

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

WILLIAM L. GEHRS, JR.,)	
)	
Complainant,)	
)	
v.)	File No. EC-2018-0033
)	
THE EMPIRE DISTRICT ELECTRIC)	
COMPANY,)	
)	
Respondent.)	

EMPIRE’S RESPONSE TO COMMISSION ORDER

COMES NOW The Empire District Electric Company (‘Empire’ or the “Company”), by and through counsel, and submits this response to the *Order Directing Filing* issued herein by the Missouri Public Service Commission (“Commission”) on October 3, 2017, and Complainant’s Reply to Staff Recommendation and Report filed herein on September 29, 2017. In this regard, Empire respectfully states as follows:

1. Following its investigation, Staff concluded that Empire has not violated any applicable statutes, Commission rules, or Commission-approved Company tariffs related to the Complaint of William Gehers, Jr. The Memorandum attached to Staff’s Recommendation and Report explains the circumstances that led Staff to reach these conclusions and details Staff’s findings. Empire stated its concurrence with the findings of Staff as set forth in the Memorandum attached to Staff’s Recommendation and Report and its concurrence with the conclusions set forth by Staff in its Recommendation and Report.

2. In paragraph one of Complainant’s Reply to Staff’s Recommendation and Report, Mr. Gehrs asserts that Staff’s Report “fails to address one of Complainant’s main issues being Empire District Electric Company (‘Empire’) failure to uniformly assess multiple customer charge fees to

multiunit apartment buildings in the Joplin, Missouri area which are billed an RG rate. Complainant referenced five (5) properties which contain multiple apartment units which Complainant believes is only billed one customer charge.”

3. In response to Mr. Gehrs’ Complaint filed herein, Empire began investigating the bills and property structures for the other properties referenced by Mr. Gehrs. Empire determined that one of the referenced properties is, in fact, a multi-unit property without separate meters for each unit. As such, that property is now being billed for service as Mr. Gehrs is billed for service (with a customer charge for each unit). Prior to Empire’s investigation done in response to Mr. Gehrs’ Complaint, Empire did not know that the referenced property was a multi-unit property. Empire determined that some of the properties referenced by Mr. Gehrs are multi-unit properties and were already being billed properly. Empire is still investigating one of the properties referenced by Mr. Gehrs. It appears to be a multi-unit property without separate meters for all units, but the owner is refusing Empire access to verify the number of units.

4. In paragraph two of Complainant’s Reply to Staff’s Recommendation and Report, Mr. Gehrs asserts, in part, as follows: “A review of any bill from Empire during the ‘winter season’ does not reflect the reduced kWh block charge about 600 kWh. It would appear to the Customer that Empire is in violation for 8 months out of 12.”

5. The reduced block rate, like the customer charge, is unit-specific. Since the units in Mr. Gehrs’ multi-unit property are not separately metered, Empire determines qualification for the reduced block rate by multiplying the total number of units by 600 kWh. Mr. Gehrs, at all times, has been properly billed pursuant to Empire’s “Residential Service Schedule RG.”

WHEREFORE, Empire respectfully submits this response and requests that the Commission dismiss or deny the Complaint and grant such additional or further relief as is just and proper under the circumstances.

BRYDON, SWEARENGEN & ENGLAND, P.C.

By: /s/ Diana C. Carter
Diana C. Carter MBE# 50527
312 East Capitol Avenue
P. O. Box 456
Jefferson City, Missouri 65102
Telephone: (573) 635-7166
Facsimile: (573) 635-3847
Email: dcarter@brydonlaw.com

CERTIFICATE OF SERVICE

I hereby certify that the above and foregoing document was filed with EFIS on this 10th day of October, 2017, with notice of the same being sent to all counsel of record. A copy of this pleading was also sent by U.S. mail, postage prepaid, to the pro se applicant.

/s/ Diana C. Carter