

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

In the Matter of Liberty Utilities’ Motion for)
Temporary Variances Regarding Electric, Gas,) Case No. _____
Water, and Sewer Tariffs and the Impact of)
COVID-19 on Missouri Customers)

**INFORMATIONAL FILING, MOTION FOR TEMPORARY VARIANCES, REQUEST FOR
APPROVAL OF TEMPORARY TARIFFS, AND MOTION FOR WAIVER**

COME NOW The Empire District Electric Company (“EDE”), The Empire District Gas Company (“EDG”), Liberty Utilities (Missouri Water) LLC (“Liberty Water”), and Liberty Utilities (Midstates Natural Gas) Corp. (“Midstates”), all Liberty Utilities companies (collectively, the “Movants”), and for their Informational Filing, Motion for Temporary Variances, Request for Approval of Temporary Tariffs, and Motion for Waiver, respectfully state as follows to the Missouri Public Service Commission (“Commission”):

Introduction

1. This Motion is being submitted to clarify and facilitate the Movants’ actions with regard to the COVID-19 pandemic. The Movants acted quickly in recognizing the impact of the COVID-19 crisis on their customers and created a plan to keep employees as safe as possible and continue providing safe and reliable service, while also extending accommodations to customers who may be facing financial difficulties.

2. As of March 16, 2020, for all customers, the Movants have been foregoing the collection of fees related to late payments, have not been disconnecting customers due to nonpayment, have not been sending collection or disconnection notices, and have been working to bring recently disconnected customers back onto the systems. To the extent required, the Movants seek temporary variances from their tariffs and the Commission’s rules in order to allow these practices to continue through the end of the declared emergency. Approval of temporary tariff

sheets to allow the Movants to provide credits to customers that use a credit/debit card for electronically submitted payments and are charged a fee for said use is also being requested.

3. Further, the Movants are committed to implementing flexible credit and collections procedures following the end of the declared emergency and until customers and the Company are able to return to more traditional operations.

The Movants

4. The Movants are subsidiaries of Liberty Utilities Co. (“Liberty Utilities”) and are part of Liberty Utilities’ Central Region. The principal office and place of business of the Movants is 602 South Joplin Avenue, Joplin, Missouri, 64801.

5. EDE is a Kansas Corporation and is qualified to conduct business and is conducting business in Missouri, as well as in the states of Kansas, Arkansas, and Oklahoma. EDE is engaged generally in the business of generating, purchasing, transmitting, distributing, and selling electric energy in portions of said states. EDE also provides water service in Missouri. EDE’s small water utility currently serves approximately 4,500 water customers in Missouri. A certified copy of EDE’s restated Articles of Incorporation, as amended, was filed in Commission Case No. EF-94-39 and is incorporated herein by reference. A certificate from the Missouri Secretary of State that EDE, a foreign corporation, is authorized to do business in Missouri was filed with the Commission in Case No. EM-2000-369 and is incorporated herein by reference. This information is current and correct.

6. EDG is a corporation organized and existing under the laws of the state of Kansas. EDG is a wholly-owned subsidiary of EDE and provides natural gas utility service throughout a number of Missouri counties. A certified copy of EDG’s Certificate of Authority to do business as a foreign corporation evidencing EDG’s authority to conduct business in Missouri was submitted in Case No. GO-2006-0205 and is incorporated herein by this reference. The information on such Certificate is currently applicable and correct.

7. Liberty Water is a Missouri limited liability company and provides water and sewer services to customers in its Missouri service areas, as certificated by the Commission. Liberty Water currently serves approximately 3,300 water and/or sewer customers in Missouri. A copy of Liberty Water's Certificate of Good Standing was attached as Appendix A to the Joint Application filed in Commission Case No. WM-2018-0023. In Commission Case No. SN-2014-0036, Liberty Utilities filed a fictitious name certificate showing the name "Liberty Utilities" is registered to Liberty Utilities (Missouri Water) LLC. These documents are incorporated by reference and are currently applicable and correct.

8. Midstates is a corporation organized and existing under the laws of the state of Missouri and is primarily engaged in the business of distributing and transporting natural gas to approximately 55,000 customers in the West, Northeast and Southeast portions of Missouri. A Certificate of Good Standing evidencing Midstates' standing to do business in Missouri was attached as Exhibit 1 to the Application filed in Case No. GE-2019-0251. The information on such Certificate is currently applicable and correct.

