FILED March 9, 2022 Data Center Missouri Public Service Commission

Exhibit No. 119P

Staff – Exhibit 119P J Luebbert Rebuttal Testimony File No. ER-2021-0312 Exhibit No.:Issue:Neosho Ridge Wind projectWitness:J LuebbertSponsoring Party:MoPSC StaffType of Exhibit:Rebuttal TestimonyCase No.:ER-2021-0312Date Testimony Prepared:December 20, 2021

MISSOURI PUBLIC SERVICE COMMISSION

INDUSTRY ANALYSIS DIVISION

ENGINEERING ANALYSIS DEPARTMENT

REBUTTAL TESTIMONY

OF

J LUEBBERT

THE EMPIRE DISTRICT ELECTRIC COMPANY, d/b/a Liberty

CASE NO. ER-2021-0312

Jefferson City, Missouri December 2021

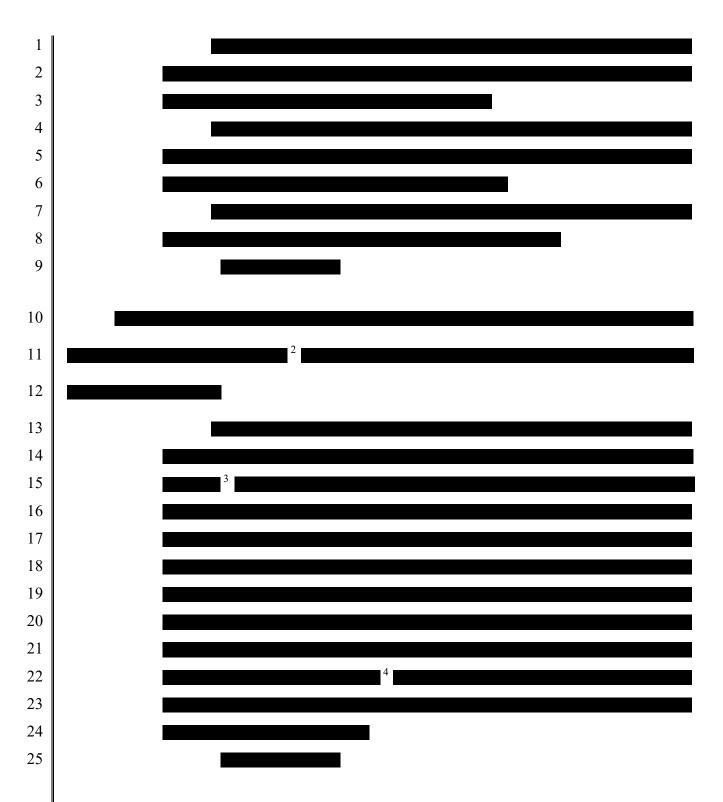
*** Denotes Highly Confidential Information ***

1		REBUTTAL TESTIMONY	
2		OF	
3		J LUEBBERT	
4 5		THE EMPIRE DISTRICT ELECTRIC COMPANY, d/b/a Liberty	
6		CASE NO. ER-2021-0312	
7	Q. Pleas	e state your name and business address.	
8	A. My 1	name is J Luebbert and my business address is Missouri Public Service	
9	Commission, P.O. Box 360, Jefferson City, MO 65102.		
10	Q. Are	you the same J Luebbert that provided sections in Staff's Cost of Service	
11	("COS") report in this proceeding?		
12	A. Yes,	I am.	
13	Q. What	is the purpose of your rebuttal testimony?	
14	A. The p	purpose of my rebuttal testimony is to provide the Commission an update to	
15	Staff's in-service analysis for the Neosho Ridge Wind project as well as notifying the Commission		
16	of a future potential issue resulting from ***		
17	Q. What	was Staff's position in its COS report regarding the status of fulfilling the	
18	agreed upon in-service criteria of the Neosho Ridge Wind project?		
19	A. Staff	's position in its COS report regarding the fulfillment of the in-service criteria	
20	for the Neosho Ridg	e Wind project can be summarized as follows:	
21	Staff's review	w of the in-service criteria for Neosho Ridge remains incomplete pending the	
22	receipt of additiona	l information from The Empire District Electric Company, d/b/a Liberty	
23	("Empire" or "Com	pany"). Staff requested additional information and verification from Empire	
24	regarding the satisfa	ction of term 3.c. of the agreed upon in-service criteria. Staff will continue to	
	11		

