

**STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION**

At a session of the Public Service Commission held by internet and phone audio conference on the 13<sup>th</sup> day of May, 2020.

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**

**ORDER APPROVING MOTION FOR VARIANCE AND APPROVAL OF  
TARIFFS**

Issue Date: May 13, 2020

Effective Date: May 23, 2020

On April 23, 2020, The Empire District Electric Company (EDE), The Empire District Gas Company, Liberty Utilities (Missouri Water) LLC (Liberty Water) and Liberty Utilities (Midstates Natural Gas) Corp. (Midstates), each a Liberty Utilities Company, (collectively Liberty Utilities) filed a motion seeking temporary variances from their tariffs to allow them to continue to forego collection of late-payment fees, to not send collection or disconnection notices, and to reconnect recently disconnected customers during the COVID-19 emergency. EDE, Liberty Water, and EDG also ask the Commission to approve temporary tariff revisions to allow for the payment of credits to customers who use a credit or debit card for electronically submitted payments and are charged a fee for that use. Finally, Liberty Utilities ask for a waiver of the 60-day notice requirement of Commission Rule 20 CSR 4240-4.017(1).

The Commission's Staff filed a recommendation regarding Liberty Utilities' filing on May 6, 2020. Staff advises the Commission to 1) approve Liberty Utilities' request for variance as modified by Staff; 2) reject the tariff filings; and 3) grant the requested variance from the 60-day notice rule. Public Counsel filed its own recommendation on May 7, 2020, expressing agreement with Staff.

Liberty Utilities replied to Staff and Public Counsel's recommendations on May 11, 2020. Liberty Utilities accepts the modifications to the requested variances proposed by Staff, but disagrees with Staff and Public Counsel's recommendation that the proposed tariffs be rejected.

The variances requested by Liberty Utilities, as modified by Staff, with the concurrence of the companies and Public Counsel, relate to the companies' response to the COVID-19 pandemic emergency. The Commission finds the requested variances to be reasonable and will approve them in this order. Because of the pandemic emergency, the Commission also finds good cause to waive the 60-day notice requirement of Commission Rule 20 CSR 4242-4.017(1). The proposed tariffs, to which Staff and Public Counsel object, are distinct from the requested variances and will be addressed in a separate order.

Because these variance need to become effective promptly to address the COVID-19 pandemic emergency, this order will be made effective in ten days.

**THE COMMISSION ORDERS THAT:**

1. Liberty Utilities is granted a waiver from the 60-day notice requirement of Commission Rule 20 CSR-4240-4.017(1).

2. Liberty Utilities is granted a temporary waiver from the following tariff provisions:

Utility	PSC Mo. Tariff Numbers	Disconnection Sheet Number	Late Payment Sheet Number
EDE – Electric	5	Rule F, Section 5, Sheet Nos. 34-37	Section 5, 7 <sup>th</sup> Revised Sheet No. 3
EDE – Water	4	Section 2, Chapter IV – Billing Practices, Paragraph D – Discontinuance of Service	Section 1, Original Sheet No. 3
EDG	2	Section 2.05, 1 <sup>st</sup> Revised Sheet Nos. R-9 through R-13 and Section 2.07 (F), 1 <sup>st</sup> Revised Sheet No. R-20.	1 <sup>st</sup> Revised Sheet No R-41
Liberty Water and Sewer	7-15	Original Sheet No. 5 and Rule 7, Discontinuance of Service by Company	Original Sheets Nos. 5 and 25
Midstates Gas	2	Original Sheet Nos. 88-96	Original Sheet No. 78

The temporary waivers will remain in place until Liberty Utilities determines that the emergency has passed and chooses to terminate the temporary waivers.

3. Liberty Utilities shall notify the Commission 30 days before the temporary waivers are terminated.

4. This order shall be effective on May 23, 2020.



**BY THE COMMISSION**

A handwritten signature in black ink that reads "Morris L. Woodruff". The signature is written in a cursive, flowing style.

Morris L. Woodruff  
Secretary

Silvey, Chm., Rupp, Coleman, and  
Holsman CC., concur.  
Kenney, C., absent

Woodruff, Chief Regulatory Law Judge