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SURREBUTTAL TESTIMONY

OF

JORDAN SEAVER

Submitted on Behalf of the Office of the Public Counsel

**THE EMPIRE DISTRICT ELECTRIC COMPANY
D/B/A LIBERTY**

FILE NO. ER-2024-0261

September 17, 2025

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JORDAN SEAVER

Empire District Electric Company d/b/a Liberty

CASE No. ER-2024-0261

1 **I. INTRODUCTION**

2 **Q. What is your name and what is your business address?**

3 A. My name is Jordan Seaver, and my business address is 200 Madison Street, Governor Office
4 Building, Suite 650, Jefferson City, MO 65102.

5 **Q. By whom are you employed and in what capacity?**

6 A. I am employed by the Office of Public Counsel (“OPC”) as a Policy Analyst.

7 **Q. Have you previously testified before the Missouri Public Service Commission (“The
8 Commission”) in this case?**

9 A. Yes.

10 **Q. What is the purpose of your surrebuttal testimony?**

11 A. The purpose of this testimony is to respond to the rebuttal testimonies of Liberty witnesses
12 Mr. Aaron Doll, Mr. Todd Tarter, and Mr. Jeffery Westfall. Mr. Doll claims that I have
13 misrepresented the Southwest Power Pool’s (“SPP”) publicly stated reasons for changing
14 resource adequacy requirements. Mr. Tarter suggests that I have not considered the full
15 context or picture of the changes occurring across the SPP territory and how those changes
16 have affected all utilities in said territory. Mr. Westfall opposes my proposed position in
17 comments regarding the recovery of Grid Resilience and Innovation Partnerships (“GRIP”) project costs in a future rate case. Additionally, Mr. Westfall addresses comments I made
18 in my direct testimony about the recent change in risk management software for vegetation
19 management inspections.
20

1 **Q. Is whether or not SPP has stated that it changed its resource accreditation requirements**
2 **due to the goal of net-zero carbon emissions relevant to your point “that the direct cause**
3 **of resource accreditation changes at the SPP is due to the goal of net-zero carbon**
4 **emissions” as Empire witness Mr. Doll insinuates on p. 11 of his rebuttal testimony?**

5 A. No. My claims on p. 6 of my direct testimony are not about SPP’s publicly stated reasons for
6 changing its capacity accreditations. To quote from my direct, I say:

7 “The change in the supply-side additions in the 2022 to the 2025 preferred
8 plan is certainly a result, at least in part, due to the change in SPP’s resource
9 accreditation. But, the reason that SPP has changed its resource accreditation
10 is that the goal of net-zero carbon emissions, achieved by replacing thermal
11 generation with wind and solar generation, is the direct cause of the [*sic*] those
12 resource accreditation changes in SPP.”

13 What I was attempting to say succinctly, if clumsily, in this passage is that the change in
14 Empire’s preferred plan from 2022 to 2025 is, **at least in part**, a result of the changes in how
15 SPP accredits resource capacity. And the reason that SPP made changes to its resource
16 capacity accreditation is, **at least in part**, due to the attempt, by many utilities across its
17 territory, and by many parties in various sectors of the economy and government, to achieve
18 net-zero carbon emissions.

19 **Q. Do you disagree with Mr. Doll’s testimony further on p. 11 of his rebuttal testimony,**
20 **that “SPP pointed to a variety of factors that contributed to their resource adequacy**
21 **reforms: load growth, shrinking reserve margins, retirements of conventional units,**
22 **changing load shapes, variability of wind/solar output, significant thermal outages**
23 **during extreme weather, etc.”?**

24 A. No. The “load growth” experienced over the last 10 or so years is certainly driven by
25 electrification of appliances and of transportation, each of which is a result, at base, of the
26 attempt to achieve net-zero carbon emissions.