1 review information provided by Empire and will provide its recommendation concerning full or 2 partial satisfaction of the MCC portion of the in-service criteria in a subsequent round of testimony. 3 Q. Can you briefly explain the importance of the fulfillment of the in-service criteria 4 for the Neosho Ridge Wind project? 5 Yes. In-service criteria are a set of operational tests or operational requirements A. 6 developed by the Staff to determine whether a new unit is "fully operational and used for service." 7 The "fully operational and used for service" phrase comes from Section 393.135, RSMo. 2000, a 8 statute that was adopted by Initiative, Proposition No. 1, on November 2, 1976. Section 393.135, 9 RSMo. 2000, provides as follows: 10 Any charge made or demanded by an electrical corporation for service, 11 or in connection therewith, which is based on the costs of construction in progress upon any existing or new facility of the electrical corporation, or any 12 other cost associated with owning, operating, maintaining, or financing any 13 14 property before it is fully operational and used for service, is unjust and 15 unreasonable, and is prohibited. [Emphasis added.] 16 Q. Has Staff's position regarding the fulfillment of the agreed upon in-service criteria 17 of the Neosho Ridge Wind project changed since the filing of Staff's COS Report? Yes. Empire has provided additional information¹ and Staff has reviewed the 18 A. 19 monthly construction reports in EA-2019-0010, the mechanical completion checklists for all 139 turbines, the commissioning certificates for all 139 turbines, turbine punch lists, performance 20 21 data from 10% of turbines, substation testing reports, and wind farm operating data. At this time, 22 based on the additional information provided by Empire in response to Staff data requests, Staff

¹ Supplemental information was provided by Empire's response to Staff Data Request Nos. 0182, 0305, and 0380.

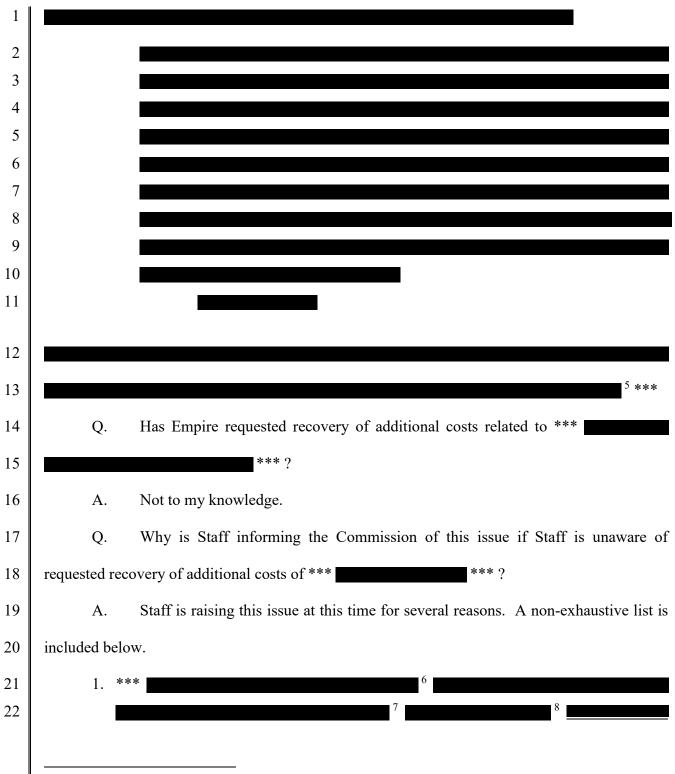
1	recommends the Neosho Ridge Wind project be considered fully operational and used for service				
2	as of May 5, 2021.				
3	***				
4	Q. Earlier in your testimony you mentioned a ***				
5	. *** Please provide some additional information regarding the specified issue.				
6	A. According to Empire's response to Staff Data Request No. 0299, ***				
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² The report is a product of UL Services Group, LLC, a UL company.

