

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

In the Matter of the Application of Jerry L.)
Countryman for Change of Electric Supplier)
From Empire District Electric Company) File No. EO-2022-0226
d/b/a Liberty to White River Valley Electric)
Cooperative, Inc.)

**STATEMENT OF POSITION OF
WHITE RIVER VALLEY ELECTRIC COOPERATIVE, INC.**

There is one central issue for the Commission’s determination in this case which can be stated, as it was filed, as follows:

It is in the public interest for a reason other than a rate differential for the Commission to order a change of electric service provider from Empire District Electric Company d/b/a Liberty Utilities (“Liberty”) to White River Valley Electric Cooperative, Inc. (“White River”) for Jerry Countryman’s asserted reason (having only one electric service provider for his two adjacent real estate parcels)?

Mr. Countryman is a current customer of Liberty and receives service at his five-acre homestead located at 451 North Countryman Road, in Ozark, Missouri, which is located just outside of the city limits of Ozark, Missouri. He has received retail residential electric service from Liberty since approximately 1977 at that location. Although he desires White River to serve his home, new facilities must be constructed for a line extension for that purpose. Section 393.106 RSMo. prohibits White River’s service of the Countryman home except as might otherwise be permitted in the context of a municipal annexation or a territorial agreement between Liberty and White River

approved under Section 394.312 RSMo. Because the Countryman home has been permanently served by Liberty for decades, and is not the subject of a current annexation by the City of Ozark, or a territorial agreement between the suppliers in this case, any change of electric supplier must center on a public interest determination. The Application in this case does not set forth persuasive facts that weigh in favor of a definite public interest determination for the Applicant when the Commission's 10-factor test is applied to the matter at hand. The Applicant's desire not to have two (2) electric suppliers, in and of itself, is insufficient, and alone cannot serve as the basis for meeting a public interest reason for a change of electric supplier in this case. Accordingly, White River is anticipating a Commission Order denying the Application and relief requested therein based on Missouri law and controlling PSC regulations.

Respectfully submitted,
CARNAHAN EVANS PC

By _____


Christiaan D. Horton
Missouri Bar No. 46003

CARNAHAN EVANS PC
2805 S. Ingram Mill Road
P.O. Box 10009
Springfield, MO 65808-0009
Phone: (417) 447-4400
Fax: (417) 447-4401
Email: chorton@CarnahanEvans.com
Attorneys for White River Valley Electric Cooperative, Inc.

CERTIFICATE OF SERVICE

The hereby certify that the above document was filed in EFIS on this 26 day of September, 2022, with notice of the same sent to all counsel of record. A copy was also provided by U.S. Mail, postage prepaid to the pro se Applicant and by electronic transmission to counsel for Staff, OPC, The Empire District Electric Company.

Missouri Public Service Commission
Staff Counsel Department
200 Madison Street Suite 800
PO Box 360
Jefferson City, MO 65102
staffcounsel@psc.mo.gov

Office of the Public Counsel
200 Madison Street Suite 650
PO Box 2230
Jefferson City, MO 65102
opcservice@opc.mo.gov

ATTORNEY FOR THE EMPIRE
DISTRICT ELECTRIC COMPANY
D/B/A LIBERTY:
Diana C. Carter, MBE #50527
The Empire District Electric Company
Director of Legal Services – Central Region
428 E. Capitol Ave., Suite 303
Jefferson City, Missouri 65101
Joplin Office Phone: (417) 626-5976
Cell Phone: (573) 289-1961
E: Diana.Carter@libertyutilities.com

Jerry L. Countryman
451 North Countryman Road
Ozark, MO 65721

ATTORNEY FOR WHITE RIVER
VALLEY ELECTRIC COOPERATIVE



Christian D. Horton, MBE #46003
Carnahan Evans PC
2805 S. Ingram Mill Road
Springfield, Missouri 65804
T: 417-447-4400
F: 417-447-4401
E: Chorton@carnahanevans.com