested by this data request. It is DE's understanding that other Signatories will provide responsive information.

**DR 1318.** A. The non-unanimous agreement allows for a fixed price hedging agreement(s) with Wind Project Co(s). What is the expected fixed price? B. How will the hedge amounts be recorded in the USOA? Who will be responsible for these costs/revenues?

**DE Response:** DE does not possess the information requested by this data request. It is DE's understanding that other Signatories will provide responsive information.

**DR 1319.** The non-unanimous agreement illustrates: **Calculate the Income tax payable for the Wind Projects by dividing the return on equity amount in dollars by one minus the composite tax rate then multiple that quotient by the return on equity in dollars.** Will the wind company create a net operating loss (NOL) or a profit? Is Empire currently operating at a NOL? If Empire's cost of service (COS) includes a provision for income tax, why is income tax included in the Wind Revenue Requirement? How will Empire or its customers benefit from the Wind Company's NOL or profit?

**DE Response:** DE does not possess the information requested by this data request. It is DE's understanding that other Signatories will provide responsive information.

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**DR 8036.** Reference S&A para 13. – What determines how long there will be participation from tax equity partners? What circumstances would lead to the participation extending past 10 years? What circumstances would lead to the participation being less than 10 years?

**DE Response:** DE does not possess the information requested by this data request. It is DE's understanding that other Signatories will provide responsive information.

**DR 8037.** Describe the level of DSM included in the stipulation and agreement plan.

**DE Response:** DE does not possess the information requested by this data request. It is DE's understanding that other Signatories will provide responsive information.

**DR 8038.** *Reference S&A para 17c – Does the mechanism only apply to instances of reduced market prices and wind production regardless of the reason for reduced market prices or wind production reductions? Would it apply if SPP market rule change the dispatchability of the wind resources? Would it apply if transmission is not available for the resource?*

**DE Response:** The Stipulation and Agreement does not specifically limit the market price protection mechanism as suggested.

**DR 8039.** *Please provide the S&A Attachment A Excel spreadsheet, with formulas intact.*

**DE Response:** It is DE's understanding that Empire will provide the requested spreadsheet.

**DR 8040.** *Who receives the revenues from the wind turbines from energy generated during testing? If the Empire customers receive the revenues, how will those revenues be treated?*

**DE Response:** DE does not possess the information requested by this data request. It is DE's understanding that other Signatories will provide responsive information.

Marc Poston

Marc Poston, MBN #45722

Senior Counsel

Department of Economic Development

P.O. Box 1157

Jefferson City, MO 65102

(573) 751-5558

[marc.poston@ded.mo.gov](mailto:marc.poston@ded.mo.gov)

**Attorney for Missouri Department of  
Economic Development – Division of  
Energy**

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI

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

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**DE Response:** DE did not perform the requested calculations and has no workpapers to provide in response to this data request. It is DE's understanding that other Signatories will provide responsive information.

***DR 6.** Identify the source of the Commission's authority to authorize Empire to enter into purchase agreement(s) for a nameplate capacity of up to 600 MW of Wind Projects through a subsidiary as the signatories recommend in 14.a. of the Non-Unanimous Stipulation and Agreement.*

**DE Response:** § 386.250(1) and (7); and § 393.140(1), (4), (8), and (12) RSMo.

**DR 1317.** A. What is the expected buy-out price, after the flip date, for the tax equity's portion of the wind project? B. Is the buy-out price affected by any tax equity payments made to the wind project due to excess production tax credits (PTCs)?

**DE Response:** DE does not possess the information requested by this data request. It is DE's understanding that other Signatories will provide responsive information.

**DR 1318.** A. The non-unanimous agreement allows for a fixed price hedging agreement(s) with Wind Project Co(s). What is the expected fixed price? B. How will the hedge amounts be recorded in the USOA? Who will be responsible for these costs/revenues?

**DE Response:** DE does not possess the information requested by this data request. It is DE's understanding that other Signatories will provide responsive information.

**DR 1319.** The non-unanimous agreement illustrates: **Calculate the Income tax payable for the Wind Projects by dividing the return on equity amount in dollars by one minus the composite tax rate then multiple that quotient by the return on equity in dollars.** Will the wind company create a net operating loss (NOL) or a profit? Is Empire currently operating at a NOL? If Empire's cost of service (COS) includes a provision for income tax, why is income tax included in the Wind Revenue Requirement? How will Empire or its customers benefit from the Wind Company's NOL or profit?

**DE Response:** DE does not possess the information requested by this data request. It is DE's understanding that other Signatories will provide responsive information.

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**DR 8036.** Reference S&A para 13. – What determines how long there will be participation from tax equity partners? What circumstances would lead to the participation extending past 10 years? What circumstances would lead to the participation being less than 10 years?

**DE Response:** DE does not possess the information requested by this data request. It is DE's understanding that other Signatories will provide responsive information.

**DR 8037.** Describe the level of DSM included in the stipulation and agreement plan.

**DE Response:** DE does not possess the information requested by this data request. It is DE's understanding that other Signatories will provide responsive information.

**DR 8038.** *Reference S&A para 17c – Does the mechanism only apply to instances of reduced market prices and wind production regardless of the reason for reduced market prices or wind production reductions? Would it apply if SPP market rule change the dispatchability of the wind resources? Would it apply if transmission is not available for the resource?*

**DE Response:** The Stipulation and Agreement does not specifically limit the market price protection mechanism as suggested.

**DR 8039.** *Please provide the S&A Attachment A Excel spreadsheet, with formulas intact.*

**DE Response:** It is DE's understanding that Empire will provide the requested spreadsheet.

**DR 8040.** *Who receives the revenues from the wind turbines from energy generated during testing? If the Empire customers receive the revenues, how will those revenues be treated?*

**DE Response:** DE does not possess the information requested by this data request. It is DE's understanding that other Signatories will provide responsive information.

Marc Poston

Marc Poston, MBN #45722

Senior Counsel

Department of Economic Development

P.O. Box 1157

Jefferson City, MO 65102

(573) 751-5558

[marc.poston@ded.mo.gov](mailto:marc.poston@ded.mo.gov)

Attorney for Missouri Department of  
Economic Development – Division of  
Energy



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

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

**MISSOURI DIVISION OF ENERGY**  
**ANSWERS TO OPC DATA REQUESTS**

The Missouri Division of Energy (DE) offers the following answers to OPC data request Nos. 5-6, 1317-1319, and 8036-8040.

***DR 5.*** *In his affidavit supporting the settlement agreement Midwest Energy Consumers Group witness Greg R. Meyer estimates the rate impact of the settlement to current rates, if implemented, to be 12%, and attributes the benefit of the federal corporate tax rate change from 35% to 21% to be about 5%. Assuming the only changes to Empire's revenue requirement used for setting rates in its last general rate case are due to the closure of the ash impoundment (According to Empire's response to Sierra Club data request 1-03, \$17,912,000) and the settlement agreement (which includes the new ash landfill, the new ash conveyance system, the up to 600 MW of wind farms, transmission associated with the new wind farms, and the impact of changing the federal corporate income tax rate from 35% to 21%), provide the percentage changes to Empire's revenue requirement attributable to (1) closure of the ash impoundment, (2) the new ash landfill, (3) the new ash conveyance system, (4) the up to 600 MW of wind farms, (5) transmission associated with the new wind farms, (6) the impact of changing the federal corporate income tax rate from 35% to 21%, and (7) each other rate-impacting provision of the settlement agreement, together with your workpapers showing your calculations.*

**DE Response:** DE did not perform the requested calculations and has no workpapers to provide in response to this data request. It is DE's understanding that other Signatories will provide responsive information.

***DR 6.*** *Identify the source of the Commission's authority to authorize Empire to enter into purchase agreement(s) for a nameplate capacity of up to 600 MW of Wind Projects through a subsidiary as the signatories recommend in 14.a. of the Non-Unanimous Stipulation and Agreement.*

**DE Response:** § 386.250(1) and (7); and § 393.140(1), (4), (8), and (12) RSMo.

**DR 1317.** A. What is the expected buy-out price, after the flip date, for the tax equity's portion of the wind project? B. Is the buy-out price affected by any tax equity payments made to the wind project due to excess production tax credits (PTCs)?

**DE Response:** DE does not possess the information requested by this data request. It is DE's understanding that other Signatories will provide responsive information.

**DR 1318.** A. The non-unanimous agreement allows for a fixed price hedging agreement(s) with Wind Project Co(s). What is the expected fixed price? B. How will the hedge amounts be recorded in the USOA? Who will be responsible for these costs/revenues?

**DE Response:** DE does not possess the information requested by this data request. It is DE's understanding that other Signatories will provide responsive information.