1 However, a significant factor affecting the “shrinking reserve margins” in SPP is the closing
2 of baseload plants, which happen to be coal. But it wasn’t coincidental that these specific
3 plants were shut down and not others, because net-zero carbon emissions cannot be achieved
4 without ceasing the use of coal (or of almost all coal). This shuttering of baseload coal plants
5 is the biggest part of the “retirements of conventional units” that Mr. Doll mentions, and, as I
6 stated just above, is the biggest driver of “shrinking reserve margins.”

7 Additionally, and as noted by SPP in its future load analyses¹, the push to transition
8 residential appliances and transportation to electric rather than gas is also shifting seasonal
9 load patterns by making seasonal peaks in both winter and summer. This shifting usage
10 pattern is what creates, **in part**, the changing load shape. And this partial cause of shifting
11 load shapes is what Mr. Doll is talking about when he mentions the “variability of wind/solar
12 output”.

13 Mr. Doll appears, then, to agree with me that the changing resource capacity accreditations at
14 SPP are, **at least in part and to a significant degree**, caused by the attempt to achieve net-
15 zero carbon emissions, which has been undertaken by Liberty across its footprint, and many
16 other utilities (if not all) in SPP’s service territory, as well as more broadly across the various
17 regional transmission organizations (“RTOs”) and independent system operators (“ISOs”), as
18 well as at various levels of government, business, etc.

19 So, while attempting to argue for the conclusion that SPP did not make the red herring
20 statement that “the direct cause of resource accreditation changes at the SPP is due to the goal
21 of net-zero carbon emissions, which is achieved by replacing thermal generation with wind
22 and solar generation,” Mr. Doll has instead agreed with my point, which is that the goal of
23 net-zero carbon emissions is a significant direct cause (of possibly other causes; after all,
24 something can be causally overdetermined) of the resource accreditation changes at the SPP.

¹ Ryan Jones, Jonathan Kadish, et al., “Future Load Scenarios for Southwest Power Pool”, Evolved Energy Research, see pages 6-11, as well as many more throughout the report.

1 **Q. Is Mr. Doll correct where he states on p. 12 of his rebuttal testimony that you have**
2 **erroneously claimed “that Evergy Missouri West utilized the generation interconnection**
3 **capability at the former Asbury Power Plant for its newly proposed natural gas**
4 **generation facilities”?**

5 A. Yes. As pointed out by Mr. Doll, upon receiving a data request from the Company regarding
6 this part of my direct testimony, I noted that I inadvertently stated that Evergy Missouri West
7 had acquired generation interconnection capability at the former Asbury Power Plant site for
8 natural gas generators. What I meant to state was that Evergy Missouri West acquired
9 generation interconnection capability for a new solar generation facility.

10 Mr. Doll suggests that this error detracts from my point that Empire failed to plan and take
11 action to take advantage of its own existing generating resource interconnection sites. It is
12 plain from the fact that Evergy Missouri West did secure generating resource interconnection
13 at the site and Empire failed to secure it that my error does not detract from my overall point.

14 **Q. What is your response to Mr. Tarter’s rebuttal testimony, pp. 13-15, where he discusses**
15 **your claims about resource planning for Empire at the level of the parent company**
16 **Liberty Utilities?**

17 A. Mr. Tarter’s comments highlight the nuances in the changes of resource planning from
18 Empire’s 2022 IRP to now. He suggests that the changes taking place in SPP and in the nation
19 more broadly are the main driver of the changes in Empire’s preferred IRP plans. I agree with
20 him that “the magnitude of these developments,” viz., resource accreditation changes at the
21 SPP level, make changes in the IRP preferred plan at the very least warranted. But the IRP
22 changes that I highlighted are the changing amounts of solar, wind, and gas generation
23 additions that were being proposed for Empire from 2019 to the present. My point is that
24 Empire, due to the direction imposed on it by Liberty Utilities, has a goal of retiring its thermal
25 generation, while building and adding wind and solar generation. This is not debatable, as
26 they have committed to net-zero carbon emissions in the future, and the actions taken since
27 the retirement of the Asbury plant show this. Furthermore, the reasons that Empire now is
28 building more gas plants is directly tied to the Company’s adoption of the net-zero carbon

1 emissions goal. The Company is stuck building gas plants to meet SPP’s changing resource
2 capacity accreditation requirements, which are a result of Liberty Utilities’ decision to retire
3 thermal generation and replace it with wind and solar generation.

