

BEFORE THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS

In the Matter of the Application of The Empire District)
Electric Company for Approval of Temporary Waivers)
of Certain of Empire's Tariffs and for Approval of a)
Process to Implement Temporary Waivers of Certain) Docket No. 20-EPDE-448-MIS
Other Rules and Regulations, Billing Standards, General)
Terms and Conditions and to Allow Operating Changes)
to Address the COVID-19 Pandemic)

RESPONSE TO STAFF'S REPORT AND RECOMMENDATION

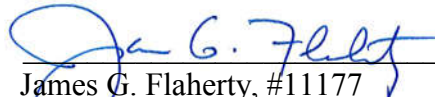
The Empire District Electric Company ("Liberty-Empire") submits the following response to the Kansas Corporation Commission ("Commission") Staff's ("Staff") report and recommendation filed in the above-captioned case on September 3, 2020 ("Staff R&R").

1. Liberty-Empire supports the recommendation made in the Staff R&R to use a "stay of enforcement" procedure instead of the "waiver" procedure proposed by Liberty-Empire in the event the COVID-19 pandemic prevents it from being able to comply with the Commission's rules and regulations or the utility's tariff provisions on a temporary basis. Concern over the Commission's oversight and control of the wavier procedure appears to have prompted, at least in part, Staff's recommendation of a stay of enforcement procedure. However, in requesting implementation of a waiver procedure, Liberty-Empire did not intend to eliminate Commission oversight or control of any request made by Liberty-Empire. Even so, the "stay of enforcement" procedure recommended by Staff is acceptable to Liberty-Empire.

2. As set forth at page 5 of Staff's R&R, in order for Liberty-Empire to be entitled to a stay of enforcement of any modification to the Commission's rules and regulations or the utility's tariff provisions, Liberty-Empire agrees to submit written notification in this docket of said modification

and the COVID-19 related reasons driving the need for such modification. If Staff or the Commission disagree with Liberty-Empire's request, then the stay of enforcement is subject to being lifted by the Commission. The stay of enforcement can also be lifted if the COVID-19 related reasons have been abated. Staff also recommends that if Staff or the Commission believe the stay of enforcement should be lifted or if the Commission finds that the COVID-19 reasons have been abated, then Liberty-Empire should be allowed to request sufficient time to complete the tasks that were delayed as a result of its request for modification. Staff's recommended procedure is reasonable and is acceptable to Liberty-Empire.

WHEREFORE, for the reasons set forth herein, Liberty-Empire supports the stay of enforcement procedure recommended in Staff's R&R.



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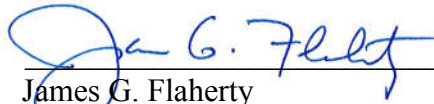
Attorneys for The Empire District Electric Company

VERIFICATION

STATE OF KANSAS
COUNTY OF FRANKLIN, ss:

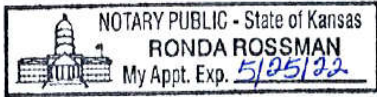
James G. Flaherty, of lawful age, being first duly sworn on oath, states:

That he is the attorney for The Empire District Electric Company, named in the foregoing Response to Staff's Report and Recommendation and is duly authorized to make this affidavit; that he has read the foregoing and knows the contents thereof; and that the facts set forth therein are true and correct.



James G. Flaherty

SUBSCRIBED AND SWORN to before me this 8th day of September, 2020.





Notary Public

Appointment/Commission Expires:

CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing was sent via electronic mail this 8th day of September, 2020, addressed to:

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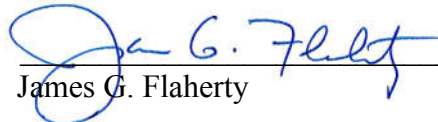
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