**DR 1319.** The non-unanimous agreement illustrates: **Calculate the income tax payable for the Wind Projects by dividing the return on equity amount in dollars by one minus the composite tax rate then multiple that quotient by the return on equity in dollars.** Will the wind company create a net operating loss (NOL) or a profit? Is Empire currently operating at a NOL? If Empire's cost of service (COS) includes a provision for income tax, why is income tax included in the Wind Revenue Requirement? How will Empire or its customers benefit from the Wind Company's NOL or profit?

**DE Response:** DE does not possess the information requested by this data request. It is DE's understanding that other Signatories will provide responsive information.

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**DR 8036.** Reference S&A para 13. – What determines how long there will be participation from tax equity partners? What circumstances would lead to the participation extending past 10 years? What circumstances would lead to the participation being less than 10 years?

**DE Response:** DE does not possess the information requested by this data request. It is DE's understanding that other Signatories will provide responsive information.

**DR 8037.** Describe the level of DSM included in the stipulation and agreement plan.

**DE Response:** DE does not possess the information requested by this data request. It is DE's understanding that other Signatories will provide responsive information.

**DR 8038.** *Reference S&A para 17c – Does the mechanism only apply to instances of reduced market prices and wind production regardless of the reason for reduced market prices or wind production reductions? Would it apply if SPP market rule change the dispatchability of the wind resources? Would it apply if transmission is not available for the resource?*

**DE Response:** The Stipulation and Agreement does not specifically limit the market price protection mechanism as suggested.

**DR 8039.** *Please provide the S&A Attachment A Excel spreadsheet, with formulas intact.*

**DE Response:** It is DE's understanding that Empire will provide the requested spreadsheet.

**DR 8040.** *Who receives the revenues from the wind turbines from energy generated during testing? If the Empire customers receive the revenues, how will those revenues be treated?*

**DE Response:** DE does not possess the information requested by this data request. It is DE's understanding that other Signatories will provide responsive information.

Marc Poston

Marc Poston, MBN #45722

Senior Counsel

Department of Economic Development

P.O. Box 1157

Jefferson City, MO 65102

(573) 751-5558

[marc.poston@ded.mo.gov](mailto:marc.poston@ded.mo.gov)

**Attorney for Missouri Department of  
Economic Development – Division of  
Energy**

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI

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

**MISSOURI DIVISION OF ENERGY**  
**ANSWERS TO OPC DATA REQUESTS**

The Missouri Division of Energy (DE) offers the following answers to OPC data request Nos. 8055 to 8057:

**DR 8055.** *Reference S&A, para. 17 – Does the Market Protection Mechanism take into account the “hedge” Empire will be paying the tax equity partner? If so, please describe how this amount is included in the calculation.*

**DE Response:** DE does not possess the information requested by this data request. It is DE’s understanding that other Signatories will provide responsive information.

**DR 8056.** *Reference S&A, para. 16a – Can construction of the wind farms begin before a CCN is granted by the Commission?*

**DE Response:** According to the language of the Agreement, “EDE shall file a request for a CCN with respect to its interest in the Wind Projects, consistent with Commission Rule 4 CSR 240-3.105, before authorizing construction of the facilities.” The agreement is silent on whether construction can begin while the CCN application is pending.

**DR 8057.** *Reference S&A, Appendix A - What is the definition of Wind Revenue Requirement and what are the components that make up Wind Revenue Requirement?*

**DE Response:** Page 2 of Appendix A to the Stipulation states, “WRR = Wind Revenue Requirement = sum of operation and maintenance, labor, tax equity payments /(credits), property taxes, return on and of, income taxes for the new Wind Projects (row 14 excel, as calculated in Exhibit B).”

Marc Poston

Marc Poston, MBN #45722

Senior Counsel

Department of Economic Development

P.O. Box 1157

Jefferson City, MO 65102

(573) 751-5558

[marc.poston@ded.mo.gov](mailto:marc.poston@ded.mo.gov)

**Attorney for Missouri Department of  
Economic Development – Division of  
Energy**

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

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

**MISSOURI DIVISION OF ENERGY**  
**ANSWERS TO OPC DATA REQUESTS**

The Missouri Division of Energy (DE) offers the following answers to OPC data request Nos. 8562-8571C:

**DR 8562.** *The last sentence of paragraph 13, which appears on page 4 of the Non- Unanimous Stipulation and Agreement follows: “After approximately ten years of tax equity participation and EDE joint ownership of the Wind Project Co. (through the Wind Holdco), EDE has the right to purchase the tax equity partner’s ownership interest in the Wind Holdco, at which point EDE would wholly own the Wind Project Co.” For each project, what is the actual or estimated cost to “purchase the tax equity partner’s ownership interest in the Wind Holdco”?*

**DE Response:** DE does not possess the information requested by this data request. It is DE’s understanding that other Signatories will provide responsive information.

**DR 8563.** *As used in the following sentence from paragraph 14.a. on page 4 of the Non- Unanimous Stipulation and Agreement, “Furthermore, EDE agrees that the Wind Project(s) shall be operated in accordance with applicable Southwest Power Pool Integrated Marketplace (“SPP IM”) rules and in a manner that is not detrimental to EDE’s customers,” does applicable Southwest Power Pool Integrated Marketplace (“SPP IM”) rules mean only current SPP IM rules or does it include future revisions to the SPP IM rules too?*

**DE Response:** DE interprets this provision to refer to all current and future SPP IM rules.

**DR 8564.** *Paragraph 14.b. of the Non-Unanimous Stipulation and Agreement refers to an engineer who “must confirm in a written report, to be provided to EDE, that the Wind Project has achieved mechanical completion, and there is a reasonable likelihood the Wind Project will satisfy the in-service criteria provided for in paragraph 17(a) and be timely placed in-service, including a reasonable likelihood that the turbines will meet or exceed the guaranteed power curve for such turbines to be included in the turbine supply agreement(s) with Wind Project Co(s).” Who chooses the engineer? Who pays the engineer and for the engineer’s report? What credentials must the engineer have? By whom will the engineer be employed—Empire, Staff, the wind farm builder, and independent third party, someone else?*

**DE Response:** DE interprets the Non-Unanimous Stipulation and Agreement to be silent on the questions asked in this data request. However, it is DE’s understanding that Empire will choose

the engineer. DE does not have sufficient information to answer the remaining questions. It is DE's understanding that other Signatories will provide responsive information.

**DR 8565.** *On an annual basis, what revenues will result from renewable energy credits generated by the up to 600 MW of wind farms that are a subject of the settlement?*

**DE Response:** DE does not possess the information requested by this data request.

**DR 8566.** *Is it contemplated that up to 600 MW of wind farms of the settlement will first be included in Empire's rate base in Missouri in a single rate case, or in multiple rate cases?*

**DE Response:** The inclusion of the wind farms in rate base will depend on the timing of when the wind farms are operational and when Empire files rate cases. The wind farms could be first included in rate base in one or in multiple rate cases.

**DR 8567.** *Does the agreed upon 3.33% depreciation rate for the wind assets include net salvage?*

**DE Response:** DE does not possess the information requested by this data request. It is DE's understanding that other Signatories will provide responsive information.

**DR 8568.** *If non-residential customers are assigned a portion of Renewable Energy Credits received from the Wind Projects will those customers be allocated the full cost to serve them based on the portion of wind assets assigned to them?*

**DE Response:** This issue was not addressed in the Non-Unanimous Stipulation and will be addressed in the company's rate case.

**DR 8569.** *With regard to the Environmental Protection Agency's coal combustion residuals rules and effluent limitation guidelines compliance costs for Asbury, have the signatories only agreed to full recovery of and a return on those compliance costs for Asbury as part of the settlement agreement?*

**DE Response:** The extent of the agreement is contained within the Non-Unanimous Stipulation, page 12, where it states, "In the event that Asbury is subsequently retired prior to the full depreciation of the CCR Investment, the Signatories agree that in future general rate cases they shall not object to EDE's recovery of the return on at its weighted average cost of capital and return of the net CCR Investment."

**DR 8570.** *With regard to recovery of the Environmental Protection Agency's coal combustion residuals rules and effluent limitation guidelines compliance costs for Asbury, what is the weighted average cost of capital to which they have agreed, and what is the source of that weighted average cost of capital?*

**DE Response:** DE does not possess the information requested by this data request. It is DE's understanding that other Signatories will provide responsive information.

**DR 8571.** *Is Empire's commitment to site \*\* \_\_\_\_\_ \*\* inclusive of siting the wind operations and service facility \*\* \_\_\_\_\_ \*\* over the life of the wind assets located there?*

**DE Response:** The Stipulation and Agreement is silent on siting a wind operation and service facility.

Marc Poston  
Marc Poston, MBN #45722  
Senior Counsel  
Department of Economic Development  
P.O. Box 1157  
Jefferson City, MO 65102  
(573) 751-5558  
[marc.poston@ded.mo.gov](mailto:marc.poston@ded.mo.gov)  
Attorney for Missouri Department of  
Economic Development – Division of  
Energy



**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 Its        )        File No. EO-2018-0092  
Customer Savings Plan                                    )

Renew Missouri's Responses to OPC Data Requests

Responses to:

- OPC DRs 5 to 6 (due April 30)(sent to all signatories)
- OPC DRs 1317 to 1319 (due April 30)(sent to all signatories)
- OPC DRs 8036 to 8040 (due April 30)(sent to all signatories)

Responses provided by Tim Opitz.

