

**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 the) Docket No. 19-EPDE-223-RTS
Commission to Make Certain Changes in its)
Charges for Electric Service.)

MOTION FOR LEAVE TO FILE RESPONSE OUT-OF-TIME

The Staff of the State Corporation Commission of the State of Kansas (“Staff” and “Commission” respectively) respectfully files its Motion for Leave to File Response Out-of-Time. In support of its Motion, Staff states the following:

1. On February 5, 2020, Liberty-Empire filed a Motion with the Commission regarding the procedural outline and accounting mechanisms needed to address how the acquisition of wind resources and the retirement of the Asbury coal plant would impact Liberty-Empire’s Kansas revenue requirement.¹

2. On February 24, 2020, Staff filed its Out-of-Time Response in Support of the Empire District Electric Company’s Motion. Staff believes granting the Motion is reasonable and in the public interest.

3. Commission regulations require responsive pleadings be submitted within 10 days after service.² However, the Commission may waive its regulations if good cause is shown and if it is in the public interest do so.³ The Motion submitted by Liberty-Empire sets forth a procedural framework to address significant items related to Liberty-Empire’s cost of service. As such, it is critical the Commission be aware Staff is supportive of the Motion. For that

¹The Empire District Electric Company Motion (Feb. 5, 2020).

² See K.A.R. 82-1-218(d).

³ See K.A.R. 82-1-202(a).

reason, Staff asserts good cause exists and it is in the public interest to accept Staff's Out-of-Time Response to Liberty-Empire's Motion.

WHEREFORE, the reasons stated above, Staff respectfully requests the Commission accept the Staff's Response out-of-time and for any other relief the Commission deems just and reasonable.

Respectfully submitted,


/s/ Cole Bailey
Cole Bailey, #27586
Litigation Counsel
Kansas Corporation Commission
1500 SW Arrowhead Road
Topeka, Kansas 66604
(785) 271-3186 (Telephone)
(785) 271-3167 (Facsimile)
Email: c.bailey@kcc.ks.gov

For Commission Staff

VERIFICATION

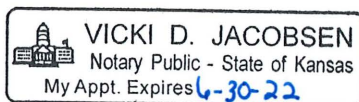
STATE OF KANSAS)
) ss.
COUNTY OF SHAWNEE)

Cole Bailey, of lawful age, being duly sworn upon his oath deposes and states that he is Litigation Counsel for the State Corporation Commission of the State of Kansas; that he has read and is familiar with the foregoing *Motion for Leave to File Response Out-of-Time*, and attests that the statements therein are true and correct to the best of his knowledge, information and belief.



Cole Bailey, S. Ct. #27586
Litigation Counsel
The State Corporation Commission
of the State of Kansas

SUBSCRIBED AND SWORN to before me this 25th day of February, 2020.





Notary Public

My Appointment Expires: June 30, 2022

CERTIFICATE OF SERVICE

19-EPDE-223-RTS

I, the undersigned, certify that a true and correct copy of the above and foregoing Motion for Leave to File Response Out-of-Time was served via electronic service this 25th day of February, 2020, to the following:

JAMES G. FLAHERTY, ATTORNEY
ANDERSON & BYRD, L.L.P.
216 S HICKORY
PO BOX 17
OTTAWA, KS 66067
Fax: 785-242-1279
jflaherty@andersonbyrd.com

JOSEPH R. ASTRAB, ATTORNEY
CITIZENS' UTILITY RATEPAYER BOARD
1500 SW ARROWHEAD RD
TOPEKA, KS 66604
Fax: 785-271-3116
j.astrab@curb.kansas.gov

TODD E. LOVE, ATTORNEY
CITIZENS' UTILITY RATEPAYER BOARD
1500 SW ARROWHEAD RD
TOPEKA, KS 66604
Fax: 785-271-3116
t.love@curb.kansas.gov

DAVID W. NICKEL, CONSUMER COUNSEL
CITIZENS' UTILITY RATEPAYER BOARD
1500 SW ARROWHEAD RD
TOPEKA, KS 66604
Fax: 785-271-3116
d.nickel@curb.kansas.gov

SHONDA RABB
CITIZENS' UTILITY RATEPAYER BOARD
1500 SW ARROWHEAD RD
TOPEKA, KS 66604
Fax: 785-271-3116
s.rabb@curb.kansas.gov

DELLA SMITH
CITIZENS' UTILITY RATEPAYER BOARD
1500 SW ARROWHEAD RD
TOPEKA, KS 66604
Fax: 785-271-3116
d.smith@curb.kansas.gov

JILL SCHWARTZ, SR. MGR, RATES & REGULATORY
AFFAIRS
EMPIRE DISTRICT ELECTRIC COMPANY
602 S JOPLIN AVE
JOPLIN, MO 64801
Fax: 417-625-5169
jill.schwartz@libertyutilities.com

COLE BAILEY, LITIGATION COUNSEL
KANSAS CORPORATION COMMISSION
1500 SW ARROWHEAD RD
TOPEKA, KS 66604
Fax: 785-271-3354
c.bailey@kcc.ks.gov

BRIAN G. FEDOTIN, GENERAL COUNSEL
KANSAS CORPORATION COMMISSION
1500 SW ARROWHEAD RD
TOPEKA, KS 66604
Fax: 785-271-3354
b.fedotin@kcc.ks.gov

ROBERT VINCENT, LITIGATION COUNSEL
KANSAS CORPORATION COMMISSION
1500 SW ARROWHEAD RD
TOPEKA, KS 66604
Fax: 785-271-3354
r.vincent@kcc.ks.gov


CERTIFICATE OF SERVICE

19-EPDE-223-RTS

JANET BUCHANAN, DIRECTOR- REGULATORY AFFAIRS
KANSAS GAS SERVICE, A DIVISION OF ONE GAS, INC.
7421W 129TH ST
OVERLAND PARK, KS 66213-2713
Fax: 913-319-8622
janet.buchanan@onegas.com

JUDY JENKINS HITCHYE, MANAGING ATTORNEY
KANSAS GAS SERVICE, A DIVISION OF ONE GAS, INC.
7421W 129TH ST
OVERLAND PARK, KS 66213-2713
Fax: 913-319-8622
judy.jenkins@onegas.com

SARAH B. KNOWLTON, GENERAL COUNSEL
LIBERTY UTILITIES CORP
116 North Main Street
Concord, NH 03301
sarah.knowlton@libertyutilities.com



Vicki Jacobsen