

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI**

Greg Steins,)	
Complainant)	
v.)	Case No. GC-2021-0395
)	
The Empire District Gas Company)	
d/b/a Liberty,)	
Respondent)	

Response in Opposition to Motion to Dismiss

COMES NOW the Office of the Public Counsel (“OPC”) and for its response in opposition to The Empire District Gas Company d/b/a Liberty’s (“Liberty”) motion to dismiss, states as follows:

1. On April 26, 2021, the Complainant filed a small formal complaint against Liberty.

2. On June 10, 2021, Liberty filed its Motion to Dismiss and Answer. Liberty’s Motion to Dismiss argues, “In his Complaint, Mr. Stiens does not point to any statute, tariff, or Commission rule or order that was allegedly violated by Liberty under the facts presented by Mr. Stiens.”

3. The OPC files this response to first point out that the Complaint clearly references the Commission’s billing rule 20 CSR 4240-13.025, contrary to Liberty’s false claim that Mr. Stiens cited no rule.

4. Secondly, the OPC files this response to defend and preserve the rights of the Complainant and all other residential public utility customers to file complaints, as they are lawfully entitled to do under Sections 386.390 and

386.400 RSMo, without an attorney's understanding of the applicable laws, orders and tariffs. Even if a complainant does not cite to a particular law or tariff that may be applicable to the complaint, residential customers should still have their cases heard when a complaint explains in practical terms the basis for the complaint. The Commission and its Staff are fully capable of discerning whether the facts that form the basis of the complaint implicate any statute, rule, order and/or tariff.

WHEREFORE, the Office of the Public Counsel respectfully urges the Commission to deny Liberty's Motion to Dismiss and allow the Complainant to pursue his complaint in this case.

Respectfully submitted,

OFFICE OF THE PUBLIC COUNSEL

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed, emailed or hand-delivered to the Complainant and all counsel of record this 14th day of June 2021.

/s/ Marc Poston