**DR 5.** *In his affidavit supporting the settlement agreement Midwest Energy Consumers Group witness Greg R. Meyer estimates the rate impact of the settlement to current rates, if implemented, to be 12%, and attributes the benefit of the federal corporate tax rate change from 35% to 21% to be about 5%. Assuming the only changes to Empire's revenue requirement used for setting rates in its last general rate case are due to the closure of the ash impoundment (According to Empire's response to Sierra Club data request 1-03, \$17,912,000) and the settlement agreement (which includes the new ash landfill, the new ash conveyance system, the up to 600 MW of wind farms, transmission associated with the new wind farms, and the impact of changing the federal corporate income tax rate from 35% to 21%), provide the percentage changes to Empire's revenue requirement attributable to (1) closure of the ash impoundment, (2) the new ash landfill, (3) the new ash conveyance system, (4) the up to 600 MW of wind farms, (5) transmission associated with the new wind farms, (6) the impact of changing the federal corporate income tax rate from 35% to 21%, and (7) each other rate-impacting provision of the settlement agreement, together with your workpapers showing your calculations.*

**Renew Missouri Response:** Renew Missouri does not possess or control the requested calculations. Mr. Greg Meyer offered his testimony on behalf of Midwest Energy Consumers Group. Renew Missouri cannot direct Mr. Meyer to respond to OPC's request or produce the additional workproduct.

**DR 6.** *Identify the source of the Commission's authority to authorize Empire to enter into purchase agreement(s) for a nameplate capacity of up to 600 MW of Wind Projects through a subsidiary as the signatories recommend in 14.a. of the Non-Unanimous Stipulation and Agreement.*

**Renew Missouri Response:** The Commission can "prescribe uniform methods of keeping accounts, records and books, to be observed by ... electrical corporations[.]" (Section

393.140(4), RSMo). The Commission can also “prescribe by order the accounts in which particular outlays and receipts shall be entered, charged or credited” (Section 393.140(8) RSMo). The provisions in the stipulation at 14.a are conditions the signatories agreed should be attached to a Commission order authorizing the company to record its capital investment to acquire the Wind Projects as utility plant in service subject to audit in Empire’s next general rate case.

**DR 1317.** *A. What is the expected buy-out price, after the flip date, for the tax equity’s portion of the wind project?*

*B. Is the buy-out price affected by any tax equity payments made to the wind project due to excess production tax credits (PTCs)?*

**Renew Missouri Response:** Renew Missouri has no specific information to provide, and directs parties to the response provided by Empire to this Data Request.

**DR 1318.** *A. The non-unanimous agreement allows for a fixed price hedging agreement(s) with Wind Project Co(s) What is the expected fixed price?*

*B. How will the hedge amounts be recorded in the USOA? Who will be responsible for these costs/revenues?*

**Renew Missouri Response:** Renew Missouri has no specific information to provide, and directs parties to the response provided by Empire to this Data Request.

**DR 1319.** *The non-unanimous agreement illustrates:*

*Calculate the Income tax payable for the Wind Projects by dividing the return on equity amount in dollars by one minus the composite tax rate then multiple that quotient by the return on equity in dollars.*

*Will the wind company create a net operating loss (NOL) or a profit? Is Empire currently operating at a NOL? If Empire’s cost of service (COS) includes a provision for income tax, why is income tax included in the Wind Revenue Requirement? How will Empire or its customers benefit from the Wind Company’s NOL or profit?*

**Renew Missouri Response:** Renew Missouri has no specific information to provide, and directs parties to the response provided by Empire to this Data Request.

**DR 8036.** *Reference S&A para 13. – What determines how long there will be participation from tax equity partners? What circumstances would lead to the participation extending past 10 years? What circumstances would lead to the participation being less than 10 years?*

**Renew Missouri Response:** Renew Missouri has no specific information to provide, and directs parties to the response provided by Empire to this Data Request.

**DR 8037.** *Describe the level of DSM included in the stipulation and agreement plan.*

**Renew Missouri Response:** The stipulation and agreement does not include provisions regarding DSM. Doc. No. 105, the affidavit of James McMahon, explains the customer savings are relative to Empire's 2016 IRP Preferred plan.

**DR 8038.** *Reference S&A para 17c – Does the mechanism only apply to instances of reduced market prices and wind production regardless of the reason for reduced market prices or wind production reductions? Would it apply if SPP market rule change the dispatchability of the wind resources? Would it apply if transmission is not available for the resource?*

**Renew Missouri Response:** Renew Missouri has no specific information to provide, and directs parties to the response provided by Empire to this Data Request.

**DR 8039.** *Please provide the S&A Attachment A Excel spreadsheet, with formulas intact.*

**Renew Missouri Response:** Renew Missouri has no specific information to provide, and directs parties to the response and spreadsheet provided by Empire to this Data Request.

**DR 8040.** *Who receives the revenues from the wind turbines from energy generated during testing? If the Empire customers receive the revenues, how will those revenues be treated?*

**Renew Missouri Response:** Renew Missouri has no specific information to provide, and directs parties to the response provided by Empire to this Data Request.

**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 Its     )     File No. EO-2018-0092  
Customer Savings Plan     )

RENEW MISSOURI'S RESPONSES TO OPC DATA REQUESTS

Reponses to:

- OPC DRs 8055-8057 (due May 2)(sent to all signatories)

Responses provided by Tim Opitz.

**DR 8055.** *Reference S&A, para. 17 – Does the Market Protection Mechanism take into account the “hedge” Empire will be paying the tax equity partner? If so, please describe how this amount is included in the calculation.*

**Renew Missouri Response:** Renew Missouri has no specific information to offer, and directs the parties to the response Empire has provided to this Data Request.

**DR 8056.** *Reference S&A, para. 16a – Can construction of the wind farms begin before a CCN is granted by the Commission?*

**Renew Missouri Response:** Not if the site is in Missouri. If the site is outside Missouri, the company will comply with applicable Commission regulations. The stipulation provides: “EDE agrees that for any of the Wind Projects physically located in the state of Missouri, and for any Wind Projects which are located outside of the state of Missouri for which a Certificate of Convenience and Necessity (“CCN”) is required by Commission regulations, EDE shall file a request for a CCN with respect to its interest in the Wind Projects, consistent with Commission Rule 4 CSR 240-3.105, before authorizing construction of the facilities.”

**DR 8057.** *Reference S&A, Appendix A - What is the definition of Wind Revenue Requirement and what are the components that make up Wind Revenue Requirement?*

**Renew Missouri Response:** Renew Missouri has no specific information to offer, and directs the parties to the response Empire has provided to this Data Request.

**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 Its        )        File No. EO-2018-0092  
Customer Savings Plan                                    )

**RENEW MISSOURI RESPONSES TO OPC DATA REQUESTS**

Reponses to:

- OPC DRs 8562 to 8571 (due May 1)(sent to all signatories)

(Responses provided by Tim Opitz)

**DR 8562.** *The last sentence of paragraph 13, which appears on page 4 of the Non- Unanimous Stipulation and Agreement follows: "After approximately ten years of tax equity participation and EDE joint ownership of the Wind Project Co. (through the Wind Holdco), EDE has the right to purchase the tax equity partner's ownership interest in the Wind Holdco, at which point EDE would wholly own the Wind Project Co." For each project, what is the actual or estimated cost to "purchase the tax equity partner's ownership interest in the Wind Holdco"?*

**Renew Missouri Response:** Renew Missouri has no specific information to provide, and refers the parties to Empire's response to the above data request.

**DR 8563.** *As used in the following sentence from paragraph 14.a. on page 4 of the Non- Unanimous Stipulation and Agreement, "Furthermore, EDE agrees that the Wind Project(s) shall be operated in accordance with applicable Southwest Power Pool Integrated Marketplace ("SPP IM") rules and in a manner that is not detrimental to EDE's customers," does applicable Southwest Power Pool Integrated Marketplace ("SPP IM") rules mean only current SPP IM rules or does it include future revisions to the SPP IM rules too?*

**Renew Missouri Response:** Renew Missouri has no specific information to provide, and refers the parties to Empire's response to the above data request.

**DR 8564.** *Paragraph 14.b. of the Non-Unanimous Stipulation and Agreement refers to an engineer who "must confirm in a written report, to be provided to EDE, that the Wind Project has achieved mechanical completion, and there is a reasonable likelihood the Wind Project will satisfy the in-service criteria provided for in paragraph 17(a) and be timely placed in-service, including a reasonable likelihood that the turbines will meet or exceed the guaranteed power curve for such turbines to be included in the turbine supply agreement(s) with Wind Project Co(s)." Who chooses the engineer? Who pays the engineer and for the engineer's report? What*

*credentials must the engineer have? By whom will the engineer be employed—Empire, Staff, the wind farm builder, and independent third party, someone else?*

**Renew Missouri Response:** Renew Missouri has no specific information to provide, and refers the parties to Empire's response to the above data request.