³ Underwriters Laboratories.

⁴ Engineer, Procure, and Construct.

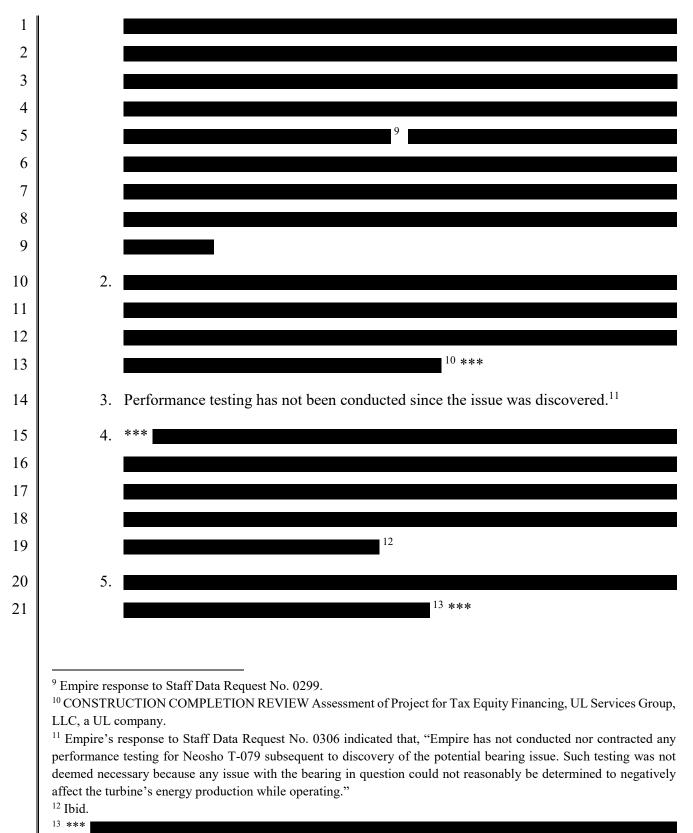


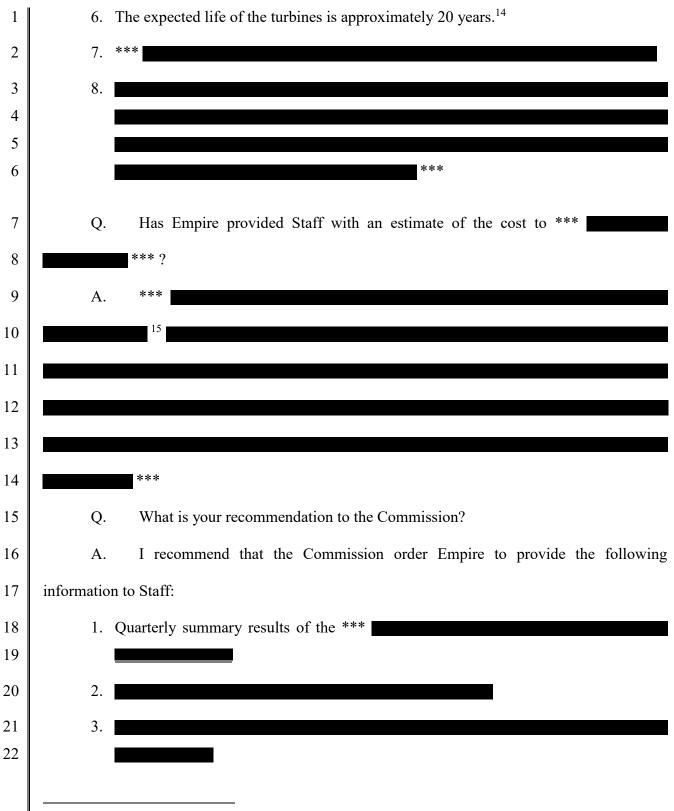
⁵ Page 226 of Schedule TM-2 of the direct testimony of Todd Mooney.

