

BEFORE THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS

In the Matter of the Application of The Empire)
District Electric Company for an Order)
Approving Amendment No. 1 to the Renewable)
Resource Energy Purchase Agreement with Elk)
River Windfarm, LLC)

Docket No. 26-EPDE- 137 -CON

APPLICATION

The Empire District Electric Company, d/b/a Liberty ("Empire"), pursuant to the Kansas Corporation Commission's ("Commission") Order dated September 25, 2002 issued in Docket No. 75-GIMC-009-GIG, page 5, paragraph 9, requests an order approving Amendment No. 1 to the Renewable Resource Energy Purchase Agreement between Elk River Windfarm, LLC, a Kansas limited liability company and Empire ("Amendment"). The Amendment is attached hereto as **Exhibit A** and is designated as confidential pursuant to K.S.A. 66-1220a. The Amendment has not been disclosed to the public and the parties to the Amendment have contractually agreed to keep such non-public information confidential because of the competitive nature of the wholesale electric supply industry. In support of its Application, Empire states as follows:

1. Empire is a Kansas corporation with its principal office and place of business at 602 S. Joplin Avenue, Joplin, Missouri 64801. Empire is incorporated in and is conducting business in Kansas and is qualified to conduct business in the states of Missouri, Arkansas and Oklahoma, and is engaged generally, in the business of generating, purchasing, transmitting, distributing and selling electric energy in portions of said states. Empire's Kansas operations are subject to the jurisdiction of the Commission.

2. Pleadings, notices, orders and other correspondence and communication concerning this application and proceeding held thereon should be addressed to:

Angela Cloven
Coordinator, Rates and Regulatory Affairs
The Empire District Electric Company
602 S. Joplin Avenue, P. O. Box 127
Joplin, Missouri 64802
Regulatory.Information@libertyutilities.com

James G. Flaherty
Anderson & Byrd, LLP
216 S. Hickory, P.O. Box 17
Ottawa, Kansas 66067
jflaherty@andersonbyrd.com

3. Empire entered into a Renewable Energy Purchase Agreement with Elk River Windfarm LLC, dated December 10, 2004, to purchase all of the electric energy generated by the 150 mega-watt ("MW") Elk River Wind Farm located near Beaumont in Butler County, Kansas ("Elk River Wind PPA"). That agreement is set to expire on December 15, 2025.

4. Empire and Elk River Windfarm LLC have entered into the Amendment. It extends the term of the agreement by approximately a 4½-year first extension period and a potential one-year second extension period. It also changed the contract price and monthly prepayment amounts and included a mechanical availability guarantee.

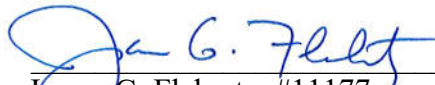
5. The Elk River Wind PPA's scheduled expiration date of December 15, 2025, aligned with Empire's IRP and its then-current capacity and energy needs. However, since that time, the Southwest Power Pool's ("SPP") resource adequacy ("RA") framework has changed materially; the Winter Planning Reserve Margin moved from no enforceable penalty for not meeting 15% to 36% within only a few years, with filings stating it would likely rise to 38% in 2029/2030. In that evolving environment, Empire had to preserve RA compliance in a way that remained least-cost for customers. Empire evaluated several interim options to bridge to new capacity and, on balance, an extension of the Elk River Wind PPA was the most practical "bridge" resource and one that also lowers fuel costs

for the next 4.5 years.

5. Approval of the Amendment will benefit Empire's customers. **

**

WHEREFORE, Empire respectfully requests that the Commission issue an order approving the Amendment, and said further relief and authority as found by the Commission to be just and reasonable.



James G. Flaherty, #11177
ANDERSON & BYRD, LLP
216 S. Hickory ~ P.O. Box 17
Ottawa, Kansas 66067
(785) 242-1234, telephone
(785) 242-1279, facsimile
jflaherty@andersonbyrd.com

Diana C. Carter
Liberty Utilities - Empire District
428 E. Capitol Ave., Suite 303
Jefferson City, Missouri 65101
Phone: (573) 289-1961
Email: Diana.Carter@libertyutilities.com

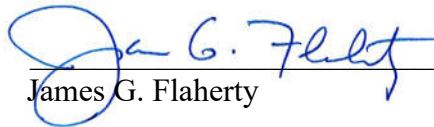
Attorneys for The Empire District Electric Company

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 Application, and is duly authorized to make this affidavit; that he has read the foregoing Application and knows the contents thereof; and that the facts set forth therein are true and correct to the best of his knowledge, information and belief.


James G. Flaherty

SUBSCRIBED AND SWORN to before me this 31st day of October, 2025.





Notary Public

Appointment/Commission Expires:

EXHIBIT A