

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

In the Matter of a Motion for an Emergency Order)
Establishing a Temporary Moratorium on Utility) Case No. AO-2021-0164
Discontinuances Regarding COVID-19)

LIBERTY’S RESPONSE TO COMMISSION ORDER AND CCM’S MOTION

COME NOW The Empire District Electric Company (“EDE”), The Empire District Gas Company (“EDG”), Liberty Utilities (Missouri Water) LLC (“Liberty Water”), and Liberty Utilities (Midstates Natural Gas) Corp. (“Midstates”) (collectively, “Liberty”), and respectfully submit to the Missouri Public Service Commission (“Commission”) this response to the Motion for an Emergency Order and Request for Expedited Treatment filed herein by the Consumers Council of Missouri (“CCM”) and the Commission’s *Order Directing Notice and Shortening Time for Responses*.

1. Liberty opposes the grant of CCM’s Motion. Liberty, however, agrees to voluntarily continue working with its customers and employees in order to protect public health and safety while still being able to provide safe and reliable gas, electric, water, and wastewater services at just and reasonable rates.
2. On December 7, 2020, CCM filed its Motion for an Emergency Order and Request for Expedited Treatment requesting the Commission issue a statewide moratorium on the involuntary disconnection or discontinuance of residential service by Commission-regulated electric, gas, and water corporations through at least March 31, 2021. CCM’s motion also requests the Commission order the waiver of any late fees and related costs.
3. CCM points to RSMo. §386.310.1 as purported authority for the Commission, without a hearing, to issue an *Order* directing the electric, gas, and water corporations under the Commission’s jurisdiction to provide service contrary to the Commission’s regulations

and each utility's filed and approved tariffs and at rates that would no longer be based on all relevant factors.

4. Liberty respectfully submits that it would be both unreasonable and unlawful for the Commission to act as urged by CCM. There has been no showing that the Commission's failure to act as urged by CCM would result in the likelihood of imminent threat of serious harm to life or property, and the issuance of the *Order* as requested by CCM would be confiscatory and would constitute an unconstitutional taking of utility property without just compensation and without proper due process of law.
5. As a result of the COVID-19 pandemic, Liberty voluntarily initiated the suspension of service disconnects as of March 16, 2020. At the same time, Liberty began waiving late fees and related costs. This voluntary action by Liberty assisted its customers, aided the protection of the public health and safety, and allowed Liberty time to work with Community Action Agencies and establish assistance programs and appropriate billing arrangements.
6. It was then reasonable, as of mid-July, 2020, for Liberty to begin returning to normal collection practices in Missouri, but with special COVID-19 payment plans and other related process modifications in place. Without the sending of disconnect notices for nonpayment, some customers will be unable to take full advantage of the assistance programs available. Also, and quite significantly, Liberty believes the actions being requested by CCM will harm customers in the long run, leaving community assistance dollars unused and leading to unreasonably high unpaid bills.
7. As noted above, Liberty opposes the grant of CCM's Motion, but Liberty is willing to voluntarily continue working with its customers and employees in order to protect public

health and safety while still being able to provide safe and reliable gas, electric, water, and wastewater services at just and reasonable rates.

8. In light of the COVID-19 pandemic, and in addition to the protections afforded at this time by Missouri's Cold Weather Rule, Liberty, for its electric and gas customers (EDE, EDG, and Midstates) will voluntarily suspend disconnects for nonpayment and not charge late fees and related costs from December 15, 2020 to January 5, 2021.
9. For its water and wastewater customers (Liberty Water), to which the Cold Weather Rule is not applicable, Liberty will voluntarily suspend disconnects for nonpayment and not charge late fees and related costs from December 15, 2020 to February 28, 2021. Please see paragraph 11 for an applicable exception to the voluntary suspension of water service disconnects.
10. For all of its commodities, during these periods of voluntary suspensions of disconnects and late fees and related costs, Liberty intends to still issue disconnect notices, so that customers may continue to take full advantage of assistance programs and will continue to call the utilities in order to make payment arrangements and receive assistance.
11. Additionally, with regard to water and wastewater customers, Liberty intends to remain in compliance with RSMo. §§393.015 and 393.016 and its contracts with other entities (such as municipalities and sewer districts) regarding Liberty's disconnection of water service due to a customer's nonpayment of sewer service being provided by the other entity.

WHEREFORE, Liberty respectfully submits this Response to Commission Order and CCM's Motion and requests such relief as is just and proper under the circumstances.

/s/ Diana C. Carter
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CERTIFICATE OF SERVICE

I hereby certify that the above document was filed in EFIS on this 14th day of December, 2020, with notice of the same sent to all counsel of record.

/s/ Diana C. Carter