

BEFORE THE MISSOURI PUBLIC SERVICE COMMISSION

William L. Gehrs, Jr.

v.

Complaint #EC-2018-0033

Empire District Electric Company

**REPLY BRIEF**

Comes now Complainant, William L. Gehrs, Jr. and states the following:

Both Empire and Staff have argued in their briefs that Empire operates within its tariff. I believe they are missing the point.

It is my position that Empire does not uniformly and equitably enforce their tariff. It is hard to believe that the Empire meter readers would not question that 602 W. 5th St. in Joplin, Missouri, a six story apartment building that previously had forty-four (44) units, now only contains three (3) apartments and only has three (3) meters. It took my inquiry into the matter before Empire reviewed and increased the number of apartments to fifteen (15), this based upon a fire marshal, which is still likely to be incorrect. However, it is important to note that the apartment building's owner claims he had an agreement with Empire on billing. He states that after a fire in the building in 2007 (exhibit 5C, schedule C), he made an agreement with Empire staff that there would be one (1) meter per every two (2) floors of the building, which helps explain why there are currently only three (3) meters.

The bottom line to me is that Empire can't, as a regulated utility, selectively and lackadaisically enforce their tariff requirements and then hide behind the tariff when called on the carpet. If Empire cannot adequately and uniformly enforce the tariff, they should not be able to hide behind it, regardless of whether it is fair and just or not and reasonable or not.

Finally, a simple reading of the tariff shows it be anything but fair, just and reasonable to a pre-1981 apartment building owner. Under the "Conditions of Service", the following inequities exist:

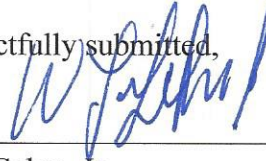
"2. Service will be furnished for the sole use of the Customer and will not be resold, redistributed or submetered, directly or in-directly." (Exhibit 6C)

This clause doesn't make sense. If it is for my "sole use", how can it be used in an apartment building for others?

"4. If this schedule is used for service through a single meter to multiple-family dwellings within a single building, each Customer charge and kWh block will be multiplied by the number of dwelling units served in calculation each month's bill." (Exhibit 6C)

As a long term tenant location, I have to absorb all electric cost for rented and vacant units. Nightly rentals are exempt by other state regulation, but pre-1981 apartment building owners are saddled with these non-reimbursable costs.

Respectfully submitted,



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### **CERTIFICATE OF SERVICE**

I hereby certify that the foregoing document was filed in EFIS on this 26<sup>th</sup> day of July, 2019, with notification sent to all parties.



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