

# BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

In the Matter of The Empire District Electric )  
Company's Request for Authority to File )  
Tariffs Increasing Rates for Electric Service )  
Provided to Customers in its Missouri )  
Service Area )

**File No. ER-2019-0374**

## NOTICE REGARDING AFFIDAVITS

Issue Date: March 23, 2020

On March 21, 2020, The Empire District Electric Company (Empire) filed its Motion for Waiver and Request for Expedited Treatment. Empire states that surrebuttal and true-up direct testimony are due to be filed on March 27, 2020. Commission Rule 20 CSR 4240-2.130(8) requires that pre-filed testimony be accompanied by an affidavit providing the witnesses oath. Empire states that due to Covid-19 safety concerns Empire employees are working remotely to minimize in-person contact. Affidavits are generally verified in-person in front of a Notary Public.

Although Empire has requested a waiver, the Commission interprets its regulatory requirement for an affidavit to be met by means other than notarization. Specifically, section 509.030 RSMo states in part: "Any statutory requirement that pleadings be acknowledged under oath, verified or notarized may be satisfied by a declaration that the pleading is made under penalty of perjury." Likewise, any affidavit that would sufficiently satisfy a state statute would also satisfy a Commission rule. Therefore parties may file

affidavits in this case not verified by a Notary Public with a declaration that the pleading is made under penalty of perjury.



**BY THE COMMISSION**

A handwritten signature in black ink that reads "Morris L. Woodruff". The signature is written in a cursive, flowing style.

Morris L. Woodruff  
Secretary

John T. Clark, Regulatory Law Judge,  
by delegation of authority pursuant to  
Section 386.240, RSMo 2016.

Dated at Jefferson City, Missouri,  
on this 23<sup>rd</sup> day of March, 2020.