

# BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

In the Matter of The Empire District Electric )  
Company, Liberty Utilities (Central) Co. and )  
Liberty Sub Corp. Concerning an Agreement and )  
Plan of Merger and Certain Related Transactions )

**File No. EM-2016-0213**

## ORDER DIRECTING FILING

Issue Date: August 24, 2016

Effective Date: August 24, 2016

On August 10, 2016, the Commission approved stipulations and agreements between The Empire District Electric Company, Liberty Utilities (Central) Co. and Liberty Sub Corp. (“Joint Applicants”) and the following four parties – the City of Joplin, Empire District Retired Members & Spouses Association LLC, Laborer’s International Union of North America, and International Brotherhood of Electrical Workers Locals 1464 and 1474.

On July 19, 2016, the Joint Applicants, the Missouri Department of Economic Development – Division of Energy and Renew Missouri filed a stipulation and agreement regarding certain issues relating to energy efficiency and renewable energy. Staff objected to this agreement on July 26, so the matters contained in that agreement become a joint position of those parties and remain for determination by the Commission. Those parties filed an amended stipulation and agreement on August 24, 2016, concerning the same issues.

The Joint Applicants and Staff filed a stipulation and agreement on August 4, 2016 regarding a number of conditions to be imposed on the proposed merger transaction. That agreement was timely objected to by the Office of Public Counsel (“OPC”) and the SERP Retirees, so the matters contained in that agreement also remain for determination.

On August 23, 2016, the Joint Applicants filed separate stipulations and agreements with the SERP Retirees and OPC. The OPC agreement purports to be a comprehensive settlement of the issues relating to the transaction and incorporates by reference the entire stipulation and agreement between the Joint Applicants and Staff previously filed on August 4, 2016. Pursuant to Commission Rule 4 CSR 240-2.115(2), the parties have seven days to object to those two non-unanimous stipulations and agreements.

The evidentiary hearing on this matter is set to begin on August 29, 2016. Because there are three pending stipulations and agreements and neither OPC nor the Joint Applicants filed statements of position, it is unclear what issues the parties wish to address at the evidentiary hearing, if any. Therefore, the Commission will direct the Joint Applicants to respond indicating what remaining issues need to be addressed at the evidentiary hearing. Even if no unresolved issues remain, it is likely that the Commissioners will have questions for the parties concerning the provisions of the three pending stipulations and agreements.

**THE COMMISSION ORDERS THAT:**

1. No later than August 25, 2016, the Joint Applicants shall file a pleading stating what remaining issues, if any, need to be addressed at the evidentiary hearing on August 29, 2016.

2. This order shall be effective when issued.



**BY THE COMMISSION**

A handwritten signature in cursive script that reads "Morris L. Woodruff".

Morris L. Woodruff  
Secretary

Michael Bushmann, Senior Regulatory  
Law Judge, by delegation of authority  
pursuant to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,  
on this 24<sup>th</sup> day of August, 2016.