

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service Commission held at by internet and audio conference on the 9th day of September, 2020.

In The Matter of the Application of The Empire District Gas Company for a Name Change to The Empire District Gas Company d/b/a Liberty)
)
) **File No. GN-2021-0039**
Tariff No, YG-2021-0026

In The Matter of the Application of Liberty Utilities (Midstates Natural Gas) Corp. d/b/a Liberty Utilities (MNG) for a Name Change to Liberty Utilities (Midstates Natural Gas) Corp. d/b/a Liberty)
)
) **File No. GN-2021-0041**
Tariff No. YG-2021-0025

In The Matter of the Application of Liberty Utilities (Missouri Water) LLC. d/b/a Liberty Utilities for a Name Change to Liberty Utilities (Missouri Water) LLC d/b/a Liberty)
)
) **File No. WN-2021-0042**
Tariff Nos. YW-2021-0028, YW-2021-0029, YW-2021-0030, YW-2021-0031, YW-2021-0032, YW-2021-0033, YW-2021-0034, YW-2021-0035, YW-2021-0038, YW-2021-0039, and YW-2021-0040

In The Matter of the Application of Liberty Utilities (Missouri Water) LLC. d/b/a Liberty Utilities for a Name Change to Liberty Utilities (Missouri Water) LLC d/b/a Liberty)
)
) **File No. SN-2021-0043**
Tariff Nos. YS-2021-0027, YS-2021-0036, and YS-2021-0037

ORDER SUSPENDING TITLE PAGE TARIFFS AND DIRECTING LIBERTY TO FILE ADOPTION NOTICE TARIFFS

Issue Date: September 9, 2020

Effective Date: September 9, 2020

The Empire District Gas Company, Liberty Utilities (Midstates Natural Gas) Corp. d/b/a Liberty Utilities, and Liberty Utilities (Missouri Water) LLC d/b/a Liberty Utilities

(collectively “Liberty Companies”) submitted a notice¹ on August 15, 2020, advising the Commission that they have registered the fictitious name Liberty, and henceforth will operate under the names The Empire District Gas Company d/b/a Liberty, Liberty Utilities (Midstates Natural Gas) d/b/a Liberty, and Liberty Utilities (Missouri Water) LLC d/b/a Liberty. The Liberty Companies filed tariffs on August 17, 2020, that changes the title page of their tariffs to indicate they are now doing business as Liberty Utilities or Liberty. Those tariffs carry an effective date of September 16, 2020.

The Staff of the Commission (Staff) filed a recommendation regarding the Liberty Companies’ notice and tariff on August 31, 2020. Staff explained that Commission Rule 20 CSR 4240-2.060(5) requires a natural gas, electric, water, or sewer utility to file the following information when it changes its name:

- (A) A statement clearly setting out both the old name and the new name;
- (B) Evidence of registration of the name change with the Missouri secretary of state; and
- (C) Either an adoption notice and revised tariff title sheet with an effective date which is not fewer than thirty (30) days after the filing date of the application, or revised tariff sheets with an effective date which is not fewer than thirty (30) days after the filing date of the application.

Staff indicated that the Liberty Companies have not filed an adoption notice as required by Commission Rule 20 CSR 4240-2.060(5)(C), and for that reason, have not complied with the Commission’s rule regarding a name change.

The Liberty Companies responded on August 31, 2020, acknowledging that they have not filed an adoption notice tariff but reasoning that an adoption notice tariff is not required because it is not changing its legal name or ownership, rather it is just adding a new fictitious name. As support for its reasoning, the Liberty Companies note that Union

¹ The notice was originally submitted in File No.AO-2020-0184.

Electric Company apparently was not required to file an adoption notice when it adopted its fictitious name of Ameren Missouri in 2010.

The Liberty Companies misunderstand the applicability of the Commission's regulation. They will be providing service to their customers using the new fictitious name, even though they have not changed their ownership or legal name, and their customers, as well as the Commission itself, must be able to clearly identify the names used by the companies. An argument that Union Electric Company was not required to file such a tariff ten years ago is not persuasive. Most importantly, the regulation by its clear terms, requires the filing of an adoption notice tariff, and the Liberty Companies must do so.

The Liberty Companies have filed tariff sheets to change the title pages of their tariffs to reflect the use of the Liberty fictitious name. Those tariff sheets are not themselves improper, but they should go into effect at the same time as the adoption notice tariffs. Therefore, the Commission will suspend those tariff sheets for thirty days so that the Liberty Companies may file adoption notice tariffs to take effect at the same time as the suspended tariffs.

THE COMMISSION ORDERS THAT:

1. The title page tariffs filed by the Liberty Companies are suspended for thirty days, from September 16, 2020, until October 16, 2020. The tariffs suspended are:

The Empire District Gas Company
P.S.C. MO. No. 2
1st Revised Sheet No 1, Canceling Original Sheet No. 1

Liberty Utilities (Midstates Natural Gas) Corp.
P.S.C. MO. No. 2
3rd Revised Sheet No. 1, Canceling 2nd Revised Sheet No 1

Liberty Utilities (Missouri Water) LLC
P.S.C. MO. No. 7

1st Revised Sheet No. Title Page, Canceling Original Sheet No. Title Page

Liberty Utilities (Missouri Water) LLC
P.S.C. MO. No. 8

1st Revised Sheet No. Title Page, Canceling Original Sheet No. Title Page

Liberty Utilities (Missouri Water) LLC
P.S.C. MO. No. 9

1st Revised Sheet No. Title Page, Canceling Original No. Title Page

Liberty Utilities (Missouri Water) LLC
P.S.C. MO. No. 10

1st Revised Sheet No. Title Page, Canceling Original Sheet No. Title Page

Liberty Utilities (Missouri Water) LLC
P.S.C. MO. No. 11

1st Revised Sheet No. Title Page, Canceling Original Sheet No. Title Page

Liberty Utilities (Missouri Water) LLC
P.S.C. MO. No. 12

1st Revised Sheet No. Title Page, Canceling Original Sheet No. Title Page

Liberty Utilities (Missouri Water) LLC
P.S.C. MO. No. 13

1st Revised Sheet No. Title Page, Canceling Original Sheet No. Title Page

Liberty Utilities (Missouri Water) LLC
P.S.C. MO. No. 14

2nd Revised Sheet No. Title Page, Canceling 1st Revised Sheet No. Title Page

Liberty Utilities (Missouri Water) LLC
P.S.C. MO. No. 15

2nd Revised Sheet No. Title Page, Canceling 1st Revised Sheet No. Title Page

Liberty Utilities (Missouri Water) LLC
P.S.C. MO. No. 16

1st Revised Title Page, Canceling Original Title Page

Liberty Utilities (Missouri Water) LLC
P.S.C. MO. No. 17

1st Revised Title Page, Canceling Original Title Page

Liberty Utilities (Missouri Water) LLC
P.S.C. MO. No. 18

1st Revised Title Page, Canceling Original Title Page

Liberty Utilities (Missouri Water) LLC
P.S.C. MO. No. 19
1st Revised Title Page, Canceling Original Title Page

Liberty Utilities (Missouri Water) LLC
P.S.C. MO. No. 20
1st Revised Title Page, Canceling Original Title Page

2. The Liberty Companies shall file adoption notice tariffs no later than September 16, 2020, to be effective on October 16, 2020.

3. 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., Kenney, Rupp, Coleman, and
Holsman CC., concur.

Woodruff, Chief Regulatory Law Judge