

BEFORE THE MISSOURI PUBLIC SERVICE COMMISSION

William L. Gehrs, Jr.

v.

Complaint #EC-2018-0033

Empire District Electric Company

**Request to Submit Results of Recently Decided Circuit Court Case Which Was Discussed in Pending Matter**

The Jasper County case of "Ralph H Watkins versus Empire District Electric Company", Case Number 18AO-AC 00918, was decided by the Court with an Order entered on August 6, 2018, sustaining Empires Amended Motion for Summary Judgment. A copy of said order is attached hereto as Exhibit A.

Although the decision favored Empire, stating that Empire can't contract away its tariff effectiveness, the decision does discuss several issues raised by me. The Judge indicates on page 8 that apparently Empire "did not care how many units existed" in the Watkins building and would not have known except for my investigation as a "whistleblower".

The Judge's Order also sites May Department Stores vs. Union Electric Light and Power Company, 107 S.W. 2d 41 (1937) as authority. A copy of said case is attached hereto as exhibit B. In May, the court held on page 317 that "The purpose of providing public utility regulation was to secure equality in service and in rates for all who needed or desired these services and who were similarly situated". May also held at page 316 that "It [the tariff] provided in lieu of competition and the right of private bargaining, impartial treatment of everyone under regulations approved and enforced by the state".

In my opinion, a tariff is an agreement between the state and the utility in return for a monopoly on the business, the utility will actively enforce the terms of the tariff. Empire's lackadaisical approach to enforcing the customer service charges is the same as favoring customers who don't report the actual number of units over those who provide actual numbers empire shouldn't be able to rely on the tariff only when it's convenient to them. What's good for the goose is good for the gander.

Respectfully submitted,

/s/ William L. Gehrs, Jr.

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**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing document was filed in EFIS on this 23<sup>rd</sup> day of August, 2019, with notification sent to all parties.

/s/ William L. Gehrs, Jr.

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