

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

In the Matter of The Empire District)	
Electric Company d/b/a Liberty, The)	
Empire District Gas Company, Liberty)	
Utilities (Missouri Water), LLC d/b/a Liberty)	
Utilities, and Liberty Utilities (Midstates)	Case No. AU-2021-0072
Natural Gas) Corp. d/b/a Liberty Utilities)	
for Accounting Authority Orders Allowing)	
the Electric, Gas, Water, and Wastewater)	
Utilities to Record and Preserve Costs)	
Related to COVID-19)	

MISSOURI SCHOOL BOARDS' ASSOCIATION
RESPONSE TO ORDER DIRECTING RESPONSES

Comes Now the Missouri School Boards' Association (hereinafter "MSBA"), by and through counsel, RSBIII, LLC, Richard S. Brownlee, III, and files its Response to Order Directing Responses in the above referenced matter. MSBA states the following:

1. As a matter of background, MSBA is a 501(c)(6) not-for-profit corporation representing 390 school districts in the State of Missouri as a trade association, many of which are located in the Empire District Gas Company and Liberty Utilities' jurisdictional service areas and subject to the natural gas tariff rates of those Companies.

2. In response to the Order Directing Responses, MSBA states as follows:

1) MSBA believes there is a fundamental underlying legal and factual question regarding the proof required of any direct or indirect causal relationship between COVID-19 and a claimed financial implication incurred by the utility.

Related to this question, the standard of proof for the utility and any Commission Order is "...the decision of the [PSC] is reasonable where the order is supported by substantial, competent evidence on the whole record; the decision is not

arbitrary or capricious or where the [PSC] has not abused its discretion.” State ex rel. Praxair, Inc. v. Missouri Pub. Serv. Comm'n, 344 S.W.3d 178, 184 (Mo. banc 2011).

2) MSBA believes the Commission has clearly identified the unique and different utility provisions presented by the potential consolidation.

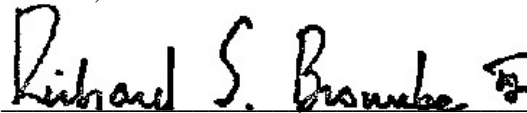
3) MSBA believes there are no long-term administrative efficiencies gained by the consolidation of these four utility applications. The potential problems, proof, and complexities of the record for each utility, including evidence, testimony, exhibits, etc. would seem to be far greater in a consolidated case rather than separate proceedings. The legal mandate in paragraph (1) would seem to require a separate proceeding record for each.

4) MSBA believes there would be little duplication of proof and evidence between the various utilities in separate hearing presentations.

5) MSBA is primarily interested in natural gas issues involving The Empire District Gas Company and Liberty Utilities (Midstates Natural Gas) and has no desire to allocate limited resources in a utility case to which we are not a customer.

WHEREFORE, the Missouri School Boards' Association requests that its Response be a matter of record.

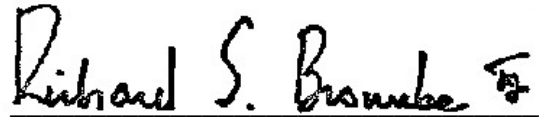
Respectfully submitted,
RSBIII, LLC

A handwritten signature in black ink that reads "Richard S. Brownlee III" with a stylized flourish at the end.

Richard S. Brownlee III, MO Bar #22422
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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed, emailed or hand-delivered to all parties on the official service list for this case on this 23rd day of November, 2020.



Richard S. Brownlee III, Attorney