**DR 8565.** *On an annual basis, what revenues will result from renewable energy credits generated by the up to 600 MW of wind farms that are a subject of the settlement?*

**Renew Missouri Response:** Renew Missouri has no specific information to provide, and refers the parties to Empire's response to the above data request.

**DR 8566.** *Is it contemplated that up to 600 MW of wind farms of the settlement will first be included in Empire's rate base in Missouri in a single rate case, or in multiple rate cases?*

**Renew Missouri Response:** Renew Missouri has no specific information to provide, and refers the parties to Empire's response to the above data request.

**DR 8567.** *Does the agreed upon 3.33% depreciation rate for the wind assets include net salvage?*

**Renew Missouri Response:** Renew Missouri has no specific information to provide, and refers the parties to Empire's response to the above data request.

**DR 8568.** *If non-residential customers are assigned a portion of Renewable Energy Credits received from the Wind Projects will those customers be allocated the full cost to serve them based on the portion of wind assets assigned to them?*

**Renew Missouri Response:** Renew Missouri has no specific information to provide, and refers the parties to Empire's response to the above data request.

**DR 8569.** *With regard to the Environmental Protection Agency's coal combustion residuals rules and effluent limitation guidelines compliance costs for Asbury, have the signatories only agreed to full recovery of and a return on those compliance costs for Asbury as part of the settlement agreement?*

**Renew Missouri Response:** Renew Missouri has no specific information to provide, and refers the parties to Empire's response to the above data request.

**DR 8570.** *With regard to recovery of the Environmental Protection Agency's coal combustion residuals rules and effluent limitation guidelines compliance costs for Asbury, what is the weighted average cost of capital to which they have agreed, and what is the source of that weighted average cost of capital?*

**Renew Missouri Response:** Renew Missouri has no specific information to provide, and refers the parties to Empire's response to the above data request.

**DR 8571.** *Is Empire's commitment to site \*\*\_\_\_\_\_\*\* inclusive of siting the wind operations and service facility \*\*\_\_\_\_\_\*\* over the life of the wind assets located there?*

**Renew Missouri Response:** Renew Missouri has no specific information to provide, and refers the parties to Empire's response to the above data request.

**Missouri Public Service Commission****Respond Data Request**

<b>Data Request No.</b>	0060
<b>Company Name</b>	MO PSC Staff-(All)
<b>Case/Tracking No.</b>	EO-2018-0092
<b>Date Requested</b>	4/26/2018
<b>Issue</b>	Other - Other
<b>Requested From</b>	Marcella Forck
<b>Requested By</b>	Nathan Williams
<b>Brief Description</b>	Rate impact
<b>Description</b>	5. In his affidavit supporting the settlement agreement Midwest Energy Consumers Group witness Greg R. Meyer estimates the rate impact of the settlement to current rates, if implemented, to be 12%, and attributes the benefit of the federal corporate tax rate change from 35% to 21% to be about 5%. Assuming the only changes to Empire's revenue requirement used for setting rates in its last general rate case are due to the closure of the ash impoundment (According to Empire's response to Sierra Club data request 1-03, \$17,912,000) and the settlement agreement (which includes the new ash landfill, the new ash conveyance system, the up to 600 MW of wind farms, transmission associated with the new wind farms, and the impact of changing the federal corporate income tax rate from 35% to 21%), provide the percentage changes to Empire's revenue requirement attributable to (1) closure of the ash impoundment, (2) the new ash landfill, (3) the new ash conveyance system, (4) the up to 600 MW of wind farms, (5) transmission associated with the new wind farms, (6) the impact of changing the federal corporate income tax rate from 35% to 21%, and (7) each other rate-impacting provision of the settlement agreement, together with your workpapers showing your calculations.
<b>Response</b>	Staff did not perform the calculations that would be responsive to this data request. Staff defers to MECG's response to OPC DR 5. Data Request Response provided by Marcella Forck (marcella.forck@psc.mo.gov).
<b>Objections</b>	NA

The attached information provided to Missouri Public Service Commission Staff in response to the above data information request is accurate and complete, and contains no material misrepresentations or omissions, based upon present facts of which the undersigned has knowledge, information or belief. The undersigned agrees to immediately inform the Missouri Public Service Commission if, during the pendency of Case No. EO-2018-0092 before the Commission, any matters are discovered which would materially affect the accuracy or completeness of the attached information. If these data are voluminous, please (1) identify the relevant documents and their location (2) make arrangements with requestor to have documents available for inspection in the MO PSC Staff-(All) office, or other location mutually agreeable. Where identification of a document is requested, briefly describe the document (e.g. book, letter, memorandum, report) and state the following information as applicable for the particular document: name, title number, author, date of publication and publisher, addresses, date written, and the name and address of the person(s) having possession of the document. As used in this data request the term "document(s)" includes publication of any format, workpapers, letters, memoranda, notes, reports, analyses, computer analyses, test results, studies or data, recordings, transcriptions and printed, typed or written materials of every kind in your possession, custody or control or within your knowledge. The pronoun "you" or "your" refers to MO PSC Staff-(All) and its employees, contractors, agents or others employed by or acting in its behalf.

<b>Security :</b>	Public
<b>Rationale :</b>	NA

*Attachment LMM-1*  
75/104



## Missouri Public Service Commission

### Respond Data Request

<b>Data Request No.</b>	0061
<b>Company Name</b>	MO PSC Staff-(All)
<b>Case/Tracking No.</b>	EO-2018-0092
<b>Date Requested</b>	4/26/2018
<b>Issue</b>	Other - Other
<b>Requested From</b>	Marcella Forck
<b>Requested By</b>	Nathan Williams
<b>Brief Description</b>	Commission's authority to authorized purchase agreements
<b>Description</b>	5. Identify the source of the Commission's authority to authorize Empire to enter into purchase agreement(s) for a nameplate capacity of up to 600 MW of Wind Projects through a subsidiary as the signatories recommend in 14.a. of the Non-Unanimous Stipulation and Agreement.
<b>Response</b>	See attached for data request response. Response provided by Marcella Forck (Marcella.forck@psc.mo.gov).
<b>Objections</b>	NA

The attached information provided to **Missouri Public Service Commission Staff** in response to the above data information request is accurate and complete, and contains no material misrepresentations or omissions, based upon present facts of which the undersigned has knowledge, information or belief. The undersigned agrees to immediately inform the **Missouri Public Service Commission** if, during the pendency of Case No. **EO-2018-0092** before the Commission, any matters are discovered which would materially affect the accuracy or completeness of the attached information. If these data are voluminous, please (1) identify the relevant documents and their location (2) make arrangements with requestor to have documents available for inspection in the **MO PSC Staff-(All)** office, or other location mutually agreeable. Where identification of a document is requested, briefly describe the document (e.g. book, letter, memorandum, report) and state the following information as applicable for the particular document: name, title number, author, date of publication and publisher, addresses, date written, and the name and address of the person(s) having possession of the document. As used in this data request the term "document(s)" includes publication of any format, workpapers, letters, memoranda, notes, reports, analyses, computer analyses, test results, studies or data, recordings, transcriptions and printed, typed or written materials of every kind in your possession, custody or control or within your knowledge. The pronoun "you" or "your" refers to **MO PSC Staff-(All)** and its employees, contractors, agents or others employed by or acting in its behalf.

<b>Security :</b>	Public
<b>Rationale :</b>	NA

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Response provided by: Marcie Forck

Response Number: 61

Date of Response: May 1, 2018

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Response:

After further consideration, the Signatories intend to make the following modifications to their Non-Unanimous Stipulation and Agreement in order to more accurately describe their intent:

Paragraph 14.a. – “The Signatories agree EDE, through its ownership in Wind Holdco(s), will ~~is authorized to~~ enter into purchase agreement(s) for a nameplate capacity of up to 600 MW of Wind Projects...”

Paragraph 18.a. – “The Signatories agree EDE, through its ownership in Wind Holdco(s), will ~~is authorized to~~ contract with tax equity partner(s) for financing of the Wind Projects...”

Given the anticipated changes, Staff does not believe the requested information is relevant.

