STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

At a session of the Public Service Commission held at its office in Jefferson City on the 26th day of May, 2021.

In the Matter of The Empire District Electric Company d/b/a Liberty (Empire) for Authority to Implement Rate Adjustments Related to the Company's Fuel and Purchase Power Adjustment (FAC) Required in 20 CSR 4240-20.090	))))))	**File No. ER-2021-0332** Tariff No. JE-2021-0178

ORDER GRANTING MOTION AND NOTICE THAT TARIFF WILL BECOME EFFECTIVE

Issue Date: May 26, 2021 Effective Date: May 31, 2021

On April 1, 2021, The Empire District Electric Company, d/b/a Liberty filed a tariff sheet proposing to revise its fuel adjustment rate in its tariffed fuel adjustment clause (FAC) as provided by Commission Rule 20 CSR 4240-20.090(8). Liberty proposed to defer collection of $168,720,211 of the fuel and purchased power costs associated with Winter Storm Uri in February 2021. By doing so, Liberty proposed to reset its fuel adjustment rate to $0.0000.

The Staff of the Commission (Staff) recommended approval of Liberty's tariff sheet to be effective on June 1, 2021, subject to true-up and prudence review. On May 12, 2021, the Office of the Public Counsel (OPC) filed a pleading opposing Staff's recommendation and requesting that the Commission reject Liberty's tariff sheet. Staff and Liberty replied to OPC's response on May 17, 2021.

On May 19, 2021, the Commission issued its *Order Rejecting Tariff to Change Fuel Adjustment Rates* rejecting the tariff and directing Liberty to file a new tariff including

only items not in dispute. That order bears an effective date of May 31, 2021. On May 21, 2021, Liberty filed a motion requesting clarification and reconsideration of the Commission's order rejecting the tariff.

OPC, Staff, and Liberty met via teleconference with the presiding regulatory law judge on May 24, 2021, to discuss the best way to proceed on the motion. Following that meeting, Liberty and OPC agreed to substitute tariff language that sufficiently alleviated each of their concerns. On May 25, 2021, Liberty filed a substitute tariff and OPC and Liberty filed a joint motion requesting the Commission withdraw its May 19, 2021 order rejecting the tariff and allow the substitute tariff, subject to true-up and prudence review, to take effect by operation of law on June 1, 2021.

The Commission directed any responses to the May 25, 2021 joint motion and substitute tariff be filed no later than 9:00 a.m., May 26, 2021. No responses were received.

After reviewing all the filings, including Liberty's motion for clarification and reconsideration and the joint motion of OPC and Liberty, the Commission determines that its May 19, 2021 *Order Rejecting Tariff to Change Fuel Adjustment Rates* should be withdrawn and the substitute tariff filed on May 25, 2021, should become effective by operation of law on June 1, 2021, subject to true-up and prudence review.

Because the Commission is withdrawing its prior order before it becomes effective, and the substitute tariff has an effective date of June 1, 2021, the Commission will make this order effective in less than 30 days.

NOTICE:

The proposed tariff sheet, assigned Tariff No. JE-2021-0178, as substituted on May 25, 2021, subject to true-up and prudence review, will become effective by operation of law on June 1, 2021.

THE COMMISSION ORDERS THAT:

1. The *Order Rejecting Tariff to Change Fuel Adjustment Rates*, issued on May 19, 2021, is withdrawn and shall not become effective.

2. This order shall be effective on May 31, 2021.

BY THE COMMISSION

Morris L. Woodruff
Secretary

Silvey, Chm., Rupp, Coleman, and
Holsman, CC., concur.
Kolkmeyer, C., abstains.

Dippell, Deputy Chief Regulatory Law Judge

STATE OF MISSOURI

OFFICE OF THE PUBLIC SERVICE COMMISSION

I have compared the preceding copy with the original on file in this office and I do hereby certify the same to be a true copy therefrom and the whole thereof.

WITNESS my hand and seal of the Public Service Commission, at Jefferson City, Missouri, this 26th day of May, 2021.

Morris L. Woodruff
Secretary

Digitally signed by MOPSC
DN: CN=MOPSC, O=MOPSC, OU=", E=kim.happy@psc.mo.gov, C=US
Reason: I attest to the accuracy and integrity of this document
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Date: 2021.05.26 13:15:11-05'00'
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MISSOURI PUBLIC SERVICE COMMISSION

May 26, 2021

File/Case No. ER-2021-0332

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Enclosed find a certified copy of an Order or Notice issued in the above-referenced matter(s).

Sincerely,



Morris L. Woodruff
Secretary

Recipients listed above with a valid e-mail address will receive electronic service. Recipients without a valid e-mail address will receive paper service.