

In the Matter of the Compliance of Certain)
Missouri Water Corporations with the) File No. WO-2019-0043
Requirements of SB 705 and Related Matters)

COMES NOW The Empire District Electric Company (the “Utility”) and, in response to the *Order Opening a Case and Directing Filings* (“*Order*”) issued herein by the Missouri Public Service Commission (“Commission”) on August 28, 2018, respectfully states as follows:

1. RSMo. 393.358, enacted pursuant to Senate Bill 705 and effective August 28, 2018, requires water utilities that serve more than 1,000 customers to develop and utilize a contractor qualification process in certain circumstances.

2. On August 16, 2018, the Staff of the Commission (“Staff”) filed a motion asking the Commission to open a proceeding to address compliance with Senate Bill 705. Thereafter, the Commission issued its *Order* and directed the Utility to “file a statement within thirty days after August 28, 2018, confirming that they have established the required qualification process.” The *Order* also directs the Utility to “track work orders before and after August 28, 2018 to assess the impact of section 393.358, RSMo, and shall provide that information to the Commission’s Staff.”

3. Pursuant to §393.358 and the Commission's *Order*, the Utility confirms that it has developed a contractor qualification process, attached hereto as Exhibit A, which will be made available to all contractors seeking to provide construction or construction-related services for planned infrastructure projects on the Utility's water distribution system. The Utility acknowledges the additional statutory requirements that (1) the process must be used for at least ten percent of the Utility's external expenditures for planned infrastructure projects on the water

distribution system, and (2) that for contractors that do not qualify, upon request from the contractor, the Utility shall provide information to the contractor so that it can be informed as to how to be better positioned to qualify for bid opportunities in the future.

4. The Utility also confirms that it will track work orders before and after August 28, 2018, to aid the Commission and the Legislature in assessing the impact of the new statute. In this regard, the Utility requests additional guidance regarding the information that should be provided to Staff and the frequency of the reports.

WHEREFORE, The Empire District Electric Company respectfully submits this Response and requests such relief as is just and proper under the circumstances.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that the above and foregoing document was filed in EFIS on this 27th day of September, 2018, with notice of the same being sent to all counsel of record.

Diana C. Carter