Responsible person(s): Marcie Forck

## Missouri Public Service Commission

### Respond Data Request

<b>Data Request No.</b>	0057
<b>Company Name</b>	MO PSC Staff-(All)
<b>Case/Tracking No.</b>	EO-2018-0092
<b>Date Requested</b>	4/26/2018
<b>Issue</b>	Other - Other
<b>Requested From</b>	Marcella Forck
<b>Requested By</b>	John Riley
<b>Brief Description</b>	Buy out price
<b>Description</b>	1317. A. What is the expected buy-out price, after the flip date, for the tax equity's portion of the wind project? B. Is the buy-out price affected by any tax equity payments made to the wind project due to excess production tax credits (PTCs)?
<b>Response</b>	Staff has no first-hand knowledge of information that is responsive to this data request. However, the response provided by Empire to OPC DR 1317 is consistent with Staff's understanding. Data Request Response provided by Marcella Forck (marcella.forck@psc.mo.gov).
<b>Objections</b>	NA

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<b>Security :</b>	Public
<b>Rationale :</b>	NA

*Attachment LMM-1*  
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## Missouri Public Service Commission

### Respond Data Request

<b>Data Request No.</b>	0058
<b>Company Name</b>	MO PSC Staff-(All)
<b>Case/Tracking No.</b>	EO-2018-0092
<b>Date Requested</b>	4/26/2018
<b>Issue</b>	Other - Other
<b>Requested From</b>	Marcella Forck
<b>Requested By</b>	John Riley
<b>Brief Description</b>	hedging
<b>Description</b>	1318. A. The non-unanimous agreement allows for a fixed price hedging agreement(s) with Wind Project Co(s) What is the expected fixed price? B. How will the hedge amounts be recorded in the USOA? Who will be responsible for these costs/revenues?
<b>Response</b>	Staff has no first-hand knowledge of information that is responsive to this data request. However, the response provided by Empire to OPC DR 1318 is consistent with Staff's understanding. Data Request Response provided by Marcella Forck (marcella.forck@psc.mo.gov).
<b>Objections</b>	NA

The attached information provided to **Missouri Public Service Commission Staff** in response to the above data information request is accurate and complete, and contains no material misrepresentations or omissions, based upon present facts of which the undersigned has knowledge, information or belief. The undersigned agrees to immediately inform the **Missouri Public Service Commission** if, during the pendency of Case No. **EO-2018-0092** before the Commission, any matters are discovered which would materially affect the accuracy or completeness of the attached information. If these data are voluminous, please (1) identify the relevant documents and their location (2) make arrangements with requestor to have documents available for inspection in the **MO PSC Staff-(All)** office, or other location mutually agreeable. Where identification of a document is requested, briefly describe the document (e.g. book, letter, memorandum, report) and state the following information as applicable for the particular document: name, title number, author, date of publication and publisher, addresses, date written, and the name and address of the person(s) having possession of the document. As used in this data request the term "document(s)" includes publication of any format, workpapers, letters, memoranda, notes, reports, analyses, computer analyses, test results, studies or data, recordings, transcriptions and printed, typed or written materials of every kind in your possession, custody or control or within your knowledge. The pronoun "you" or "your" refers to **MO PSC Staff-(All)** and its employees, contractors, agents or others employed by or acting in its behalf.

<b>Security :</b>	Public
<b>Rationale :</b>	NA

*Attachment LMM-1*  
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## Missouri Public Service Commission

### Respond Data Request

<b>Data Request No.</b>	0059
<b>Company Name</b>	MO PSC Staff-(All)
<b>Case/Tracking No.</b>	EO-2018-0092
<b>Date Requested</b>	4/26/2018
<b>Issue</b>	Other - Other
<b>Requested From</b>	Marcella Forck
<b>Requested By</b>	John Riley
<b>Brief Description</b>	COS and NOL
<b>Description</b>	1319. The non-unanimous agreement illustrates: Calculate the Income tax payable for the Wind Projects by dividing the return on equity amount in dollars by one minus the composite tax rate then multiple that quotient by the return on equity in dollars. Will the wind company create a net operating loss (NOL) or a profit? Is Empire currently operating at a NOL? If Empire's cost of service (COS) includes a provision for income tax, why is income tax included in the Wind Revenue Requirement? How will Empire or its customers benefit from the Wind Company's NOL or profit?
<b>Response</b>	Staff has no first-hand knowledge of information that is responsive to this data request. However, the response provided by Empire to OPC DR 1319 is consistent with Staff's understanding. Data Request Response provided by Marcella Forck (marcella.forck@psc.mo.gov).
<b>Objections</b>	NA

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<b>Security :</b>	Public
<b>Rationale :</b>	NA

*Attachment LMM-1  
80/104*

## Missouri Public Service Commission

Respond Data Request

<b>Data Request No.</b>	0052
<b>Company Name</b>	MO PSC Staff-(All)
<b>Case/Tracking No.</b>	EO-2018-0092
<b>Date Requested</b>	4/26/2018
<b>Issue</b>	Other - Other
<b>Requested From</b>	Marcella Forck
<b>Requested By</b>	Lena Mantle
<b>Brief Description</b>	Tax Equity Partners
<b>Description</b>	8036. Reference S&A para 13. – What determines how long there will be participation from tax equity partners? What circumstances would lead to the participation extending past 10 years? What circumstances would lead to the participation being less than 10 years?
<b>Response</b>	Staff has no first-hand knowledge of information that is responsive to this data request. However, the response provided by Empire to OPC DR 8036 is consistent with Staff's understanding. Data Request Response provided by Marcella Forck (marcella.forck@psc.mo.gov).
<b>Objections</b>	NA

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<b>Security :</b>	Public
<b>Rationale :</b>	NA

*Attachment LMM-1*  
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## Missouri Public Service Commission

### Respond Data Request

<b>Data Request No.</b>	0053
<b>Company Name</b>	MO PSC Staff-(All)
<b>Case/Tracking No.</b>	EO-2018-0092
<b>Date Requested</b>	4/26/2018
<b>Issue</b>	Other - Other
<b>Requested From</b>	Marcella Forck
<b>Requested By</b>	Lena Mantle
<b>Brief Description</b>	Level of DSM
<b>Description</b>	8037. Describe the level of DSM included in the stipulation and agreement plan.
<b>Response</b>	Staff has no first-hand knowledge of information that is responsive to this data request. However, the response provided by Empire to OPC DR 8037 is consistent with Staff's understanding. Data Request Response provided by Marcella Forck (marcella.forck@psc.mo.gov).
<b>Objections</b>	NA

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<b>Security :</b>	Public
<b>Rationale :</b>	NA

*Attachment LMM-1*  
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## Missouri Public Service Commission

### Respond Data Request

<b>Data Request No.</b>	0054
<b>Company Name</b>	MO PSC Staff-(All)
<b>Case/Tracking No.</b>	EO-2018-0092
<b>Date Requested</b>	4/26/2018
<b>Issue</b>	Other - Other
<b>Requested From</b>	Marcella Forck
<b>Requested By</b>	Lena Mantle
<b>Brief Description</b>	Reference S&A para 17c
<b>Description</b>	8038. Reference S&A para 17c – Does the mechanism only apply to instances of reduced market prices and wind production regardless of the reason for reduced market prices or wind production reductions? Would it apply if SPP market rule change the dispatchability of the wind resources? Would it apply if transmission is not available for the resource?
<b>Response</b>	Staff concurs with the response provided by Empire to OPC DR 8038. Data Request Response provided by Marcella Forck (marcella.forck@psc.mo.gov).
<b>Objections</b>	NA

The attached information provided to **Missouri Public Service Commission** Staff in response to the above data information request is accurate and complete, and contains no material misrepresentations or omissions, based upon present facts of which the undersigned has knowledge, information or belief. The undersigned agrees to immediately inform the **Missouri Public Service Commission** if, during the pendency of Case No. **EO-2018-0092** before the Commission, any matters are discovered which would materially affect the accuracy or completeness of the attached information. If these data are voluminous, please (1) identify the relevant documents and their location (2) make arrangements with requestor to have documents available for inspection in the **MO PSC Staff-(All)** office, or other location mutually agreeable. Where identification of a document is requested, briefly describe the document (e.g. book, letter, memorandum, report) and state the following information as applicable for the particular document: name, title number, author, date of publication and publisher, addresses, date written, and the name and address of the person(s) having possession of the document. As used in this data request the term "document(s)" includes publication of any format, workpapers, letters, memoranda, notes, reports, analyses, computer analyses, test results, studies or data, recordings, transcriptions and printed, typed or written materials of every kind in your possession, custody or control or within your knowledge. The pronoun "you" or "your" refers to **MO PSC Staff-(All)** and its employees, contractors, agents or others employed by or acting in its behalf.

