

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

In the Matter of Empire District)
Electric Company, Empire District)
Gas Company, Liberty Utilities)
(Missouri Water), LLC d/b/a Liberty)
Utilities, Liberty Utilities (Midstates)
Natural Gas) Corp. d/b/a Liberty)
Utilities (MNG) Motion for)
Temporary Variances Regarding)
Electric, Gas, Water, and Sewer)
Tariffs and the Impact of COVID-19)
on Missouri Customers)

Case No. AO-2020-0335

**The Office of the Public Counsel’s Reply to
Movant’s Response to Commission Order**

COMES NOW the Office of the Public Counsel (“OPC”) and for its reply to the Movants’¹ Response to Commission Order, states as follows:

1. The Movants’ May 11 response does not refute or provide any response to the assertion that Movants can provide the bill credits without specific Commission approval. The Movants also fail to explain why it is otherwise appropriate to add new tariff sheets to already lengthy tariffs when doing so is unnecessary. Without any reasonable basis for approving the tariff sheets, the OPC continues to recommend rejection.

2. The OPC supports Movants having the flexibility to offer bill assistance. In addition to the concerns raised by the Staff, the OPC is

¹ Empire District Electric Company, Empire District Gas Company, Liberty Utilities (Missouri Water), LLC d/b/a Liberty Utilities, and Liberty Utilities (Midstates Natural Gas) Corp. d/b/a Liberty Utilities (MNG) (collectively “Movants”).

additionally concerned that approving the proposed new tariff sheets could suggest, by implication, that future bill assistance is unlawful, unless the Commission authorizes it. The result could be an increase in tariff filings and a new level of micromanaging the utility's ability to assist customers. Rejecting these tariff sheets and concluding the Movants are not otherwise prohibited from offering the credits will guide the Movants and preserve the flexibility of all public utilities regarding similar customer assistance.

WHEREFORE, the Office of the Public Counsel requests an order rejecting the tariff sheets, and concluding that nothing prohibits the Movants from providing the credits without specific Commission authorization to do so. Should the Commission approve the tariff sheets, the OPC agrees with the Staff that no ratemaking determinations should be made in this case.

Respectfully submitted,

OFFICE OF THE PUBLIC COUNSEL

By: /s/ Marc D. Poston

Marc D. Poston (#45722)

Public Counsel

P. O. Box 2230

Jefferson City MO 65102

(573) 751-5318

(573) 751-5562 FAX

marc.poston@opc.mo.gov

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed, emailed or hand-delivered to all counsel of record this 15th day of May 2020.

/s/ Marc Poston