9. Each Movant is a "public utility," as defined by RSMo. §386.020 and, therefore, is subject to the general regulatory jurisdiction of the Commission as provided by law.

10. The Movants have no pending or final unsatisfied judgments or decisions against them, or any of them, from any state or federal agency or court that involve customer service or rates and that have occurred within the three years immediately preceding the filing of this Motion. The Movants' Annual Reports and assessment fees are not overdue.

Liberty Utilities' Crisis Preparedness

11. Liberty Utilities established a cross-functional task force to closely monitor COVID-19 issues and impacts. The task force had been meeting daily to provide regular updates and discuss developments and conditions within the various service areas. Meetings to provide

regular updates and discuss developments continue, with the task force currently convening three times a week.

12. Because Liberty Utilities' top priority is the health and safety of its employees, its customers, and the communities it serves, a comprehensive plan was enacted in response to the COVID-19 pandemic. The plan presented to employees describes specific details on how to avoid or at least slow the spread of the virus. The plan covers the importance of washing hands, not shaking hands, and social distancing. It also includes the cessation of all non-essential travel and the conduction of meetings electronically.

13. Guidelines were developed to support frontline employees on how to mitigate business and health risks - such as the required use of nitrile gloves by Customer Service Representatives when handling cash and increased cleaning processes for high traffic areas. Employees providing essential safety, security, and reliability services were also provided guidance and risk-mitigation support. Additionally, information technology infrastructure was enhanced to ensure adequate bandwidth and support is available to allow the increased offsite workload. The supply chain team continues to monitor and assess the impact of COVID-19 on critical materials.

14. Additionally, Business Continuity Plans were established and refined for all departments (finance, engineering, operations, regulatory, etc.), ensuring that critical services can continue to be provided in the event of widespread illness.

Request for Temporary Variances

15. To the extent required, and to help mitigate the financial hardships felt by their customers during the COVID-19 pandemic, the Movants request temporary variances from the Commission's rules and their tariffs related to disconnects and late payment fees. Specifically, the Movants request temporary variances from the following tariff provisions:

Utility	PSC Mo. Tariff No(s).	Disconnection Sheet No.	Late Payment Sheet No.
EDE – Electric	5	Section 5, 1 st Revised Sheet No. 34	Section 5, 7 th Revised Sheet No. 3
EDE – Water	4	Section 2, 1 st Revised Sheet No. 14	Section 1, Original Sheet No. 3
EDG	2	1 st Revised Sheet No. R-20, Sect. 2.07(F)	1 st Revised Sheet No. R-41
Liberty Water – Water and Sewer	7-15	Original Sheet Nos. 5 and 17	Original Sheet Nos. 5 and 25
Midstates Gas	2	Original Sheet No. 88	Original Sheet No. 78

16. Each Movant requests a temporary variance in each of the tariffs above for the Rules and Regulations regarding discontinuance of service, with the exception for cases of tampering, unauthorized interference, or if health or safety is at risk.

17. Each Movant also requests a temporary variance in each of the tariffs above for the Rules and Regulations regarding the application of a late payment fee or late payment charge on any outstanding customer bills for any reason on each rate schedule.

18. EDE also requests a temporary variance related to its Low-Income Pilot Program, PSC Mo No. 5, Section 4, Original Sheet No. 24. The Low-Income Pilot Program, which took effect February 28, 2017, provides assistance to participants by waiving the customer charge. To remain eligible, a participant cannot be more than 60 days behind in payments. Due to the impact of COVID-19, EDE seeks a temporary variance from this requirement, so that participants may remain in the program even if more than 60 days past due.

19. The Movants will continue to monitor the pandemic. As it becomes apparent that the outbreak is waning and normal routines may be reinstated, the Movants will examine the reinstatement of these fees and requirements. The Movants will provide at least 14 days' notice before these fees and requirements are reinstated. The Movants are committed to implementing flexible credit and collections procedures following the end of the declared emergency and until customers and the Company are able to return to more traditional operations.