⁶ Amended and Restated Limited Liability Compliance Agreement of Empire Wind Holdings, LLC ("LLCA").

⁷ Tax equity partners.

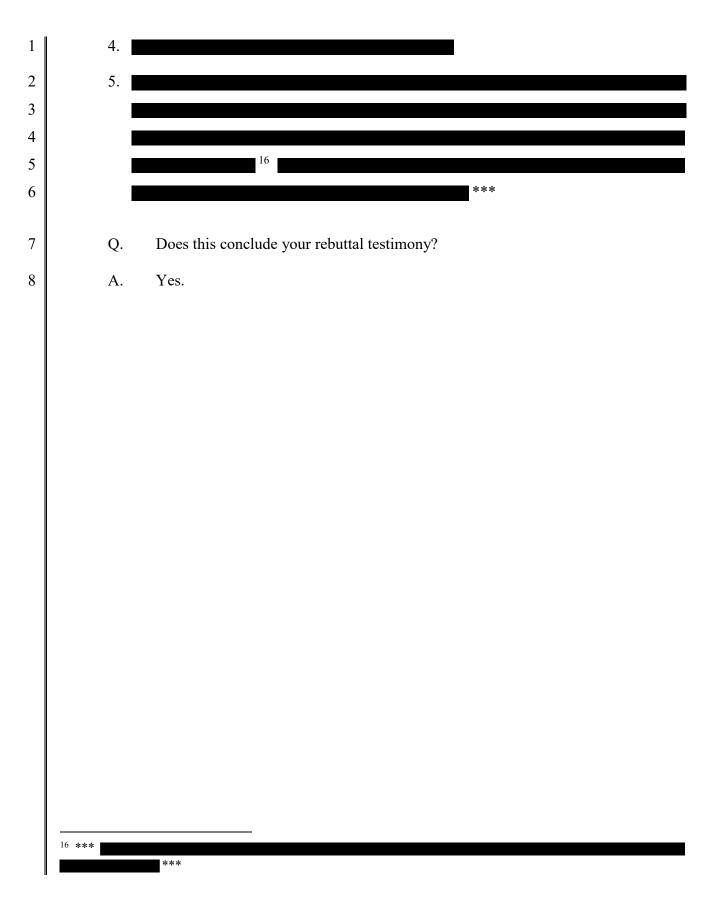
⁸ Production tax credits ("PTC").





¹⁴ Empire response to Staff Data Request No. 0026 in Case No. EO-2020-0120.

¹⁵ Empire response to Staff Data Request No. 0299.



BEFORE THE PUBLIC SERVICE COMMISSION

OF THE STATE OF MISSOURI

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In the Matter of the Request of The Empire District Electric Company d/b/a Liberty for Authority to File Tariffs Increasing Rates for Electric Service Provided to Customers in its Missouri Service Area

Case No. ER-2021-0312

AFFIDAVIT OF J LUEBBERT

STATE OF MISSOURI)	
)	SS.
COUNTY OF COLE)	

COMES NOW J LUEBBERT, and on his oath declares that he is of sound mind and lawful age; that he contributed to the foregoing *Rebuttal Testimony of J Luebbert*; and that the same is true and correct according to his best knowledge and belief.

Further the Affiant sayeth not.

11 J LUEBBERT

JURAT

Subscribed and sworn before me, a duly constituted and authorized Notary Public, in and for the County of Cole, State of Missouri, at my office in Jefferson City, on this 16^{1} day of December, 2021.

Dianna L. Vaught Notary Public

DIANNA L. VAUGHT Notary Public - Notary Seal State of Missouri Commissioned for Cole County My Commission Expires: July 18, 2023 Commission Number: 15207377