<b>Security :</b>	Public
<b>Rationale :</b>	NA

*Attachment LMM-1*  
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## Missouri Public Service Commission

### Respond Data Request

<b>Data Request No.</b>	0055
<b>Company Name</b>	MO PSC Staff-(All)
<b>Case/Tracking No.</b>	EO-2018-0092
<b>Date Requested</b>	4/26/2018
<b>Issue</b>	Other - Other
<b>Requested From</b>	Marcella Forck
<b>Requested By</b>	Lena Mantle
<b>Brief Description</b>	S&A Attachment
<b>Description</b>	8039. Please provide the S&A Attachment A Excel spreadsheet, with formulas intact.
<b>Response</b>	Please see the confidential file labeled "Confidential – Market Protection Provision". The file has been identified as "confidential" in accordance with Commission Rule 4 CSR 240-2.135(2)(A)4 and 6. Data Request Response provided by: David Holmes, Greg Meyer, John Rogers
<b>Objections</b>	NA

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<b>Security :</b>	Public
<b>Rationale :</b>	NA

*Attachment LMM-1  
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## Missouri Public Service Commission

### Respond Data Request

<b>Data Request No.</b>	0056
<b>Company Name</b>	MO PSC Staff-(All)
<b>Case/Tracking No.</b>	EO-2018-0092
<b>Date Requested</b>	4/26/2018
<b>Issue</b>	Other - Other
<b>Requested From</b>	Marcella Forck
<b>Requested By</b>	Lena Mantle
<b>Brief Description</b>	Revenues from the wind turbines
<b>Description</b>	8040. Who receives the revenues from the wind turbines from energy generated during testing? If the Empire customers receive the revenues, how will those revenues be treated?
<b>Response</b>	Staff has no first-hand knowledge of information that is responsive to this data request. However, the response provided by Empire to OPC DR 8040 is consistent with Staff's understanding. Data Request Response provided by Marcella Forck (marcella.forck@psc.mo.gov).
<b>Objections</b>	NA

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<b>Security :</b>	Public
<b>Rationale :</b>	NA

*Attachment LMM-1*  
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## Missouri Public Service Commission

### Respond Data Request

<b>Data Request No.</b>	0072
<b>Company Name</b>	MO PSC Staff-(All)
<b>Case/Tracking No.</b>	EO-2018-0092
<b>Date Requested</b>	4/27/2018
<b>Issue</b>	Other - Other
<b>Requested From</b>	Marcella Forck
<b>Requested By</b>	Jere Buckman
<b>Brief Description</b>	Does the Market Protection Mechanism take into account the "hedge" Empire will be paying the tax equ
<b>Description</b>	8055. Reference S&A, para. 17 – Does the Market Protection Mechanism take into account the "hedge" Empire will be paying the tax equity partner? If so, please describe how this amount is included in the calculation.
<b>Response</b>	The response provided by Empire to OPC DR 8055 is consistent with Staff's understanding. Data Request Response provided by John Rogers (john.rogers@psc.mo.gov).
<b>Objections</b>	NA

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<b>Security :</b>	Public
<b>Rationale :</b>	NA

*Attachment LMM-1*  
86/104

## Missouri Public Service Commission

### Respond Data Request

<b>Data Request No.</b>	0073
<b>Company Name</b>	MO PSC Staff-(All)
<b>Case/Tracking No.</b>	EO-2018-0092
<b>Date Requested</b>	4/27/2018
<b>Issue</b>	Other - Other
<b>Requested From</b>	Marcella Forck
<b>Requested By</b>	Jere Buckman
<b>Brief Description</b>	Can construction of the wind farms begin before a CCN is granted by the Commission?
<b>Description</b>	8056. Reference S&A, para. 16a – Can construction of the wind farms begin before a CCN is granted by the Commission?
<b>Response</b>	Staff's intention in including this provision was that EDE would obtain the CCN prior to construction of the wind farms. Data Request Response provided by Marcella Forck (marcella.forck@psc.mo.gov).
<b>Objections</b>	NA

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<b>Security :</b>	Public
<b>Rationale :</b>	NA

*Attachment LMM-1*  
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## Missouri Public Service Commission

Respond Data Request

<b>Data Request No.</b>	0074
<b>Company Name</b>	MO PSC Staff-(All)
<b>Case/Tracking No.</b>	EO-2018-0092
<b>Date Requested</b>	4/27/2018
<b>Issue</b>	Other - Other
<b>Requested From</b>	Marcella Forck
<b>Requested By</b>	Jere Buckman
<b>Brief Description</b>	What is the definition of Wind Revenue Requirement and what are the components that make up Wind Rev
<b>Description</b>	8057. Reference S&A, Appendix A - What is the definition of Wind Revenue Requirement and what are the components that make up Wind Revenue Requirement?
<b>Response</b>	As provided by Empire in response to OPC DR 8057, Wind Revenue Requirement is defined as WRR in section 2 of Appendix A. It includes the sum of operation and maintenance, labor, tax equity payments / (credits), property taxes, return on and of, income taxes for the new Wind Projects (row 14 excel, as calculated in Exhibit B). Data Request Response provided by John Rogers (john.rogers@psc.mo.gov).
<b>Objections</b>	NA

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<b>Security :</b>	Public
<b>Rationale :</b>	NA

*Attachment LMM-1  
88/104*

## Missouri Public Service Commission

Respond Data Request

<b>Data Request No.</b>	0075
<b>Company Name</b>	MO PSC Staff-(All)
<b>Case/Tracking No.</b>	EO-2018-0092
<b>Date Requested</b>	4/27/2018
<b>Issue</b>	Other - Other
<b>Requested From</b>	Marcella Forck
<b>Requested By</b>	Jere Buckman
<b>Brief Description</b>	What are the current needs of Empire's customers that this agreement addresses?
<b>Description</b>	8058. Reference Staff affidavit, page 1: What are the current needs of Empire's customers that this agreement addresses?
<b>Response</b>	If the question is aiming at clarifying the statement, "Staff recommends the Commission approve the Agreement as it provides key protections for Missouri ratepayers while balancing the needs of Empire and its equity partners," Staff referred to protections rather than needs related to Empire's customers. To that end, the Staff affidavit was referring to the Customer Protections identified in paragraph 17 of the Stipulation. These protections serve to address the possibility that customer savings do not manifest during the first 10 years of the CSP. The protections further identify a process to agree on in-service criteria for wind projects under contract for construction, provide for a flow-back to customers in the event Empire receives an offset due to a decreased purchase price for the new wind projects, protect against the possibility that the market price for wind drops substantially, and prevent Empire from filing its next general rate case until on or after April 1, 2019. Additionally, the Stipulation provides for a Most Favored Nations clause which appends additional benefits to Missouri customers in the event concessions or conditions favorable to customers are included in Arkansas, Kansas, or Oklahoma's orders granting approval of the Wind Projects. Staff Response provided by John Rogers (john.rogers@psc.mo.gov).
<b>Objections</b>	NA

The attached information provided to Missouri Public Service Commission Staff in response to the above data information request is accurate and complete, and contains no material misrepresentations or omissions, based upon present facts of which the undersigned has knowledge, information or belief. The undersigned agrees to immediately inform the Missouri Public Service Commission if, during the pendency of Case No. EO-2018-0092 before the Commission, any matters are discovered which would materially affect the accuracy or completeness of the attached information. If these data are voluminous, please (1) identify the relevant documents and their location (2) make arrangements with requestor to have documents available for inspection in the MO PSC Staff-(All) office, or other location mutually agreeable. Where identification of a document is requested, briefly describe the document (e.g. book, letter, memorandum, report) and state the following information as applicable for the particular document: name, title number, author, date of publication and publisher, addresses, date written, and the name and address of the person(s) having possession of the document. As used in this data request the term "document(s)" includes publication of any format, workpapers, letters, memoranda, notes, reports, analyses, computer analyses, test results, studies or data, recordings, transcriptions and printed, typed or written materials of every kind in your possession, custody or control or within your knowledge. The pronoun "you" or "your" refers to MO PSC Staff-(All) and its employees, contractors, agents or others employed by or acting in its behalf.

