

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

In the Matter of the Application of The Empire District	)	
Electric Company, The Empire District Gas Company,	)	
Liberty Utilities (Midstates Natural Gas) Corp., and	)	<b><u>Case No. AO-2017-0360</u></b>
Liberty Utilities (Missouri Water) LLC for Approval of	)	
Their Cost Allocation Manual	)	

**STATUS REPORT**

**COME NOW** the Staff of the Missouri Public Service Commission, by and through the Staff Counsel's Office, The Empire District Electric Company ("Empire Electric"), The Empire District Gas Company ("Empire Gas"), Liberty Utilities (Midstates Natural Gas) Corp. ("Liberty Midstates"), and Liberty Utilities (Missouri Water) LLC ("Liberty Utilities") (collectively, "Applicants"), the Office of the Public Counsel ("OPC"), and Midwest Energy Consumers Group ("MECG") (collectively, "Parties"), and hereby file their *Status Report* pursuant to the Commission's January 10, 2020, *Order Staying Proceedings*. In support thereof, the Parties state as follows:

**BACKGROUND**

1. On December 30, 2019, the Parties filed their *Status Report and Joint Motion to Stay Proceeding*. The Parties proposed staying the instant proceeding as File No. AW-2018-0394 will likely result in the initiation by the Commission of a formal rulemaking under Chapter 536 RSMo resulting in an updated and common set of Affiliate Transactions Rules ("ATR"). The Parties also noted that similar motions to stay had been granted in Commission File Nos. GO-2012-0322 (*In the Matter of the Application of Summit Natural Gas of Missouri, Inc. for Approval of its Cost Allocation Manual*) and EO-2017-0176 (*In the Matter of Union Electric Company d/b/a Ameren Missouri's Coast Allocation Manual (CAM)*). On January 10, 2020, the Commission issued its *Order Staying*

*Proceedings*, granting the Parties' motion, and directing Staff to file a Status Report by June 30, 2020.

2. Subsequent to the issuance of the Commission's January 10<sup>th</sup> *Order Staying Proceedings*, on February 18, 2020, Staff filed its *Notice of Third Draft of Affiliate Transactions and HVAC Affiliate Services Rules* in File No. AW-2018-0394, in which it indicated that it believes its most recent version is ready to proceed towards the formal rulemaking process. In addition, Staff requested that the Commission issue an order or notice inviting interested stakeholders to file comments as to the costs of implementing Staff's proposed rules. The Commission did so on February 26, 2020.

#### **CURRENT STATUS & RECOMMENDATION FOR FURTHER STAY OF PROCEEDINGS**

3. The Parties note that no further progress in the Applicants' CAM proceedings has occurred since the Commission's January 10<sup>th</sup> *Order Staying Proceedings*. That being said, while progress in AW-2018-0394 has been significantly hindered by the ongoing COVID-19 pandemic emergency, the Parties continue to agree that future progress in above-captioned CAM proceedings is dependent upon the promulgation of new ATRs; which one can reasonably expect to contain differences from the current electric, gas, and heating rules that are in place, on which CAMs can then be based (and upon which any need for variances will need to be assessed). Therefore, the Parties recommend the Commission continue its stay of the above-captioned CAM proceedings. The Parties recognize that the ATRs continue to be in place and apply to Empire Electric's, Empire Gas', and Liberty Midstates' transactions.

**WHEREFORE** Staff, the Applicants, MEEG, and Public Counsel pray the Commission will accept their June 30, 2020, Status Report.

Respectfully Submitted,

**/s/ Mark Johnson**

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**CERTIFICATE OF SERVICE**

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile, or electronically mailed to all counsel of record this 30<sup>th</sup> day of June 2020.

**/s/ Mark Johnson**