

Exhibit No.: \_\_\_\_\_  
Issue: Change of Supplier  
Witness: Jeffery Westfall  
Type of Exhibit: Rebuttal Testimony  
Sponsoring Party: The Empire District  
Electric Company d/b/a Liberty  
Case No.: EO-2022-0226  
Date Testimony Prepared: August, 2022

**Before the Public Service Commission  
of the State of Missouri**

**Rebuttal Testimony**

**of**

**Jeffery Westfall**

**on behalf of**

**The Empire District Electric Company d/b/a Liberty**

**August 22, 2022**



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THE EMPIRE DISTRICT ELECTRIC COMPANY  
BEFORE THE MISSOURI PUBLIC SERVICE COMMISSION  
CASE NO. EO-2022-0226

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1 **I. INTRODUCTION**

2 **Q. Please state your name and business address.**

3 A. My name is Jeffery Westfall, and my business address is 602 S. Joplin Avenue, Joplin,  
4 Missouri, 64801.

5 **Q. By whom are you employed and in what capacity?**

6 A. I am employed by Liberty Utilities Service Corp. as the Central Region Senior Director  
7 of Electric Operation – T&D (Transmission & Distribution). My primary  
8 responsibilities include line and substation transmission and distribution operations,  
9 transmission planning and operations, reliability, vegetation, construction design,  
10 dispatch and meters. I am responsible for engineering and maintenance expenses for  
11 the Liberty Central Region electric transmission and distribution assets.

12 **Q. On whose behalf are you testifying in the proceeding?**

13 A. I am testifying on behalf of The Empire District Electric Company (“Liberty” or the  
14 “Company”).

15 **Q. Please describe your professional background.**

16 A. I began my employment with Liberty in December of 1989 in the Building Services  
17 department as a night janitor, switchboard operator, and mail clerk. In August 1990, I  
18 became a warehouseman in the Company’s Stores department. In March of 1991, I  
19 transferred to the Asbury plant where I held the position of Labor and Labor semi-  
20 skilled. I accepted the position of groundman at the service center in Aurora, Missouri  
21 in March 1992. I progressed in classification and obtained Journeyman Lineman status

1 in June of 1995, which I held until I was named Manager of Line Operations in July of  
2 2008. As the Manager of Line Operations, I oversaw the line operations and  
3 maintenance for the Aurora service area, which included managing the workload and  
4 outage response for four line crews and three service trucks. In addition, I was  
5 responsible for the capital and operation and maintenance budgets for the Aurora  
6 service area. In June of 2015, I accepted the position of Director Operations – East  
7 where my responsibilities were expanded to include our four operating areas on the east  
8 side of Empire’s electric service area.

9 In October of 2016, I was promoted to Director of Operations, and my  
10 responsibility was expanded to include all eight of the operating service areas. In  
11 October of 2017, I was named the Central Region Director of Operations – T&D then  
12 in October of 2018 I was named to Sr. Director of Operations T&D which also included  
13 Engineering, Transmission planning and Operations, Meter Shop and Vegetation  
14 Management.

15 **Q. Have you previously testified before the Missouri Public Service Commission**  
16 **(“Commission”) or any other regulatory agency?**

17 A. Yes, I provided testimony before the Commission in Liberty’s last two electric rate  
18 cases, Case No. ER-2019-0374 and Case No. ER-2021-0312. I have also provided  
19 testimony on behalf of the Company before the Oklahoma Corporation Commission.

20 **Q. What is the purpose of your Rebuttal Testimony in this proceeding?**

21 A. I respond to the Application of Jerry L. Countryman for Change of Electric Supplier  
22 that was filed to initiate this proceeding and also respond to Mr. Countryman’s direct  
23 testimony.

1 **II. MR. COUNTRYMAN'S REQUEST**

2 **Q. Is Mr. Countryman a current Liberty customer?**

3 A. Yes. Mr. Countryman is a current customer of Liberty and receives service at his five-  
4 acre homestead located at 451 N. Countryman Road, Ozark, Missouri, 65721, which is  
5 located outside the city limits of Ozark, Missouri ("Countryman Home").

