

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

In the Matter of the Application of Matthew)
Delia for Change of Electric Supplier from) File No. EO-2023-0108
Southwest Electric Cooperative to The)
Empire District Electric Company)

RESPONSE TO APPLICATION

COMES NOW The Empire District Electric Company d/b/a Liberty, and for its response to the Application of Matthew Delia (“Applicant”) for Change of Electric Supplier, respectfully states as follows to the Missouri Public Service Commission (the “Commission”):

1. Liberty admits that Applicant’s address is 416 West Saddleclub Rd., Fair Grove, Missouri, 65648; and Liberty admits that Southwest Electric Cooperative (“SWEC”) provides electric energy and service to this location.

2. Liberty acknowledges that Applicant has requested a change of electrical supplier from SWEC to Liberty, for the stated reason that Applicant requires an analog meter for health reasons.

3. On information and belief, Applicant has asked SWEC to change out his meter for an analog meter and has been informed by SWEC that it no longer supports analog meters.

4. Although Liberty customers may “opt out” of the smart meter program and, for an additional fee, have a non-transmitting meter, Liberty does not support or offer analog meters; and Liberty has so informed Applicant.

5. RSMo. §393.106, commonly referred to as Missouri’s anti-flop law, governs the Application. This statute provides, in part, that “(o)nce an electrical corporation or joint municipal utility commission, or its predecessor in interest, lawfully commences supplying retain electric energy to a structure through permanent service facilities, it shall have the right to continue serving

such structure, and other suppliers of electrical energy shall not have the right to provide service to the structure...”

6. Because Applicant’s residence is currently served by SWEC, and is not the subject of a current annexation, any change of supplier entertained by the Commission must center on a public interest determination.

7. On information and belief, SWEC has adequately met the customer’s power needs in terms of amount and quality.

8. Liberty denies that any modern smart meters create a health concern, and Liberty more specifically notes that it uses a powerline carrier technology that does not use radio frequencies, the source of alleged health concerns according to some.

9. Liberty would be happy to serve the Applicant, but a change in supplier would lead to unnecessary expense and duplication of services and facilities.

10. Given the foregoing, a change in electric power supplier in this case is not in the public interest, nor is such request supported by Missouri law.

WHEREFORE, Liberty respectfully requests that the Commission adhere to existing precedent and statutory law in this cause and issue an order denying Mr. Delia’s Application. Liberty seeks such additional relief as is just and proper under the circumstances.

Respectfully submitted,

/s/ Diana C. Carter
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CERTIFICATE OF SERVICE

I hereby certify that the above document was filed in EFIS on this 2nd day of December, 2022, with notification of the same being sent to all counsel of record. This pleading was also sent by electronic mail or U.S. Mail to all parties/counsel of record.

/s/ Diana C. Carter