

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

Sherry Veach,)	
)	
)	
Complainant,)	
)	
v.)	File No. EC-2012-0406
)	
The Empire District Electric Company,)	
)	
Respondent.)	
)	

JOINT STIPULATION OF NON-DISPUTED MATERIAL FACTS

COMES NOW the Staff of the Missouri Public Service Commission ("Staff"), by and through the undersigned counsel, and on behalf of itself, The Empire District Electric Company ("Empire") and Ms. Sherry Veach, a pro se complainant, submits to the Missouri Public Service Commission (Commission) a *Joint Stipulation of Non-Disputed Material Facts* in satisfaction of the Commission's *Order Setting Procedural Schedule and Establishing Additional Procedural Requirements* issued on September 12, 2012:

1. Empire is a public utility subject to the jurisdiction of the Commission.
2. Complainant, Ms. Veach, is an electric customer of Empire, residing at 98 North Swan St., Fair Grove, MO 65648.
3. On July 1, 1988, Ms. Veach established her electric service account with Empire for the subject address.
4. In 1997 (or thereabouts), Ms. Veach contacted Empire to request a meter test.

5. On or about January 23, 2012, Ms. Veach again contacted Empire to request a meter test.

6. On January 24, 2012, Empire performed a meter test.

7. On or about January 29, 2012, Ms. Veach began tracking her daily electric usage.

8. On February 14, 2012, Ms. Veach met with Empire lineman Orville Jackson, met with Empire meter tester John Crawford, and contacted the Commission to file an informal complaint against Empire.

9. Staff investigated Ms. Veach's claims as part of informal complaint number C201202311.

10. June 4, 2012, Ms. Veach filed a formal complaint, which is the subject of this case, Case No. EC-2012-0406.

11. Regarding residential customer billing adjustments for overcharges, Commission Rule 4 CSR 240-13.025 states that, "an adjustment shall be made for the entire period that the overcharge can be shown to have existed not to exceed sixty (60) consecutive monthly billing periods."

12. Commission Rule 4 CSR 240-13.025 also states that a billing adjustment for overcharges shall be "calculated from the date of discovery, inquiry or actual notification of the utility, whichever comes first."

13. On January 16, 2012, was the date of the last meter reading before Ms. Veach contacted the Company to request a test and recalibration.

14. For the five year period (60 months) ending January 16, 2012, Ms. Veach was billed for 92,852 kWh, totaling \$8,852.60 in charges, including taxes but excluding any late payment charges.

WHEREFORE, Staff respectfully submits this *Joint Stipulation of Non-Disputed Material Facts* on behalf of Staff, Sherry Veach, and The Empire District Electric Company.

Respectfully submitted,

/s/ Amy E. Moore
Amy E. Moore
Legal Counsel
Missouri Bar No. 61759

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed or hand-delivered, transmitted by facsimile or by electronic mail to all counsel of record on this 30th day of October, 2012.

/s/ Amy E. Moore