<b>Security :</b>	Public
<b>Rationale :</b>	NA

*Attachment LMM-1*  
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## Missouri Public Service Commission

### Respond Data Request

<b>Data Request No.</b>	0075
<b>Company Name</b>	MO PSC Staff-(All)
<b>Case/Tracking No.</b>	EO-2018-0092
<b>Date Requested</b>	4/27/2018
<b>Issue</b>	Other - Other
<b>Requested From</b>	Marcella Forck
<b>Requested By</b>	Jere Buckman
<b>Brief Description</b>	What are the current needs of Empire's customers that this agreement addresses?
<b>Description</b>	8058. Reference Staff affidavit, page 1: What are the current needs of Empire's customers that this agreement addresses?
<b>Response</b>	Updated Response: Staff believes its initial response to this DR responded to the question posed. On page 1 of Staff's affidavit, Staff isn't purporting that the Stipulation addresses customer needs. Instead, the Stipulation addresses customer protections, as outlined in Staff's initial response to this DR. Given that understanding, Staff will attempt to address the question it now believes OPC intended to ask. The needs of Empire's customers are safe and reliable utility services at just and reasonable rates. The Non-Unanimous Stipulation and Agreement is expected to result in utility services that are safe and reliable in compliance with all legal mandates, and in a manner that serves the public interest. The Non-Unanimous Stipulation and Agreement is expected to result in just and reasonable rates because lower long-term utility costs are expected to occur as a result of the Customer Protection provisions in the agreement. Data Request Response provided by John Rogers (john.rogers@psc.mo.gov).
<b>Objections</b>	NA

The attached information provided to **Missouri Public Service Commission** Staff in response to the above data information request is accurate and complete, and contains no material misrepresentations or omissions, based upon present facts of which the undersigned has knowledge, information or belief. The undersigned agrees to immediately inform the **Missouri Public Service Commission** if, during the pendency of Case No. **EO-2018-0092** before the Commission, any matters are discovered which would materially affect the accuracy or completeness of the attached information. If these data are voluminous, please (1) identify the relevant documents and their location (2) make arrangements with requestor to have documents available for inspection in the **MO PSC Staff-(All)** office, or other location mutually agreeable. Where identification of a document is requested, briefly describe the document (e.g. book, letter, memorandum, report) and state the following information as applicable for the particular document: name, title number, author, date of publication and publisher, addresses, date written, and the name and address of the person(s) having possession of the document. As used in this data request the term "document(s)" includes publication of any format, workpapers, letters, memoranda, notes, reports, analyses, computer analyses, test results, studies or data, recordings, transcriptions and printed, typed or written materials of every kind in your possession, custody or control or within your knowledge. The pronoun "you" or "your" refers to **MO PSC Staff-(All)** and its employees, contractors, agents or others employed by or acting in its behalf.

<b>Security :</b>	Public
<b>Rationale :</b>	NA

*Attachment LMM-1  
90/104*

## Missouri Public Service Commission

Respond Data Request

<b>Data Request No.</b>	0076
<b>Company Name</b>	MO PSC Staff-(All)
<b>Case/Tracking No.</b>	EO-2018-0092
<b>Date Requested</b>	4/27/2018
<b>Issue</b>	Other - Other
<b>Requested From</b>	Marcella Forck
<b>Requested By</b>	Jere Buckman
<b>Brief Description</b>	Reference Staff affidavit, page 1: What are the current needs of Empire that this agreement addresses
<b>Description</b>	8059. Reference Staff affidavit, page 1: What are the current needs of Empire that this agreement addresses?
<b>Response</b>	If the question is aiming at clarifying the statement, "Staff recommends the Commission approve the Agreement as it provides key protections for Missouri ratepayers while balancing the needs of Empire and its equity partners," Staff would point out that the Stipulation was a mutual agreement that included customer protections requested by certain parties, as well as assurances requested by the Company. The assurances for EDE are addressed in the Stipulation, in paragraphs 14, 16, 18, 19, and 22. Data Request Response provided by Natelle Dietrich (natelle.dietrich@psc.mo.gov).
<b>Objections</b>	NA

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<b>Security :</b>	Public
<b>Rationale :</b>	NA

*Attachment LMM-1  
91/104*



## Missouri Public Service Commission

### Respond Data Request

<b>Data Request No.</b>	0077
<b>Company Name</b>	MO PSC Staff-(All)
<b>Case/Tracking No.</b>	EO-2018-0092
<b>Date Requested</b>	4/27/2018
<b>Issue</b>	Other - Other
<b>Requested From</b>	Marcella Forck
<b>Requested By</b>	Jere Buckman
<b>Brief Description</b>	Reference Staff affidavit, page 1: What are the current needs of Empire's equity partners? Absent th
<b>Description</b>	8060. Reference Staff affidavit, page 1: What are the current needs of Empire's equity partners? Absent this agreement would Empire have any equity partners?
<b>Response</b>	If the question is aiming at clarifying the statement, "Staff recommends the Commission approve the Agreement as it provides key protections for Missouri ratepayers while balancing the needs of Empire and its equity partners," Staff understands that the tax equity partners will need to recover their full investment, and any conditions related to their agreement to enter into a tax equity partnership will be spelled out in the contract each partner signs with EDE. Nothing would preclude Empire from entering into independent contracts with tax equity partners. This Stipulation provides a guarantee that Signatories will not contest EDE's ability to contract with tax equity partners for financing the Wind Projects, as long as the agreements are consistent with the parameters identified in paragraph 18.a. Data Request Response provided by John Rogers (john.rogers@psc.mo.gov).
<b>Objections</b>	NA

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<b>Security :</b>	Public
<b>Rationale :</b>	NA

*Attachment LMM-1  
92/104*

## Missouri Public Service Commission

### Respond Data Request

<b>Data Request No.</b>	0078
<b>Company Name</b>	MO PSC Staff-(All)
<b>Case/Tracking No.</b>	EO-2018-0092
<b>Date Requested</b>	4/27/2018
<b>Issue</b>	Other - Other
<b>Requested From</b>	Marcella Forck
<b>Requested By</b>	Jere Buckman
<b>Brief Description</b>	Please explain how the wind projects are needed at this time by 1) Empire's customers and 2) Empire.
<b>Description</b>	8061. Reference Staff affidavit, page 4, Staff's commitment to not contest the need for the wind projects: Please explain how the wind projects are needed at this time by 1) Empire's customers and 2) Empire.
<b>Response</b>	The Stipulation does not identify that the wind projects are needed at this time. Rather, it is an agreement entered into with a lot of give and take from all Signatories, through many hours of settlement negotiations. Accordingly, in order for EDE to confidently proceed with the Wind Projects as outlined in the Stipulation, the Signatories agreed not to contest the need for the projects in future CCNs, as that would be inconsistent with the agreement made within the Stipulation. Staff recognizes both the Company and some of its customers have expectations for low-cost, diverse sources of energy for the future. The project reasonably addresses these expectations. Data Request Response provided by Natelle Dietrich (natelle.dietrich@psc.mo.gov).
<b>Objections</b>	NA

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<b>Security :</b>	Public
<b>Rationale :</b>	NA

*Attachment LMM-1*  
93/104

## Missouri Public Service Commission

### Respond Data Request

<b>Data Request No.</b>	0062
<b>Company Name</b>	MO PSC Staff-(All)
<b>Case/Tracking No.</b>	EO-2018-0092
<b>Date Requested</b>	4/26/2018
<b>Issue</b>	Other - Other
<b>Requested From</b>	Marcella Forck
<b>Requested By</b>	John Robinett
<b>Brief Description</b>	Tax Equity Partners
<b>Description</b>	8562. The last sentence of paragraph 13, which appears on page 4 of the Non-Unanimous Stipulation and Agreement follows: "After approximately ten years of tax equity participation and EDE joint ownership of the Wind Project Co. (through the Wind Holdco), EDE has the right to purchase the tax equity partner's ownership interest in the Wind Holdco, at which point EDE would wholly own the Wind Project Co." For each project, what is the actual or estimated cost to "purchase the tax equity partner's ownership interest in the Wind Holdco"?
<b>Response</b>	Staff has no first-hand knowledge of information that is responsive to this data request. However, the response provided by Empire to OPC DR 8562 is consistent with Staff's understanding. Data Request Response provided by Marcella Forck (marcella.forck@psc.mo.gov).
<b>Objections</b>	NA

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<b>Security :</b>	Public
<b>Rationale :</b>	NA

*Attachment LMM-1  
94/104*

## Missouri Public Service Commission

### Respond Data Request

<b>Data Request No.</b>	0063
<b>Company Name</b>	MO PSC Staff-(All)
<b>Case/Tracking No.</b>	EO-2018-0092
<b>Date Requested</b>	4/26/2018
<b>Issue</b>	Other - Other
<b>Requested From</b>	Marcella Forck
<b>Requested By</b>	John Robinett
<b>Brief Description</b>	Southwest Power Pool
<b>Description</b>	8563. As used in the following sentence from paragraph 14.a. on page 4 of the Non-Unanimous Stipulation and Agreement, "Furthermore, EDE agrees that the Wind Project(s) shall be operated in accordance with applicable Southwest Power Pool Integrated Marketplace ("SPP IM") rules and in a manner that is not detrimental to EDE's customers," does applicable Southwest Power Pool Integrated Marketplace ("SPP IM") rules mean only current SPP IM rules or does it include future revisions to the SPP IM rules too?
<b>Response</b>	As stated in the response provided by Empire to OPC DR 8563, "applicable Southwest Power Pool Integrated Marketplace rules" includes compliance with all SPP IM rules, both today and in the future. Data Request Response provided by Marcella Forck (Marcella.forck@psc.mo.gov).
<b>Objections</b>	NA

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<b>Security :</b>	Public
<b>Rationale :</b>	NA