Request for Approval of Temporary Tariffs

20. EDE-electric and water, Liberty Water-water and sewer, and EDG also seek approval of temporary tariffs which will allow the utilities to provide a bill credit to any customer that uses a credit or debit card to pay the customer's electric bill online. The credit would be equal to the amount directly charged to the customer by the third party payment processing company and paid by the customer. Currently, residential customers are directly charged \$2.25 and commercial customers are directly charged \$13.00 when they pay their utility bills online using debit or credit cards.

21. The proposed tariff sheets are attached hereto as Exhibit A, and provide for the credits to be available for sixty days following the effective dates. The tariffs were also submitted separately through EFIS with proposed effective dates thirty days after filing.

Motion for Waiver – 60-Day Notice Requirement

22. Commission Rule 20 CSR 4240-4.017(1) provides that "(a)ny person that intends to file a case shall file a notice with the secretary of the commission a minimum of sixty (60) days prior to filing such case." A notice was not filed 60 days prior to the filing of this Motion, and, as such, the Movants seek a waiver of the 60-day notice requirement.

23. Commission Rule 20 CSR 4240-4.017(1)(D) provides that a waiver may be granted for good cause. In this regard, although the Movants have kept the Staff of the Commission and the Office of the Public Counsel informed regarding the Movant's responses to the COVID-19 pandemic, the Movants declare that they have initiated no communications with the Office of the Commission (as defined in Commission Rule 20 CSR 4240-4.015(10)) within the prior 150 days regarding any substantive issue likely to be in this case. Commission Advisory Staff has, however, reached out to the Movants regarding crisis preparedness.

24. It would serve no purpose to delay the Commission's consideration of the Movants' Motion for Temporary Variances and Request for Approval of Temporary Tariffs, and the best interests of the Movants' customers will be served if the Commission is able to act quickly on the Movants' requests regarding the COVID-19 pandemic.

WHEREFORE, the Movants request an order of the Commission waiving the 60-day notice requirement of Rule 4.017(1) and granting temporary variances from their various tariff provisions, as set forth above. The Movants request such additional and further relief as is just and proper under the circumstances.

/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

VERIFICATION

On behalf of the Movants, and pursuant to Commission Rule 20 CSR 4240-2.060(1)(M), the undersigned, upon her oath and under penalty of perjury, hereby states that the above Motion is true and correct to the best of her information, knowledge, and belief.

/s/ Sheri Richard _____
Sheri Richard
Director of Rates and Regulatory Affairs
Liberty Utilities Central Region

CERTIFICATE OF SERVICE

I hereby certify that the above document was filed in EFIS on this 23rd day of April, 2020, and electronically delivered to the Staff of the Commission and the Office of the Public Counsel.

/s/ Diana C. Carter

THE EMPIRE DISTRICT ELECTRIC COMPANY

P.S.C. Mo. No. 5 Sec. 3 Original Sheet No. 5A
 Cancelling P.S.C. Mo. No. _____ Sec. _____ Original Sheet No. _____
 For ALL TERRITORY

Credit Action Fees
Schedule CA

AVAILABILITY

This schedule is available for Residential and Commercial service customers who pay their bill online using debit or credit cards and are directly charged a fee for said use. The purpose of this schedule is to reimburse customers for the cost of third party payment processing company fees the customer pays at the time of bill payment.

The credit on the customer account will be equal to the amount directly charged to the customer by the third party payment processing company and paid by the customer as part of their remittance to the third party payment processing company. The credit to the customer bill will be provided to the customer’s account once validation from the third party payment processing company is received by Empire.

Residential customer	credit of (\$2.25) per bill
Commercial customer	credit of (\$13.00) per bill

DURATION

The credit will remain available for sixty days following the effective date of the tariff.

DATE OF ISSUE _____ DATE EFFECTIVE _____

ISSUED BY Sheri Richard, Director Rates and Regulatory Affairs, Joplin, MO

STATE OF MISSOURI, PUBLIC SERVICE COMMISSION

THE EMPIRE DISTRICT ELECTRIC COMPANY

P.S.C. Mo. No. 4 Sec. 2 Original Sheet No. 11 b

Cancelling P.S.C. Mo. No. _____ Sec. _____ Sheet No. _____

For All Territory

RULES AND REGULATIONS

AVAILABILITY

This schedule is available for Residential and Commercial service customers who pay their bill online using debit or credit cards and are directly charged a fee for said use. The purpose of this schedule is to reimburse customers for the cost of third party payment processing company fees the customer pays at the time of bill payment.

