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

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In the Matter of The Empire District Electric Company, Liberty Utilities (Central) Co. and, Liberty Sub Corp. Concerning an Agreement and Plan of Merger and Certain Related Transactions

Case No. EM-2016-0213

## <u>APPLICATION TO INTERVENE BY THE</u> EMPIRE DISTRICT ELECTRIC SERP RETIREES

COMES NOW, the Empire District Electric SERP Retirees (EDESR), by and through their attorney, Douglas L. Healy, of Healy Law Offices, LLC, pursuant to Missouri Public Service Commission ("Commission") rule 4 CSR 240-2.075, and files its Motion to Intervene in the referenced case. In support thereof, EDESR states as follows:

- On March 16, 2016, The Empire District Electric Company ("Empire") and Liberty Utilities (Central) Co. ("Liberty") and Liberty Sub Corp. filed a joint application asking the Commission to approve a transaction in which LU Central would acquire all of the common stock of Empire.
- On March 16, 2016, the Commission issued its Order Directing Notice and Setting Intervention Date, which set an intervention deadline of April 14, 2016.
- 3. EDESR is composed of retirees of Empire; retirees who have earned, during their careers at Empire, certain SERP (Supplemental Executive Retirement Plan) post-career benefits. These future benefits were integral to and were consideration promised in exchange for work already performed by the SERP retirees.
- 4. EDESR's interest is different than those of the general public and which may be adversely affected by a final order from this Commission in this case. EDESR wishes to ensure that its members' earned benefits are preserved for the future, and not

discounted or otherwise inappropriately modified. Such interest is not currently represented at this time.

- 5. EDESR expects to develop its position on specific issues as the case develops, and takes no position on the filing at this time.
- 6. Granting intervention to the EDESR would serve the public interest by allowing the EDESR to examine the issues that are significant from a policy and public interest from their unique perspective.

WHEREFORE, the EDESR prays that this Commission issue an order granting its application to intervene in this proceeding and for such other orders and relief as may be appropriate in the circumstances.

Respectfully Submitted,

By: <u>/s/ Douglas L. Healy</u> Douglas L. Healy MO Bar # 51630 Penny Speak MO Bar # 37469 Healy Law Offices, LLC 3010 E. Battlefield, Ste. A Springfield, Missouri 65804 Telephone: (417) 864-7018 Facsimile: (417) 864-7018 Email: <u>doug@healylawoffices.com</u> penny@healylawoffices.com

## ATTORNEYS FOR EDESR

## **CERTIFICATE OF SERVICE**

I hereby certify that the foregoing application to intervene was served electronically to the following interested persons on this 31st day of March, 2016:

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