

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI



FILED<sup>2</sup>

JUN 19 2019

William L. Gehrs, Jr., )  
)  
Complainant, )  
)  
vs. )  
)  
The Empire District Electric Company, )  
)  
Respondent. )

File No. EC-2018-0033

Missouri Public  
Service Commission

Staff Exhibit No. 1  
Date 6-14-19 Reporter SCV  
File No. EC-2018-0033

STIPULATION OF FACTS

COMES NOW the Respondent, The Empire District Electric Company ("Empire" or the "Company"), and with the agreement of the Complainant, William L. Gehrs, Jr. ("Mr. Gehrs"), Intervenor Bob Higginbotham ("Mr. Higginbotham"), and the Staff of the Commission, submits the following Stipulation of Facts:

1. Empire is a Kansas corporation with its principal office and place of business at 602 Joplin Street, Joplin, Missouri. Empire is qualified to conduct business and is conducting business in Missouri, as well as in the states of Arkansas, Kansas, and Oklahoma. Empire is engaged, generally, in the business of generating, purchasing, transmitting, distributing, and selling electricity in portions of the referenced four states. Empire's Missouri operations are subject to the jurisdiction of the Commission as provided by law.
2. Empire provides electric service to Mr. Gehrs at the following addresses: 1802 S. Wall Ave. and 201 N. Wall Ave. in Joplin, Missouri, as well as 1081 Alexsandra Circle in Oronogo, Missouri.
3. The property at 1802 S. Wall Ave., a 14-unit apartment building, is the subject of Mr. Gehrs' Complaint (the "Subject Property").
4. The Subject Property was constructed prior to 1981.
5. Empire provides electric service to the Subject Property through a single meter.
6. In this Complaint proceeding, Mr. Gehrs is requesting a "credit to any property owner who paid customer access charges in excess of a single fee per meter" from 1978 to the present. Mr. Gehrs is also requesting the deletion of Paragraph 4 of the Conditions of Service in Empire's Residential Service tariff, Schedule RG - PSC

Mo. No. 5, Sec. 1, Sheet No. 1, which provides: "If this schedule is used for service through a single meter to multiple-family dwellings within a single building, each Customer charge and kWh block will be multiplied by the number of dwelling units served in calculating each month's bill."

7. Service is provided to the Subject Property under Empire's Residential Service tariff, Schedule RG. The Company Rules and Regulations, PSC Mo. No. 5, Section 5, are also applicable to the service provided to the Subject Property.

8. Paragraph 4 of the Conditions of Service in Empire's Residential Service tariff, Schedule RG – PSC Mo. No. 5, Sec. 1, Sheet No. 1, provides as follows: "If this schedule is used for service through a single meter to multiple-family dwellings within a single building, each Customer charge and kWh block will be multiplied by the number of dwelling units served in calculating each month's bill."

9. Empire's Schedule RG, PSC Mo. No. 5, Sec. 1, 19<sup>th</sup> Revised Sheet No. 1, provides for a \$13 customer charge. The \$13 customer charge took effect September 14, 2016.

10. Attached as Exhibit B to Mr. Gehrs' Amended Complaint are two bills for service by Empire to the Subject Property: one from 2006 and one from 2017. The 2006 bill shows a customer charge of \$144.90 (14 units x \$10.35, the customer charge in effect as of March 27, 2005). The 2017 bill shows a customer charge of \$182 (14 units x \$13.00, the customer charge in effect as of September 14, 2016).

11. Commission Rule 4 CSR 240-20.050(2) provides that each residential and commercial unit in a multi-occupancy building shall have a separate meter for each residential or commercial unit, but this rule applies only to buildings where construction began after June 1, 1981.

12. Empire provides electric service to Mr. Higginbotham at 421 W. 3<sup>rd</sup> Street, a 10-unit apartment building which was constructed prior to 1981. A single meter serves the entire 10-unit apartment complex.

WHEREFORE, Empire, on behalf of all parties to this proceeding, submits this Stipulation of Facts.

Respectfully submitted,

/s/ Diana C. Carter

Diana C. Carter MBE #50527

THE EMPIRE DISTRICT ELECTRIC COMPANY

428 E. Capitol Ave., Suite 303

Jefferson City, Missouri 65101

Joplin Office Phone: (417) 626-5976

Cell Phone: (573) 289-1961

E-Mail: Diana.Carter@LibertyUtilities.com

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing document was filed in EFIS on this 31<sup>st</sup> day of May, 2019, with notification sent to all parties.

/s/ Diana C. Carter