

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

n the Matter of the Application of John J. Lindsay     )  
for Change of Electric Supplier                             )     **File No. EO-2023-0266**

**STAFF’S REPORT AND RECOMMENDATION**

**COMES NOW** the Staff of the Missouri Public Service Commission (Staff), by and through counsel, reports on its investigation of the John J. Lindsay’s application to change his electric supplier and states Staff’s current position, in light of the evidence presented to the Staff, on the application.

On February 16, 2023,<sup>1</sup> John J. Lindsay filed an application with the Missouri Public Service Commission requesting a change of electric supplier from The Empire District Electric Company, d/b/a Liberty (Liberty) to New-Mac Electric Cooperative (New-Mac). On February 16, the Commission issued a notice to Liberty and New-Mac, joined them as necessary parties, and ordered them to respond to the application no later than March 20. The Commission also ordered Staff to file its recommendation no later than May 3.

Staff has conducted the investigation set out in its Memorandum, filed herewith. The question before the Commission is whether a change of suppliers is in the public interest for a reason other than a rate differential.

Section 393.106, RSMo.2, RSMo states:

Once an electrical corporation or joint municipal utility commission, or its predecessor in interest, lawfully commences supplying retail electric energy to a structure through permanent service facilities, it shall have the right to continue serving such structure, and other suppliers of electrical energy shall not have the right to provide service to the structure except as might be otherwise permitted in the context of municipal annexation, pursuant to section [386.800](#) and

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<sup>1</sup> All date references will be to 2023 unless otherwise indicated.

section [394.080](#), or pursuant to a territorial agreement approved under section [394.312](#). The public service commission, upon application made by an affected party, may order a change of suppliers on the basis that it is in the public interest for a reason other than a rate differential.

The technical staff's investigation, findings and recommendations are set out in its Official Case File Memorandum filed contemporaneously herewith.

**WHEREFORE**, Staff prays the Commission to accept this pleading and technical staff's official case file memorandum as complying with its orders.

**Respectfully Submitted,**

/s/ *Paul T. Graham* #30416

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#### **CERTIFICATE OF SERVICE**

The undersigned by his signature below certifies that the foregoing pleading was served upon all persons who have entered an appearance of record in this matter on this May 3, 2023, by electronic filing in EFIS.

/s/ *Paul T. Graham*