

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service Commission held at its office in Jefferson City on the 1st day of September, 2021.

In the Matter of The Empire District Gas)
Company's d/b/a Liberty Request to File Tariffs) **File No. GR-2021-0320**
to Change its Rates for Natural Gas Service) Tracking No.: YG-2022-0040

**ORDER SUSPENDING TARIFF, GIVING NOTICE OF CONTESTED
CASE STATUS, DELEGATING AUTHORITY,
AND SCHEDULING AN EVIDENTIARY HEARING**

Issue Date: September 1, 2021

Effective Date: September 1, 2021

The Commission is suspending the submitted tariff sheets of The Empire District Gas Company d/b/a Liberty (Liberty), giving notice of a contested case, delegating authority, and scheduling the evidentiary hearing. Liberty submitted tariff sheets on August 23, 2021, to produce a net increase in its base distribution rates of approximately \$1.36 million. Liberty proposes a test year of the twelve months ending December 31, 2020, with a proposed true-up through September 30, 2021. The tariff sheets have an effective date of September 22, 2021.

A. Suspension of Tariff

Section 393.150 RSMo (2016), authorizes the Commission to suspend the effective date of proposed tariff sheets for 120 days, plus an additional six months to allow for a hearing. To provide sufficient time to determine if Liberty's proposed tariff sheets are just and reasonable,¹ the Commission will suspend the tariff sheets for 120 days beyond

¹ Section 393.140(5) RSMo. Unless otherwise noted, all statutory references are to the Revised Statutes of Missouri as codified in 2016.

their effective date. The Commission's experience demonstrates that a full hearing cannot be concluded within 120 days, so the Commission will suspend the tariff sheets for an additional six months.²

B. Notice of Contested Case

Suspension of the tariff may occur only pending a "full" hearing and decision on the tariff's propriety.³ The provision for a full pre-decision hearing signifies that this action is now a "contested case."⁴ A contested case is a formal hearing procedure, but it allows for waiver of procedural formalities and a decision without a hearing,⁵ including by stipulation and agreement.⁶ This order and notice does not require any party to file an answer. The Commission's discovery regulations may be found at 20 CSR 4240-2.090.

C. Delegation as to Discovery

The Commission may delegate any adjudicative authority to the regulatory law judge assigned to this action.⁷ To ensure that all discovery disputes are ruled upon expeditiously, the Commission will delegate its authority to the regulatory law judge assigned to this action to rule on discovery disputes raised at the discovery conferences and to rule on all motions to compel discovery. The Commission will set forth further provisions for discovery by separate order when setting a full procedural schedule.

² Section 393.150.2 RSMo.

³ Section 393.150.1 RSMo.

⁴ Section 536.010(4) RSMo.

⁵ Section 536.060 RSMo.

⁶ 20 CSR 4240-2.115.

⁷ Section 386.240 RSMo

THE COMMISSION ORDERS THAT:

1. The proposed tariff sheets, filed under Tracking No. YG-2022-0040, by Liberty, are suspended for 120 days plus six months, until July 20, 2022.

2. The regulatory law judge assigned to this action shall have full authority to rule on any discovery dispute, including any motion to compel, and may make any such ruling at a discovery conference.

3. The evidentiary hearing is scheduled for March 21 through March 25 and March 28 through April 1, 2022.

4. Subject to further orders of the Commission, each conference and hearing shall be held in person at the offices of the Missouri Public Service Commission in Jefferson City, Missouri. If any person needs an accommodation to participate in any conference or hearing, please call the Missouri Public Service Commission's Hotline at 1-800-392-4211 (voice) or Relay Missouri at 711.

5. This order shall be effective when issued



BY THE COMMISSION

A handwritten signature in black ink that reads "Morris L. Woodruff".

Morris L. Woodruff
Secretary

Silvey, Chm., Rupp, Coleman, Holsman, and
Kolkmeier CC., concur.

Graham, Regulatory Law Judge


STATE OF MISSOURI

OFFICE OF THE PUBLIC SERVICE COMMISSION

I have compared the preceding copy with the original on file in this office and I do hereby certify the same to be a true copy therefrom and the whole thereof.

WITNESS my hand and seal of the Public Service Commission, at Jefferson City, Missouri, this 1st day of September, 2021.





Morris L. Woodruff
Secretary

MISSOURI PUBLIC SERVICE COMMISSION

September 1, 2021

File/Case No. GR-2021-0320

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Enclosed find a certified copy of an Order or Notice issued in the above-referenced matter(s).

Sincerely,



**Morris L. Woodruff
Secretary**

Recipients listed above with a valid e-mail address will receive electronic service. Recipients without a valid e-mail address will receive paper service.