

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

In the Matter of The Empire District)	
Electric Company d/b/a Liberty, The)	
Empire District Gas Company, Liberty)	
Utilities (Missouri Water), LLC d/b/a Liberty)	
Utilities, and Liberty Utilities (Midstates)	Case No. AU-2021-0072
Natural Gas) Corp. d/b/a Liberty Utilities)	
for Accounting Authority Orders Allowing)	
the Electric, Gas, Water, and Wastewater)	
Utilities to Record and Preserve Costs)	
Related to COVID-19)	

MECG APPLICATION TO INTERVENE

COMES NOW the Midwest Energy Consumers Group (“MECG”), pursuant to 20 CSR 4240-2.075 and the Commission’s September 18, 2020 *Order Directing Notice and Setting Deadline for Intervention Applications*, and for its Application to Intervene in this case, states as follows:

1. On September 17, 2020, The Empire District Electric Company, The Empire District Gas Company, Liberty Utilities (Missouri Water), LLC, and Liberty Utilities (Midstates Natural Gas) Corp. (collectively “Liberty”) applied for accounting authority orders permitting them to track and defer in regulatory assets all incremental costs and other financial impacts specifically including lost revenues related to the COVID-19 pandemic.

2. Midwest Energy Consumer’s Group (“MECG”) is an incorporated entity representing the interests of large commercial and industrial utility customers including those served by Liberty.

3. MECG opposes the issuance of an Accounting Authority Order. While the Commission has allowed for the deferral of costs associated with an extraordinary event, the Commission has typically rejected any request for deferral of “lost revenues” as Liberty now

seeks. For instance, while allowing Missouri Gas Energy to defer incremental costs, the Commission rejected MGE's request to defer alleged "lost revenues" associated with the Joplin tornado.

In support of recording ungenerated revenue on a deferred basis, the Company urges the Commission to look only at whether the tornado was extraordinary. Staff and OPC argue that the AAO sought would not only allow the recording of an item, it would create the item recorded. Staff and OPC are correct.

Actual expenditures exist in the past, present, or future and represent an exchange of value that the Company must record. Ordinarily, the Company records them currently and, if they are extraordinary, the Company must record them in Account 182.3.

The Company's claim is different. Ungenerated revenue never has existed, never does exist, and never will exist. Revenue not generated, from service not provided, represents no exchange of value. There is neither revenue nor cost to record, in the current period nor in any other.¹

Ultimately, Liberty should realize that it is a "public" utility and part of the Missouri community and, instead of attempting to insulate itself by shifting any costs / lost revenues on to its suffering customer base, Liberty should seek to share in the struggles of the "public" and its service area.

4. MECG's intervention will serve the public interest by assisting the record for the Commission's decision in this case.

5. Correspondence or communications regarding this application, including service of all notices and orders of this Commission, should be addressed to:

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¹ Report and Order, Case No. GU-2011-0392, Report and Order, issued January 25, 2012, at page 23-25.

WHEREFORE, MECG respectfully requests that the Commission issue its order granting its Application for Intervention and that it be made a party hereto with all rights to participate in this matter.

Respectfully submitted,

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ATTORNEY FOR THE MIDWEST ENERGY
CONSUMERS' GROUP

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this day served the foregoing pleading by email, facsimile or First Class United States Mail to all parties by their attorneys of record as provided by the Secretary of the Commission.

/s/ David Woodsmall
David L. Woodsmall

Dated: September 21, 2020