6 **Q. Is Mr. Countryman a new Liberty customer?**

7 A. No, he has received retail residential electric service from Liberty at that location since  
8 the 1970s.

9 **Q. Why does Mr. Countryman seek a change of electric supplier?**

10 A. In his Application, Mr. Countryman requests a change of electric supplier from Liberty  
11 to White River Valley Electric Cooperative ("White River") for the stated reason that  
12 he desires to have one single utility provider.

13 **Q. Please explain.**

14 A. According to his Application, Mr. Countryman inherited the adjoining property to the  
15 Countryman Home, with this newly acquired property being served by White River.

16 **Q. With Mr. Countryman's direct testimony, did he state additional grounds for his  
17 request?**

18 A. No. In his direct testimony, Mr. Countryman reiterates that he would like one single  
19 utility provider for the two pieces of property now owned by him. He explains that he  
20 believes the landowner should have the choice and that he would prefer to have White  
21 River serve both pieces of property.

22 **Q. Are the Countryman Home and the adjoining property within an area subject to  
23 an existing Territorial Agreement between White River and Liberty?**

24 A. No.

1 **III. MISSOURI LAW ON APPLICATIONS FOR CHANGE OF SUPPLIER**

2 **Q. May electric customers in Missouri switch providers between regulated utilities**  
3 **like Liberty and cooperatives like White River?**

4 A. Yes, but only in certain circumstances.

5 **Q. Please explain.**

6 A. Missouri statute §393.106 provides that “(o)nce an electrical corporation or joint  
7 municipal utility commission, or its predecessor in interest, lawfully commences  
8 supplying retail electric energy to a structure through permanent service facilities, it  
9 shall have the right to continue serving such structure, and other suppliers of electrical  
10 energy shall not have the right to provide service to the structure . . .” The statute also  
11 provides that the Commission may order a change of supplier “on the basis that it is in  
12 the public interest for a reason other than a rate differential.”

13 **Q. What is your understanding of the reason for this law?**

14 A. Missouri statute §393.106 is commonly referred to as Missouri’s anti-flip flop law, and  
15 it is my understanding that the purpose of the statute is to prevent customers from  
16 switching back and forth between two available electric suppliers to take advantage of  
17 rate differences.

18 **Q. Has this Commission addressed change of supplier requests in the past?**

19 A. Yes. With previous change of supplier requests, the Commission has conducted a fact-  
20 specific analysis applying a ten factor balancing test.

21 **Q. Does Mr. Countryman’s Application and direct testimony address the ten factors**  
22 **usually considered by the Commission?**

23 A. No, but in his direct testimony, Mr. Countryman states that these factors do not appear  
24 to fit his situation and he asks the Commission to “look outside the box.”

1 **IV. LIBERTY'S POSITION**

2 **Q. Do you believe granting Mr. Countryman's request would serve the public**  
3 **interest?**

4 A. No.

5 **Q. Please explain.**

6 A. Pursuant to the Certificate of Convenience and Necessity granted to Liberty by the  
7 Commission, Liberty continues to provide safe and reliable service to Mr. Countryman  
8 at the Countryman Home. Further, when Liberty loses a customer, its remaining  
9 customers are negatively impacted. This is because Liberty's total cost to provide  
10 electric service to the public is shared by all customers. It is my understanding that a  
11 primary policy reason for the anti-flip flop law is to provide assurance to electric  
12 utilities like Liberty that if they spend money to build facilities to provide service to a  
13 customer, they will be able to keep that customer absent a compelling reason to allow  
14 a change.

15 **Q. Does this conclude your Rebuttal Testimony at this time?**

16 A. Yes.

**VERIFICATION**

I, Jeffery Westfall, under penalty of perjury, on this 22nd day of August, 2022, declare that the foregoing is true and correct to the best of my knowledge and belief.

/s/ Jeffery Westfall