4 Mr. Tarter’s comments actually highlight the fact that this goal has been adopted more broadly
5 by other utilities in SPP, and outside of SPP in other RTOs and ISOs. The results of this
6 “ideological plan” are the resource adequacy changes at SPP. I earlier addressed the issue of
7 whether SPP has publicly stated that their change in resource accreditation is due to wide
8 implementation of the net-zero carbon emissions goal, and I do not believe that lack of such
9 a statement from the RTO has any bearing on my arguments that the changes in resource
10 adequacy at SPP are a result of the wide implementation of the net-zero carbon emissions goal
11 (see above in my testimony responding to Mr. Doll).

12 **Q. Do you agree with Mr. Westfall that there is no link between, on the one hand, the initial**
13 **failure of Empire to conduct infrastructure inspections and work, and, on the other, of**
14 **the introduction of the Customer First program?**

15 A. I have not yet been given enough information to believe that the Customer First program had
16 no role to play in this failure, nor have I been given enough information by the Company to
17 determine exactly how the Customer First program played into its initial failure to conduct
18 inspections and perform corrective work. I have received multiple responses to data requests
19 (“DR”) about this issue, and the information provided does not explicitly state what occurred
20 to cause the initial failure.

21 With Public Counsel DR 2509 I asked, “Are Empire’s inspections of infrastructure in
22 compliance with Rule 20 CSR 4240-23.020(3)(C) conducted in part or in total by using its
23 Customer First program?” Empire’s response was, “Yes, in part. The Customer First platform
24 was used to generate the list of assets scheduled to be inspected in 2024.” With Public
25 Counsel DR 2512 I asked whether the Customer First Enterprise Asset Management (“EAM”)
26 system was used to conduct infrastructure inspections in accordance with the rule above and,
27 if “yes”, how the EAM system is used or what it does. Empire’s response was affirmative

1 (because the Company provided information about what the EAM system does). Empire's
2 description of what the EAM system does for infrastructure inspections is the following:

3 "EAM supports the following items

- 4 • Inspection Schedule (Maintenance Plans)
- 5 • Capacitor Inspection Condition
- 6 • Inspection order for a circuit/line
- 7 • Remediation order for repair
- 8 • Asset list for all inspections on a circuit/line"

9 Empire gave a more detailed description in the response to Public Counsel DR 2513:

10 "1. SAP EAM (Enterprise Asset Management)

11 **Purpose:**

12 Manages the entire lifecycle of physical assets (e.g., power lines,
13 transformers, substations, pipelines) to maximize uptime, reduce
14 maintenance costs, and ensure compliance.

15 **Core Capabilities:**

- 16 • **Asset registry** and master data management
- 17 • **Maintenance planning and execution** (corrective, preventive,
18 predictive)
- 19 • **Work order and service request processing**
- 20 • **Spare parts and inventory integration**
- 21 • **Failure analysis and reliability metrics**
- 22 • **Mobile work management** (e.g., SAP Field Service or 3rd-party apps)
- 23 • **Integration with GIS, CIS, PM, and ERP systems**

24 **Used By:**

25 Maintenance planners and schedulers
26 Field technicians
27 Operations engineers"

28

1 But, in its response to Public Counsel DR 2511, where I asked why the majority of the planned
2 inspections in Case No. EO-2026-0002 were not completed, the Company gave this
3 explanation:

4 “In 2024, Liberty implemented two key enhancements to its inspection
5 process: (1) identifying corrective actions and (2) performing remediation
6 work. These changes were designed to improve both the efficiency and
7 effectiveness of the maintenance program, ultimately aiming to reduce overall
8 program costs for our customer. While the long-term benefits of these
9 improvements are expected to materialize in the coming years, the initial
10 implementation proved more complex than anticipated. As a result, the rollout
11 of these substantial and beneficial changes led to delays in completing the
12 2024 inspections.

