

**THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS**

Before the Commissioners: Andrew J. French, Chairperson
 Dwight D. Keen
 Susan K. Duffy

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

In the Matter of the Application of The Empire District)
Electric Company for an Accounting Order Allowing)
The Empire District Electric Company to Record and)
Preserve Costs and Lost Revenues Related to the)
COVID-19 Virus.) Docket No. 20-EPDE-427-ACT

ORDER GRANTING EMPIRE’S MOTION

The Commission rules as follows:

1. On May 4, 2020, the Empire District Electric Company (Empire) filed an application requesting waivers of certain Commission orders, rules and regulations, billing standards, and Empire’s general terms and conditions for service on a temporary basis due to the COVID-19 pandemic.¹

2. On October 6, 2020, the Commission granted Empire’s application with modifications. The Commission stayed enforcement of any action against Empire for deviations from regulatory requirements that Empire does in response to the COVID-19 pandemic. The Commission approved Empire’s proposed waiver of reconnect and trip fees and Empire’s

¹ Application for The Empire District Electric Company (May 4, 2020).

temporary tariff to reimburse customers for fees associated with the use of debit or credit cards to pay for electric service. The granted requests remained in effect until December 31, 2020.²

3. On December 2, 2020, Empire filed a motion requesting an extension of the stay of enforcement of action against Empire through June 30, 2021.³

4. On February 16, 2021, the Commission issued an order on a unanimous settlement agreement in Docket No. 20-EPDE-459-TAR. Among other things, the Commission ordered Empire to continue to waive the credit or debit card transaction fees.⁴

5. On June 18, 2021, Empire filed a second motion requesting an extension of the stay of enforcement of action against Empire through September 30, 2021. Empire states the stay, “will allow [Empire] to continue to waive certain fees (late payment fees, disconnections, reconnection fees, credit card payment fees) for its customers.”⁵ Empire also seeks clarification that the Accounting Authority Order (AAO) issued in Docket No. 20-EPDE-427-ACT “will extend at least through September 30, 2021.”⁶ Empire discussed the request with Staff and CURB; neither party objects.⁷

6. The Commission is given full power, authority, and jurisdiction to supervise and control the electric public utilities doing business in Kansas and is empowered to do all things necessary and convenient for the exercise of such power, authority, and jurisdiction.⁸ All grants of power, authority and jurisdiction made to the Commission shall be liberally construed.⁹

² Order on Empire District Electric Company Application (Oct. 6, 2020).

³ Motion to Extend Stay (Dec. 2, 2020).

⁴ 20-EPDE-459-TAR Docket, Order, Ordering Clause F (Feb. 16, 2021).

⁵ Motion to Extend Stay Issued in Docket No. 20-EPDE-448-MIS Through September 30, 2021 and Clarification that the Accounting Authority Order Granted in Docket No. 20-EPDE-427-ACT Covers the Period At Least Through September 30, 2021, ¶ 4 (Jun. 18, 2021).

⁶ *Id.*, ¶ 5.

⁷ *Id.*, ¶ 6.

⁸ K.S.A. 66-101.

⁹ K.S.A. 66-101g.

7. Empire's motion requesting the Commission extend the stay of enforcement of action against Empire through September 30, 2021, is granted. Empire's waiver of reconnect and trip fees as discussed in the October 6, 2020 order is extended through September 30, 2021. Empire shall continue to waive late payment fees, disconnections, reconnection fees, and credit card and debit card transaction fees through September 30, 2021.

8. Empire may track and defer in a regulatory asset extraordinary costs associated with the COVID-19 pandemic as stated in this docket and the AAO through September 30, 2021.¹⁰ Nothing in this order shall be construed as a decision on an end-date of the COVID-19 pandemic. Further, the Commission is not reaching a decision on the potential recovery of any amounts Empire is tracking per the AAO.

9. Because the Commission grants Empire's motion requesting the Commission extend the stay until September 30, 2021, Empire's previous motion to extend the stay until June 30, 2021, is moot.


THEREFORE, THE COMMISSION ORDERS:

- A. Empire's motion is granted.
- B. Empire's motion filed December 2, 2020, is moot.

BY THE COMMISSION IT IS SO ORDERED.

French, Chairperson; Keen, Commissioner; Duffy, Commissioner

Dated: 07/08/2021



Lynn M. Retz
Executive Director

LEL

¹⁰ Empire is not prohibited from requesting an additional extension if necessary.

CERTIFICATE OF SERVICE

20-EPDE-448-MIS

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of electronic service on 07/08/2021.

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

DIANA CARTER, DIRECTOR OF LEGAL SERVICES
EMPIRE DISTRICT ELECTRIC COMPANY
602 S JOPLIN AVE
JOPLIN, MO 64801
Fax: 417-625-5169
diana.carter@libertyutilities.com

SHERI RICHARD, DIRECTOR, RATES AND REGULATORY
AFFAIRS
EMPIRE DISTRICT ELECTRIC COMPANY
602 S JOPLIN AVENUE
PO BOX 127
JOPLIN, MO 64802
Fax: 417-625-5169
sheri.richard@libertyutilities.com

GREG TILLMAN, SENIOR MANAGER
EMPIRE DISTRICT ELECTRIC COMPANY
602 S JOPLIN AVE
JOPLIN, MO 64801
Fax: 417-625-5169
greg.tillman@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

CERTIFICATE OF SERVICE

20-EPDE-448-MIS

LAUREN LAUSHMAN, OFFICE OF GENERAL COUNSEL
ATTORNEY
KANSAS CORPORATION COMMISSION
1500 SW ARROWHEAD RD
TOPEKA, KS 66604
Fax: 785-271-3354
l.laushman@kcc.ks.gov

TERRI PEMBERTON, CHIEF LITIGATION COUNSEL
KANSAS CORPORATION COMMISSION
1500 SW ARROWHEAD RD
TOPEKA, KS 66604
Fax: 785-271-3354
t.pemberton@kcc.ks.gov

ANGELA CLOVEN, PLANNING AND REG SPECIALIST
LIBERTY UTILITIES CORP
602 S JOPLIN AVE
PO BOX 127
JOPLIN, MO 64802-0127
angela.cloven@libertyutilities.com

/S/ DeeAnn Shupe
DeeAnn Shupe
