

ARKANSAS PUBLIC SERVICE COMMISSION

IN THE MATTER OF THE APPLICATION OF)
EMPIRE ELECTRIC DISTRICT COMPANY)
FOR APPROVAL OF A GENERAL CHANGE) DOCKET NO. 22-085-U
OR MODIFICATION IN RATES, CHARGES,) ORDER NO. 3
AND TARIFFS)

ORDER

On February 13, 2023, The Empire District Electric Company (Liberty-Empire or Company) filed with the Arkansas Public Service Commission (Commission) in the above-styled Docket a redacted *Application for Approval of a General Change in Rates and Tariffs* (Application) along with Minimum Filing Requirements (MFR) schedules, proposed new tariffs, and the supporting Direct Testimonies of witnesses. Liberty-Empire subsequently filed unredacted Confidential Information on February 14, 2023, thereby completing their Application.

On April 5, 2023, the General Staff (Staff) of the Commission filed a *Motion to Adopt Procedural Schedule* (Motion), proposing the following procedural schedule in this matter:

Staff/Intervenor Direct Testimony:	Wednesday, July 12, 2023
Company Rebuttal Testimony:	Wednesday, August 9, 2023
Staff/Intervenor Surrebuttal Testimony:	Friday, September 8, 2023
Company Sur-Surrebuttal Testimony:	Tuesday, September 19, 2023
Issues List/Settlement:	Friday, September 29, 2023
Evidentiary Hearing:	Wednesday, October 11, 2023
Public Comment Hearing ¹ :	Tuesday, October 17, 2023

¹ The location of the public comment hearing will be proposed by Liberty-Empire through a future filing.

Staff states that Liberty-Empire and the Attorney General have stated their agreement with the proposed schedule. Motion at ¶¶ 2-3 (Doc. #63).

Commission Findings and Ruling

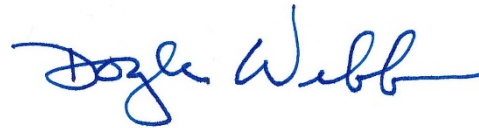
The Commission finds that the proposed procedural schedule is reasonable and in the public interest and therefore grants the Motion² with the following addition: any testimony in opposition to settlement shall be filed by Tuesday, October 3, 2023. All filings shall be made by noon the day of the deadline. If legal issues are identified that the Parties believe should be briefed, the Parties should petition the Commission for an amendment to the procedural schedule to allow for legal briefing as soon as they are aware of potential legal issues in this Docket to enable briefs to be filed before the hearing. Legal briefs shall not otherwise be filed.

The public evidentiary hearing on the Application is scheduled to begin at **9:30 a.m. on Wednesday, October 11, 2023**, in the Commission Hearing Room located in the Arkansas Public Service Commission Building, 1000 Center Street, Little Rock, Arkansas. The location and time of the public comment hearing will be set by a future order.

² If a unanimous Settlement is not reached and filed by the indicated date, an Issues List detailing the outstanding contested issues in the Docket shall be filed on that date (1) instead of a unanimous Settlement or (2) in addition to any non-unanimous Settlement. With a non-unanimous Settlement, "outstanding contested issues" shall be those which remain contested after consideration of the non-unanimous Settlement. At the same time that the Settlement or Issues List is filed, the Parties are directed to notify the Commission whether they will proceed with the live hearing, waive the live hearing, or proceed with a paper hearing (with suggested procedures). If the Parties agree to proceed with a live hearing, they should indicate which witnesses they intend to cross examine during the hearing at the time the suggested hearing procedures are filed.

BY ORDER OF THE COMMISSION.

This 7th day of April, 2023.




Doyle Webb, Chairman



Justin Tate, Commissioner



Katie Anderson, Commissioner



Jennifer R. Ivory, Secretary of the Commission

I hereby certify that this order, issued by the Arkansas Public Service Commission, has been served on all parties of record on this date by the following method:

- U.S. mail with postage prepaid using the mailing address of each party as indicated in the official docket file, or
- Electronic mail using the email address of each party as indicated in the official docket file