

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

Beverly Roberson,)	
)	
Complainant,)	
)	
v.)	<u>File No. EC-2010-0258</u>
)	
The Empire District Electric Company,)	
)	
Respondent.)	

**EMPIRE’S ANSWER TO COMPLAINT
AND REQUEST FOR STAFF INVESTIGATION**

COMES NOW The Empire District Electric Company (“Empire” or “Respondent”), by and through its counsel, and, pursuant to 4 CSR 240-2.070, respectfully states the following to the Missouri Public Service Commission (“Commission”) as its answer and affirmative defenses to the Complaint filed by Beverly Roberson (“Complainant”):

1. Empire admits that it is a public utility subject to the jurisdiction of the Commission, as provided by law.
2. Correspondence, communications, orders and decisions regarding this matter should be addressed to the undersigned counsel and:

Terry L. Oliver, Director
Customer Service Dept
The Empire District Electric Company
602 Joplin Street
P.O. Box 127
Joplin, MO 64802
(417) 625-4242
toliver@empiredistrict.com

COMPLAINT AND RELIEF SOUGHT

3. Complainant alleges that her billed usage is inaccurate (i.e. too high). She requests a bill credit or, in the alternative, to be charged for her actual usage.

ANSWER

4. Ms. Roberson became a customer of Empire 210 N. Kentucky in August of 2009. She has just completed her first winter at this address. This residence is heated with electricity (a heat pump). There were 28 days in December 2009 when temperature lows were at freezing or below. This makes December 2009 a colder than normal month when compared to December of 2008 and when compared to the 30 year normal (13% colder). Similarly, January and February of 2010 were colder than January and February of 2009 and colder than the thirty year normal (See Appendices A and B). January was 10.2% colder than the thirty year normal and February was 20.6% colder than the thirty year normal.

5. Appendix C¹ contains the billing reads for 210 N. Kentucky during the time that Ms. Roberson has been a customer at this address. Ms. Roberson's usage was 1,515 kwh during the 30 day period from November 23, 2009 to December 23, 2009. Her usage was 2,763 kwh during the 34 day period from December 23, 2009 to January 26, 2010.

6. Appendix D contains the billing reads for 210 N. Kentucky beginning in December of 2002 and continuing through January of 2010. Over this period of time,

¹ Both this document and Appendix D contain a water mark indicating "Confidential – For Internal Use Only." This watermark is a product of Empire's information system and cannot be removed. In this instance, where the information is not linked to any of the prior customers at 210 N. Kentucky, Empire does not view the document

the winter month meter reads have ranged from roughly 1500 to 3000 kwh. Ms. Roberson's first winter's usage has generally been consistent with the usage at this address over the last eight years.

7. Empire believes the meter readings are accurate. Empire performed a check to confirm the reads and performed a meter test on February 19, 2010. The check revealed readings consistent with those found on Complainant's bill. The meter test revealed that the meter was registering appropriately.

8. Empire is unable to detect an error and would welcome the investigation of the Commission Staff into this matter. Thus, Empire requests that the Commission direct its Staff to conduct an investigation concerning the billed usage at 210 N. Kentucky.

9. Except as expressly admitted in this answer, Empire denies each and every allegation contained in the Complaint.

AFFIRMATIVE DEFENSES

10. Further answering, Empire states that it acted in accordance with its tariffs during the subject time period.

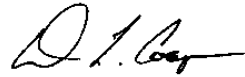
11. Further answering and for its second affirmative defense, Empire states that the Complaint fails to state a claim upon which the requested relief may be granted.

WHEREFORE, having fully answered and set forth its affirmative defenses, Respondent Empire prays the Commission direct its Staff to conduct an investigation

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concerning the billed usage at the subject premises and thereafter grant such other relief as the Commission deems reasonable and just.

Respectfully submitted,



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ATTORNEYS FOR THE EMPIRE DISTRICT
ELECTRIC COMPANY

CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the foregoing document was sent by electronic mail or U.S. Mail, postage prepaid, on April 5, 2010, to the following:

Office of the General Counsel
gencounsel@psc.mo.gov

Beverly Roberson
210 N. Kentucky
Cartersville, MO 64835

Office of the Public Counsel
opcservice@ded.mo.gov