*Attachment LMM-1*  
95/104

## Missouri Public Service Commission

Respond Data Request

<b>Data Request No.</b>	0064
<b>Company Name</b>	MO PSC Staff-(All)
<b>Case/Tracking No.</b>	EO-2018-0092
<b>Date Requested</b>	4/26/2018
<b>Issue</b>	Other - Other
<b>Requested From</b>	Marcella Forck
<b>Requested By</b>	John Robinett
<b>Brief Description</b>	Engineer
<b>Description</b>	8564. Paragraph 14.b. of the Non-Unanimous Stipulation and Agreement refers to an engineer who "must confirm in a written report, to be provided to EDE, that the Wind Project has achieved mechanical completion, and there is a reasonable likelihood the Wind Project will satisfy the in-service criteria provided for in paragraph 17(a) and be timely placed in-service, including a reasonable likelihood that the turbines will meet or exceed the guaranteed power curve for such turbines to be included in the turbine supply agreement(s) with Wind Project Co(s)." Who chooses the engineer? Who pays the engineer and for the engineer's report? What credentials must the engineer have? By whom will the engineer be employed—Empire, Staff, the wind farm builder, and independent third party, someone else?
<b>Response</b>	Staff has no first-hand knowledge of information that is responsive to this data request. However, the response provided by Empire to OPC DR 8564 is consistent with Staff's understanding. Data Request Response provided by Marcella Forck (marcella.forck@psc.mo.gov).
<b>Objections</b>	NA

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<b>Security :</b>	Public
<b>Rationale :</b>	NA

*Attachment LMM-1  
96/104*

## Missouri Public Service Commission

### Respond Data Request

<b>Data Request No.</b>	0065
<b>Company Name</b>	MO PSC Staff-(All)
<b>Case/Tracking No.</b>	EO-2018-0092
<b>Date Requested</b>	4/26/2018
<b>Issue</b>	Other - Other
<b>Requested From</b>	Marcella Forck
<b>Requested By</b>	John Robinett
<b>Brief Description</b>	what revenues will result from renewable energy credits generated by the up to 600 MW of wind farms
<b>Description</b>	8565. On an annual basis, what revenues will result from renewable energy credits generated by the up to 600 MW of wind farms that are a subject of the settlement?
<b>Response</b>	As stated in the response provided by Empire to OPC DR 8565, REC revenues were not modeled as part of the Settlement agreement. Data Request Response provided by Marcella Forck (marcella.forck@psc.mo.gov).
<b>Objections</b>	NA

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<b>Security :</b>	Public
<b>Rationale :</b>	NA

*Attachment LMM-1*  
97/104

## Missouri Public Service Commission

### Respond Data Request

<b>Data Request No.</b>	0066
<b>Company Name</b>	MO PSC Staff-(All)
<b>Case/Tracking No.</b>	EO-2018-0092
<b>Date Requested</b>	4/26/2018
<b>Issue</b>	Other - Other
<b>Requested From</b>	Marcella Forck
<b>Requested By</b>	John Robinett
<b>Brief Description</b>	600 MW of wind farms
<b>Description</b>	8566. Is it contemplated that up to 600 MW of wind farms of the settlement will first be included in Empire's rate base in Missouri in a single rate case, or in multiple rate cases?
<b>Response</b>	The response provided by Empire to OPC DR 8566 is consistent with Staff's understanding. Data Request Response provided by Marcella Forck (marcella.forck@psc.mo.gov).
<b>Objections</b>	NA

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<b>Security :</b>	Public
<b>Rationale :</b>	NA

*Attachment LMM-1  
98/104*

## Missouri Public Service Commission

### Respond Data Request

<b>Data Request No.</b>	0067
<b>Company Name</b>	MO PSC Staff-(All)
<b>Case/Tracking No.</b>	EO-2018-0092
<b>Date Requested</b>	4/26/2018
<b>Issue</b>	Other - Other
<b>Requested From</b>	Marcella Forck
<b>Requested By</b>	John Robinett
<b>Brief Description</b>	depreciation rate for the wind assets include net salvage
<b>Description</b>	8567. Does the agreed upon 3.33% depreciation rate for the wind assets include net salvage?
<b>Response</b>	The response provided by Empire to OPC DR 8567 is consistent with Staff's understanding: Currently, the net salvage rate is set to zero with the understanding that the depreciation study contemplated by the agreement would revisit that rate. Data Request Response provided by Marcella Forck (marcella.forck@psc.mo.gov).
<b>Objections</b>	NA

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<b>Security :</b>	Public
<b>Rationale :</b>	NA

*Attachment LMM-1*  
99/104



## Missouri Public Service Commission

### Respond Data Request

<b>Data Request No.</b>	0068
<b>Company Name</b>	MO PSC Staff-(All)
<b>Case/Tracking No.</b>	EO-2018-0092
<b>Date Requested</b>	4/26/2018
<b>Issue</b>	Other - Other
<b>Requested From</b>	Marcella Forck
<b>Requested By</b>	John Robinett
<b>Brief Description</b>	Wind Projects
<b>Description</b>	8568. If non-residential customers are assigned a portion of Renewable Energy Credits received from the Wind Projects will those customers be allocated the full cost to serve them based on the portion of wind assets assigned to them?
<b>Response</b>	The assignment of Renewable Energy Credits from the Wind Projects was not contemplated in the Stipulation. Accordingly, the rate design related to such assignment would be determined in a general rate case. Data Request Response provided by Marcella Forck (marcella.forck@psc.mo.gov).
<b>Objections</b>	NA

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<b>Security :</b>	Public
<b>Rationale :</b>	NA

*Attachment LMM-1  
100/104*

## Missouri Public Service Commission

Respond Data Request

<b>Data Request No.</b>	0069
<b>Company Name</b>	MO PSC Staff-(All)
<b>Case/Tracking No.</b>	EO-2018-0092
<b>Date Requested</b>	4/26/2018
<b>Issue</b>	Other - Other
<b>Requested From</b>	Marcella Forck
<b>Requested By</b>	John Robinett
<b>Brief Description</b>	Environmental Protection Agency's coal combustion residuals rules and effluent limitation guidelines
<b>Description</b>	8569. With regard to the Environmental Protection Agency's coal combustion residuals rules and effluent limitation guidelines compliance costs for Asbury, have the signatories only agreed to full recovery of and a return on those compliance costs for Asbury as part of the settlement agreement?
<b>Response</b>	Yes. Data Request Response provided by Marcella Forck (marcella.forck@psc.mo.gov).
<b>Objections</b>	NA

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<b>Security :</b>	Public
<b>Rationale :</b>	NA

*Attachment LMM-1  
101/104*

## Missouri Public Service Commission

### Respond Data Request

<b>Data Request No.</b>	0070
<b>Company Name</b>	MO PSC Staff-(All)
<b>Case/Tracking No.</b>	EO-2018-0092
<b>Date Requested</b>	4/26/2018
<b>Issue</b>	Other - Other
<b>Requested From</b>	Marcella Forck
<b>Requested By</b>	John Robinett
<b>Brief Description</b>	recovery of the Environmental Protection Agency's coal combustion residuals rules and effluent limit
<b>Description</b>	8570. With regard to recovery of the Environmental Protection Agency's coal combustion residuals rules and effluent limitation guidelines compliance costs for Asbury, what is the weighted average cost of capital to which they have agreed, and what is the source of that weighted average cost of capital?
<b>Response</b>	Assuming the question asks for the weighted average cost of capital to which parties have agreed, there is no agreed-upon weighted average cost of capital for the Asbury compliance costs. Staff agrees with the response provided by Empire to OPC DR 8570, that the weighted cost of capital will be the same as for Empire's other rate base assets, as determined in each general rate case. Data Request Response provided by Marcella Forck (marcella.forck@psc.mo.gov).
<b>Objections</b>	NA

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<b>Security :</b>	Public
<b>Rationale :</b>	NA

*Attachment LMM-1  
102/104*

**CONFIDENTIAL**  
**Missouri Public Service Commission**

Respond Data Request

<b>Data Request No.</b>	0071
<b>Company Name</b>	MO PSC Staff-(All)
<b>Case/Tracking No.</b>	EO-2018-0092
<b>Date Requested</b>	4/26/2018
<b>Issue</b>	Other - Other
<b>Requested From</b>	Marcella Forck
<b>Requested By</b>	John Robinett
<b>Brief Description</b>	Wind Assets
<b>Description</b>	Data request #8571 is CONFIDENTIAL 8562. Is Empire's commitment to site **250 MW of wind farms in Missouri** inclusive of siting the wind operations and service facility **in Missouri** over the life of the wind assets located there ?
<b>Response</b>	Please see attached for data request response. Data Request Response Provided by Marcella Forck (marcella.forck@psc.mo.gov).
<b>Objections</b>	NA

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<b>Security :</b>	Confidential
<b>Rationale :</b>	Information contained in this data request has been deemed highly confidential.

*Attachment LMM-1*  
*103/104*

Response provided by: Marcie Forck

Response Number: DR 71 \*\*CONFIDENTIAL\*\*

Date of Response: May 1, 2018

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Response:

The response provided by Empire to OPC DR 8571 is consistent with Staff's understanding:

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Responsible person(s): Marcie Forck