

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

**COMMISSION STAFF'S OUT-OF-TIME RESPONSE IN SUPPORT OF
THE EMPIRE DISTRICT ELECTRIC COMPANY'S MOTION**

1. On August 22, 2019, The Empire District Electric Company ("Liberty-Empire") notified the Commission it had decided to retire the Asbury coal plant ("Asbury") and expected the retirement to be no later than June, 2020. Pursuant to the unanimous settlement agreement in Docket No. 19-EPDE-223-RTS ("223 Docket"), Liberty-Empire indicated it would file an application with the Commission no later than February 5, 2020, setting forth the impact the retirement of Asbury would have on Liberty-Empire's Kansas revenue requirement ("February 5 Filing").¹

2. On January 21, 2020, Liberty-Empire, Staff and CURB met to discuss the retirement of Asbury, the acquisition of the Neosho Ridge, North Fork Ridge and Kings Point wind farms, and the February 5 Filing. Liberty-Empire, Staff and CURB agreed Liberty-Empire would file a motion with the Commission to make several requests regarding procedural matters. On February 5, 2020, Liberty-Empire filed its Motion.²

3. Staff has reviewed and supports Liberty-Empire's Motion. The procedural and accounting items discussed in the Motion establish an administratively efficient framework for evaluating, among other things, the retirement of Asbury and the acquisition of wind resources. Moreover, the Motion confirms the regulatory asset/liability provisions established in the 223 Docket. As such, Staff believes granting the Motion is reasonable and in the public interest.

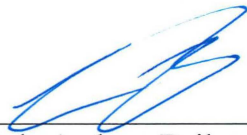
¹ The Empire District Electric Company Informational Notice (Aug. 22, 2019).

² The Empire District Electric Company Motion (Feb. 5, 2020).

4. Commission regulations require responsive pleadings be submitted within 10 days after service.³ However, the Commission may waive its regulations if good cause is shown and if it is in the public interest do so.⁴ 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 reason, Staff asserts good cause exists and it is in the public interest to accept Staff's Response to Liberty-Empire's Motion.

WHEREFORE, the Staff requests the Commission issue an Order approving the Motion filed by Liberty-Empire on February 5, 2020.

Respectfully Submitted,



Cole Andrew Bailey, #27586
Robert Elliott Vincent, #26028
Litigation Counsel
Kansas Corporation Commission
1500 S. W. Arrowhead Road
Topeka, Kansas 66604
(785) 271-3100
Fax: (785) 271-3167
c.bailey@kcc.ks.gov
r.vincent@kcc.ks.gov
Attorney for Staff


³ See K.A.R. 82-1-218(d).

⁴ See K.A.R. 82-1-202(a).

STATE OF KANSAS)
) ss.
COUNTY OF SHAWNEE)

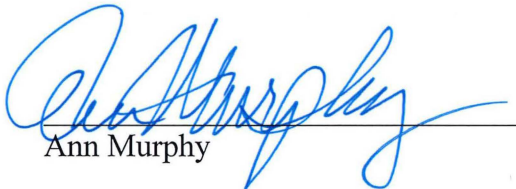
VERIFICATION

Cole Bailey, being duly sworn upon his oath deposes and states that he is Litigation Counsel for the Kansas Corporation Commission of the State of Kansas, that he has read and is familiar with the foregoing *Commission Staff's Out-Of-Time Response In Support Of The Empire District Electric Company's Motion*, and attests that the statements contained therein are true and correct to the best of his knowledge, information and belief.



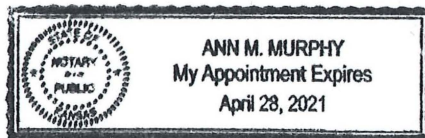
Cole Bailey
Litigation Counsel
State Corporation Commission of the
State of Kansas

Subscribed and sworn to before me this 24th day of February, 2020.



Ann Murphy

My Appointment Expires: 4-28-21



CERTIFICATE OF SERVICE

19-EPDE-223-RTS

I, the undersigned, certify that a true and correct copy of the above and foregoing Commission Staff's Out-Of-Time Response in Support of The Empire District Electric Company's Motion was served via electronic service this 24th 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.
7421 W 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.
7421 W 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



Ann Murphy