

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

In the Matter of Empire District Electric Company,)
Empire District Gas Company, Liberty Utilities)
(Missouri Water), LLC d/b/a Liberty Utilities,)
Liberty Utilities (Midstates Natural Gas) Corp.)
d/b/a Liberty Utilities (MNG) Motion for)
Temporary Variances Regarding Electric, Gas,)
Water, and Sewer Tariffs and the Impact of)
COVID-19 on Missouri Customers)

File No. AO-2020-0335

STAFF RESPONSE TO COMMISSION ORDER

COMES NOW the Staff of the Missouri Public Service Commission (“Staff”), by and through the undersigned counsel, and for its *Staff Response to Commission Order* respectfully states as follows:

1. On April 23, 2020, The Empire District Electric Company, The Empire District Gas Company, Liberty Utilities (Missouri Water), LLC d/b/a Liberty Utilities, and Liberty Utilities (Midstates Natural Gas) Corp. d/b/a Liberty Utilities (MNG), all Liberty Companies (collectively, the “Movants”) filed a motion for temporary variance, a request for approval of five (5) temporary tariffs, and a motion for waiver amidst the impact of COVID-19 on Missouri Customers.

2. Staff, in its’ *Staff Recommendation* filed on May 6, 2020, supported and modified the motion for temporary variance, and supported the motion for waiver as filed. Both were approved by the Commission on May 13, 2020. However, Staff and the Office of the Public Counsel (“OPC”), in its *Response* filed on May 9, 2020, recommended rejection of the five (5) temporary tariffs that would allow a bill credit to any customer that uses a credit card or debit card to pay the bills online.

3. As explained in detail in the *Staff Recommendation*, Staff has found that the Movants' currently effective tariffs for its electric, gas, and Empire water operations do not include language or the rate to pay the bill via credit or debit card. It is also Staff's understanding that the fee is paid by the customer directly to the third party vendor, and not handled by the Movants. Further, the issue of including credit card fees in the cost of service versus customers paying this fee directly is to be decided by the Commission in The Empire District Electric Company's active rate case.¹

4. In the Movants' response to *Staff's Recommendation*, filed on May 11, 2020, the Movants' admit all of Staff's concerns to be factual; however, its sole defense for approval of the tariffs is "Staff and OPC have not explained how these facts serve as a basis for denying the Movants' request."

5. The Movants do not explain why the Commission should approve a credit, via tariff, for a charge that is not included in its tariff. The Movants do not explain why the Commission should approve a credit, via tariff, for a fee that is not charged by the Movants. And the Movants do not explain why the Commission should approve a credit, via tariff, that is currently a live issue in an active rate case.

6. Further, in its' *Response*, the OPC states that it "is aware of nothing prohibiting the Movants from electing to absorb such third-party fees without new regulations should the Movants choose to do so." Staff agrees with OPC's statement, and is not saying that the Movants should not issue such a credit; Staff is simply saying that the approval of temporary tariffs is not necessary for the Movants to do so.

¹ ER-2019-0374.

7. However, if the Commission were to approve the proposed tariffs, Staff recommends that no ratemaking treatment be determined regarding the cost of the credit at this time, and the Commission should make this clear if it determines the tariffs should be approved. The Movants expressed no objection to this recommendation.

WHEREFORE, Staff respectfully submits this *Staff Response to Commission Order* for the Commission's information and consideration, and continues to recommend that the Commission reject the five (5) filed temporary tariffs.

Respectfully Submitted,

/s/ Travis J. Pringle

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed, hand delivered, transmitted by facsimile or electronically mailed to all counsel of record this 15th day of May, 2020.

/s/ Travis J. Pringle