13 “As part of its 2024 improvements, Liberty revised its approach to
14 managing remediation work identified during intrusive inspections by
15 selecting a single vendor capable of performing both inspections and
16 corrective actions. This integrated approach streamlines the process by
17 consolidating responsibility under one point of contact, improving
18 coordination and accountability. However, securing the contract took
19 significantly longer than anticipated, requiring multiple rounds of negotiation
20 to reach acceptable terms. Following contract execution, additional time was
21 needed to develop and finalize the required data deliverables, further
22 contributing to delays.

23 In 2024, Liberty identified a strategic opportunity to align patrol and
24 detailed inspections with the rollout of its new risk-based Cost Benefit
25 Analysis Tool (CBAT), **ENGIN**. Because ENGIN relies heavily on accurate
26 asset condition data to evaluate system investments, Liberty aimed to make
27 the field data collection process dual-purpose—meeting compliance
28 inspection requirements while also gathering enhanced data to maximize
29 ENGIN’s effectiveness.

30 To deliver greater value to customers, Liberty issued a competitive
31 Request for Proposal (RFP) in July 2024. This process resulted in the

1 selection of two vendors—replacing the single vendor model used since 2009.
2 This change not only expanded our resource pool but also introduced
3 competitive pressure to improve pricing and service quality.

4 While there was initial confidence that most 2024 inspections could
5 be completed within the year, the process of finalizing inspection criteria, data
6 formats, and configuring contractor data collection tools took longer than
7 expected. These delays were largely due to underestimating the complexity
8 of ensuring data could be efficiently uploaded into Liberty’s systems.

9 Despite the initial setbacks, the use of multiple contractors has
10 accelerated progress. Liberty is currently on track to complete both the 2024
11 and 2025 scheduled inspections by the end of this year.”

12 While I appreciate the overview Empire provided in this response, I cannot discern from it
13 why the inspections were delayed. It is unclear what the two vendors resulting from the RFP
14 were chosen to do, and how they were involved with the single vendor that was chosen to
15 perform both the inspections and the corrective actions for intrusive inspections. It is unclear
16 to me how the process did not already include “corrective actions” and “performing
17 remediation work”, or how these would have delayed the inspections and vegetation
18 management. Finally, in the response Empire states, “These delays were largely due to
19 underestimating the complexity of ensuring data could be efficiently uploaded into Liberty’s
20 systems.” But this response does not explicitly state that the Customer First program was not
21 part of this problem, nor does it explain why the prior, purported benefits of the new vendors,
22 new contractors, and new software systems were not able to handle the assimilation of data
23 for vegetation management inspection and work.

24 **Q. Does Mr. Westfall provide any additional explanations or information in his rebuttal**
25 **testimony for the initial failure of Empire to conduct infrastructure inspections and**
26 **work?**

27 A. No, Mr. Westfall’s rebuttal testimony does not provide much more information on this matter
28 than his responses to Public Counsel’s DRs 2509-2515 did. I don’t believe that sufficient
29 explanation has been given for the specific issues that caused such a delay in planned
30 inspections and vegetation management work. I also don’t believe that the Customer First

1 program (in particular the EAM) has been shown to not be an issue for the initial failure to
2 complete all of the planned inspections in a timely manner. Additionally, the complexity of
3 the vegetation management process shown here is touted as being a benefit to customers, but
4 it appears at this time to have hindered infrastructure inspections and management that were
5 not an issue in the past.

6 **Q. Does this conclude your testimony?**

7 A. Yes.

