

**STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION**

At a session of the Public Service Commission held at its office in Jefferson City on the 3<sup>rd</sup> day of May, 2017.

In the Matter of the Sixth Prudence Review       )  
of Costs Subject to the Commission-Approved       )  
Fuel Adjustment Clause of The Empire District       )  
Electric Company    )

**File No. EO-2017-0065**

**ORDER REGARDING APPLICATION FOR RECONSIDERATION**

Issue Date: May 3, 2017

Effective Date: May 3, 2017

On April 18, 2017, the Office of the Public Counsel filed a motion asking the Commission to compel The Empire District Electric Company to answer several data requests. Empire subsequently answered several of Public Counsel's data requests, but refused to answer two of those requests. On April 26, the Commission ordered Empire to answer those remaining data requests, numbered DR 1318 and DR 8500.

While the Commission ordered Empire to answer DR 1318, it acknowledged that Empire's concern that answering the data request would be unduly burdensome has not been fully argued by either Empire or Public Counsel. Therefore, the Commission invited Empire to request reconsideration of that point by April 28. The Commission further indicated that Public Counsel would be allowed two business days to respond to the request for reconsideration. Empire requested reconsideration on April 28.

Empire indicates that Public Counsel's data request seeks "each and every report, analysis, memo or similar communication between ABB and Empire in 2014, 2015, 2016 and 2017." Empire explains that ABB is an energy consulting firm that it uses for a wide variety of

consulting services, including its various IRP studies and RES Retail Rate calculations, which have nothing to do with ABB's work on Empire's FAC and the FAC prudence review. Empire is willing to provide Public Counsel with the highly confidential reference case information it purchased from ABB, that was used in the development of the 2014, 2015, 2016, and 2017 five-year budget projections used by Empire for hedging practices, but asks for relief from the broad request for all communications between ABB and Empire.

Public Counsel replied to Empire's application for reconsideration on May 2, urging the Commission to deny that application. Public Counsel contends that all communications between ABB and Empire are relevant to its request for information. It explains that the prudence review is both an analysis of what data Empire relied upon when it made its hedging decisions and a review of what data Empire should have relied upon when it made those decisions. Further, Public Counsel argues that Empire has made no showing that it would actually be unduly burdensome to compile the information it requests.

Empire filed a reply to Public Counsel's response on May 3.

After considering the arguments of Empire and Public Counsel, the Commission finds that Empire has demonstrated good cause for the Commission to reconsider its previous order. It would be unduly burdensome to require Empire to search its employees' mailboxes, computers and network locations to compile and disclose all correspondence between ABB and itself on all the topics for which Empire consults with ABB. Empire has indicated its willingness to provide Public Counsel with the highly confidential reference case information purchased from ABB and used in the development of the 2014, 2015, 2016 and 2017 five-year budget projections used by Empire for its hedging practices. That is sufficient. The Commission will grant Empire's application for reconsideration.

**THE COMMISSION ORDERS THAT:**

1. The Empire District Electric Company's Application for Reconsideration is granted.
2. The Empire District Electric Company's Objection to data request 1318(4) is sustained and it need not respond to that data request except to provide Public Counsel with the highly confidential reference case information purchased from ABB and used in the development of the 2014, 2015, 2016 and 2017 five-year budget projections used by Empire for its hedging practices.
3. This order shall be effective when issued.

**BY THE COMMISSION**



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

Morris L. Woodruff  
Secretary

Hall, Chm., Stoll, Kenney, Rupp, and  
Coleman, CC., concur.

Woodruff, Chief Regulatory Law Judge

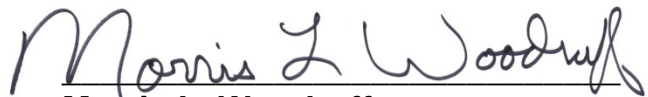
**STATE OF MISSOURI**

**OFFICE OF THE PUBLIC SERVICE COMMISSION**

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

**WITNESS my hand and seal of the Public Service Commission, at Jefferson City, Missouri, this 3<sup>rd</sup> day of May 2017.**



  
**Morris L. Woodruff**  
**Secretary**

**MISSOURI PUBLIC SERVICE COMMISSION**

**May 3, 2017**

**File/Case No. EO-2017-0065**

**Missouri Public Service  
Commission**

Staff Counsel Department  
200 Madison Street, Suite 800  
P.O. Box 360  
Jefferson City, MO 65102  
staffcounsel@psc.mo.gov

**Office of the Public Counsel**

Hampton Williams  
200 Madison Street, Suite 650  
P.O. Box 2230  
Jefferson City, MO 65102  
opcservice@ded.mo.gov

**City of Joplin, Missouri**

Legal Department  
602 S. Main  
Joplin, MO 64801

**Empire District Electric  
Company, The**

Diana C Carter  
312 E. Capitol Avenue  
P.O. Box 456  
Jefferson City, MO 65102  
DCarter@brydonlaw.com

**Midwest Energy Consumers  
Group**

Legal Department  
807 Winston Court  
Jefferson City, MO 65101

**Midwest Energy Users'  
Association**

Legal Department  
3100 Broadway, Ste. 1209  
Kansas City, MO 64111

**Missouri Division of Energy**

Legal Department  
301 W. High St., Room 720  
P.O. Box 1766  
Jefferson City, MO 65102

**Missouri Public Service  
Commission**

Bob Berlin  
200 Madison Street, Suite 800  
P.O. Box 360  
Jefferson City, MO 65102  
bob.berlin@psc.mo.gov

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

***Sincerely,***



**Morris L. Woodruff  
Secretary**

---

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