The credit on the customer account will be equal to the amount directly charged to the customer by the third party payment processing company and paid by the customer as part of their remittance to the third party payment processing company. The credit to the customer bill will be provided to the customer's account once validation from the third party payment processing company is received by Empire.

Residential customer	credit of (\$2.25) per bill
Commercial customer	credit of (\$13.00) per bill

DURATION

The credit will remain available for sixty days following the effective date of the tariff.

DATE OF ISSUE April 23, 2020 DATE EFFECTIVE May 23, 2020

ISSUED BY Sheri Richard, Director Rates and Regulatory Affairs, Joplin, MO

STATE OF MISSOURI, PUBLIC SERVICE COMMISSION

P.S.C. Mo. No. 2 Sec. _____ Original Sheet No. R-53.a

Cancelling P.S.C. Mo. No. _____ Sec. _____ Original Sheet No. _____

THE EMPIRE DISTRICT GAS COMPANY

JOPLIN, MO 64802

For All Territory

RULES AND REGULATIONS
GAS

AVAILABILITY

This schedule is available for Residential and Commercial service customers who pay their bill online using debit or credit cards and are directly charged a few for said use. The purpose of this schedule is to reimburse customers for the cost of third party payment processing company fees the customer pays at the time of bill payment.

The credit on the customer account will be equal to the amount directly charged to the customer by the third party payment processing company and paid by the customer as part of their remittance to the third party payment processing company. The credit to the customer bill will be provided to the customer's account once validation from the third party payment processing company is received by Empire.

Residential customer	credit of (\$2.25) per bill
Commercial customer	credit of (\$13.00) per bill

DURATION

The credit will remain available for sixty days following the effective date of the tariff.

DATE OF ISSUE April 23, 2020 DATE EFFECTIVE May 23, 2020

ISSUED BY Sheri Richard, Director Rates and Regulatory Affairs, Joplin, MO

Liberty Utilities (Missouri Water) LLC.
d/b/a Liberty Utilities

All Missouri Service Areas

Name of Issuing Corporation

Community, Town or City

Rules and Regulations Governing Rendering of
Sewer Service

Availability

This schedule is available for sewer service customers who pay their bill online using debit or credit cards and are directly charged a fee for said use. The purpose of this schedule is to reimburse customers for the cost of third party payment processing company fees the customer pays at the time of bill payment.

The credit on the customer account will be equal to the amount directly charged to the customer by the third party payment processing company and paid by the customer as part of their remittance to the third party payment processing company. The credit to the customer bill will be provided to the customer's account once validation from the third party payment processing company is received by Liberty Utilities.

Residential Customer

Credit of (\$2.25) per bill

Commercial Customer

Credit of (\$13.00) per bill

Duration

The credit will remain available for sixty days following the effective date of this schedule.

DATE OF ISSUE April 23, 2020

DATE EFFECTIVE May 23, 2020

Month Day Year

Month Day Year

ISSUED BY Sheri Richard Director Rates and Regulatory Affairs 602 S. Joplin Ave Joplin, MO

Name of officer

Title

Address

Liberty Utilities (Missouri Water) LLC
d/b/a Liberty Utilities

All Missouri Service Areas

Name of Issuing Corporation

Community, Town or City

Rules and Regulations Governing Rendering of
Water Service

Availability

This schedule is available for water Residential and Commercial service customers who pay their bill online using debit or credit cards and are directly charged a fee for said use. The purpose of this schedule is to reimburse customers for the cost of third party payment processing company fees the customer pays at the time of bill payment.

The credit on the customer account will be equal to the amount directly charged to the customer by the third party payment processing company and paid by the customer as part of their remittance to the third party payment processing company. The credit to the customer bill will be provided to the customer's account once validation from the third party payment processing company is received by Liberty Utilities.

Residential Customer
Commercial Customer

Credit of (\$2.25) per bill
Credit of (\$13.00) per bill

Duration

The credit will remain available for sixty days following the effective date of this schedule.

DATE OF ISSUE April 23, 2020
Month Day Year

DATE EFFECTIVE May 23, 2020
Month Day Year

ISSUED BY Sheri Richard Director Rates and Regulatory Affairs 602 S. Joplin Ave Joplin, MO
Name of officer Title Address