

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

In the Matter of the Establishment of a Working)
Case for the Review and Consideration of a)
Rewriting and Writing of Existing and) File No. AW-2018-0394
New Affiliate Transaction Rules and)
HVAC Affiliate Transaction Rules)

COMMENTS IN RESPONSE TO COMMISSION ORDER

COME NOW The Empire District Electric Company, The Empire District Gas Company, Liberty Utilities (Midstates Natural Gas) Corp., and Liberty Utilities (Missouri Water) LLC (collectively, “Liberty Utilities”), and, in response to the *Order Requesting Additional Responses* issued herein on November 7, 2019, by the Missouri Public Service Commission (“Commission”), Liberty Utilities respectfully states as follows:

Introductory Comments

1. Liberty Utilities appreciates Staff’s efforts in preparing and proposing a rewrite of the Commission’s affiliate transaction rules and appreciates the opportunity to participate in a working docket prior to the commencement of a formal rulemaking proceeding.

2. Liberty Utilities believes the Staff’s draft rule, “Affiliate Transactions Respecting Electrical Corporations, Gas Corporations, Heating Companies, Certain Water Corporations and Certain Sewer Corporations,” reflects appropriate updates and improvements to the Commission’s existing affiliate transactions rules.

Specific Comments and Suggestions Regarding Staff’s Draft

3. With regard to the water and sewer corporations that would be subject to the new affiliate transactions rule, Staff’s draft proposes that the rule would be applicable to water corporations with more than 8,000 customers and sewer corporations with more than 8,000 customers. Staff’s reference to the number of *customers* is consistent with the Commission’s other rules regarding large versus small water and sewer corporations. Liberty Utilities notes, however, that RSMo. 393.320 defines a

“large water public utility” as a public utility that “regularly provides water service or sewer service to more than eight thousand *customer connections* . . .” (emphasis added).

4. Definition of “Corporate Support” – Liberty Utilities concurs with Ameren Missouri’s comments on the proposed 20 CSR 4240-10.XXX(1)(a)(E) and the addition of facilities management and security to the non-exclusive list of common areas of corporate support.

5. Definition of “Information” – Liberty Utilities concurs with Ameren Missouri’s comments and proposed edits to the proposed 20 CSR 4240-10.XXX(1)(a)(L).

WHEREFORE, Liberty Utilities respectfully submits these Comments in response to the Commission’s *Order Requesting Additional Responses*.

/s/ Diana C. Carter
Diana C. Carter MBE #50527
Liberty Utilities
428 E. Capitol Ave., Suite 303
Jefferson City, Missouri 65101
Joplin Office Phone: (417) 626-5976
Cell Phone: (573) 289-1961
E-Mail: Diana.Carter@LibertyUtilities.com

CERTIFICATE OF SERVICE

I hereby certify that the above document was filed in EFIS on this 9th day of December, 2019, with notice of the same sent to all counsel of record.

/s/ Diana C. Carter