

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

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

## ORDER DIRECTING NOTICE, ADDING PARTIES, AND DIRECTING RESPONSES TO APPLICATION

Issue Date: February 16, 2023

Effective Date: February 16, 2023

On February 16, 2023, 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).

The Commission will direct its Data Center to send notice of the application to Liberty and New-Mac. Because they are necessary parties, Liberty and New-Mac will be joined as parties to this proceeding and will be directed to file responses to the application. The Commission will also direct the Staff of the Commission (Staff) to file a recommendation.

**THE COMMISSION ORDERS THAT:**

1. The Commission's Data Center shall send a copy of this order, with a copy of the application, to Liberty and New-Mac.
2. The Liberty and New-Mac are made parties to this proceeding and shall each file a response to the application no later than March 20, 2023.
3. Staff shall file its recommendation regarding the application no later than April 3, 2023.
4. This order shall be effective when issued.



**BY THE COMMISSION**

A handwritten signature in black ink that reads "Morris L. Woodruff". The signature is written in a cursive style.

Morris L. Woodruff  
Secretary

Ross Keeling, Regulatory Law Judge  
by delegation of authority pursuant to  
Section 386.240, RSMo. 2016.

Dated at Jefferson City, Missouri,  
on this 16<sup>th</sup> day of February, 2023.

FEB 16 2023

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURIMissouri Public  
Service Commission

In the matter of the application of )

John J Lindsay  
(Name of Applicant)

Case No. \_\_\_\_\_

for change of electric supplier. )

APPLICATION FOR CHANGE OF ELECTRIC SERVICE PROVIDER1. Applicant's address is: 12201 Hammer Rd (Stage Stop Campground),12201 Hammer Rd (well house), 12012 Karma Ln (Liberty), 12013 Karma Ln  
12013 Karma Ln Apt (New Mac), 12041 Hammer Rd → Neosho, MO 64850 (New Mac)

2. The name of Applicant's current electric service provider is: \_\_\_\_\_

Liberty Utilities + New-Mac Electric3. Applicant requests the Missouri Public Service Commission to order a change  
of electric supplier to the address indicated above.4. Applicant requested the Commission to order a change of electric supplier  
from Liberty Utilities  
(Current)to New Mac Electric - only  
(Requested)5. Applicant requests the Missouri Public Service Commission to order a change  
of electric provider for the following reasons.\* See Schedule A attachment


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6. Applicant has taken the following steps in an attempt to work out electric service problems with the electric service provider: Called and complained  
about power surges and power company  
representative said, "This type of thing  
happens, and it only lasts for a few  
seconds"

WHEREFORE, Applicant requests the Missouri Public Service Commission to issue an Order which changes the current electric service provider.

12-14-23  
(Date)

  
(Signature of Applicant)

417-455-1221  
(Phone Number)

\*If reason for change is poor service, outages, low voltage, etc., applicant should submit a record of service problems covering at least 90 days, including dates and times of problems to the extent possible. Applicant should also attempt to determine reasons for any service problems. For instance, if electric service was out or you are experiencing blinking lights, you should contact the supplier of electric service to determine the problem, and include this information with the application. (If the reasons from the supplier was a storm, car hitting pole, trees in line, conductor fell down, or whatever the supplier states for the problem, this should be noted.)

STATE OF MISSOURI

COUNTY OF Newton

)  
)  
) SS.

**VERIFICATION**

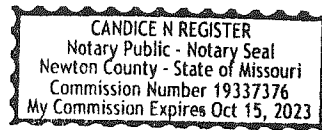
John Ludwig, on oath, states that he she has read the foregoing application and is familiar with its contents and the matters set forth therein are true to the best of his her knowledge, information and belief.

[Signature]  
(Signature of Applicant)

SWORN TO BEFORE ME, the undersigned Notary Public on this the 14  
day of February ce 2023  
19.

Candice N. Register  
Notary Public

My Commission Expires: 10/15/2023



**INFORMATION ON PUBLIC SERVICE COMMISSION PROCEDURE  
FOR PRO SE CHANGE OF SUPPLIER APPLICANTS**

*Pro se* applicants are applicants who choose to represent themselves before the Public Service Commission rather than being represented by an attorney. This attachment is intended to give *pro se* applicants information on Commission procedures for applicants for a change of electric supplier. However, it is still the responsibility of *pro se* applicants to educate themselves about Commission procedures. "Parties who represent themselves must satisfy all relevant rules of procedure; they are entitled to no indulgence they would not have received if represented by counsel." *Sutton v. Kestler*, 930 S.W.2d 516, 517 (Mo. App. 1996). Enclosed please find a copy of the Commission's rules on Practice and Procedures. You will be expected to follow these rules.

Generally, there will be five parties in a change of supplier case: (1) the applicant; (2) the applicant's current electric supplier; (3) the electric supplier to whom the applicant wishes to change; (4) the Staff of the Commission; and (5) a representative of the Office of the Public Counsel. The Staff of the Commission is a separate party and will make an independent recommendation to the Commissioners. However, the Commissioners will make the ultimate decision. The Office of the Public Counsel represents the general public before the Commission. Neither the Staff of the Commission nor the Office of the Public Counsel represents the applicant, and neither will act as applicant's attorney nor give substantive advice to the applicant. The Office of the Public Counsel and Staff will try to answer any questions an applicant may have about Commission procedure. The applicant should also be aware that if any pleading or

correspondence is to be filed with the Commission, a copy of that document must be sent to all the other parties.

Other parties may request information from the applicant through the Commission discovery procedure, which is similar to what is allowed in court cases. The purpose of discovery is to find out generally what evidence a party intends to present at a hearing, or what a party's witnesses may be expected to testify at a hearing. All parties, including the *pro se* applicant, may engage in discovery, in accordance with the Commission's rules.

If there are contested matters, the Commission will hold a hearing.

At the hearing, the *pro se* applicant can expect the following procedure: Each party will be allowed to make a brief opening statement. Then the applicant will present evidence. If applicants expect to take the stand to testify on their own behalf, they will have to testify in narrative form, since there will be no attorney to ask them questions. If the applicant intends to put a witness on the stand, applicant will have to ask nonleading, direct examination questions to elicit the witness's testimony.

All witnesses will be asked to give an oath or affirmation, and any witness may be questioned by the Commissioners or the Administrative Law Judge. All witnesses are subject to cross-examination by the other parties. All witnesses should have personal knowledge of the subject of their testimony. Applicants should bring to the hearing at least thirteen copies of any exhibit or document they intend to offer into evidence.

After the applicant has presented evidence, the other parties will be allowed to present their evidence. Then the parties will give their closing statements. Sometimes the Commission wishes to have briefs instead of closing statement. This is unlikely in the

typical change of supplier case, but if briefs are requested the procedure will be explained at the time of the hearing.

In applications for change of electric suppliers, the Commission considers a number of factors in making its decision, including, but not limited to the following:

1. Whether the customer's needs can be adequately met by the present supplier with respect to either the amount or quality of the power;
2. Whether there are health or safety issues involving the amount or quality of power;
3. What alternatives the customer has considered, including alternatives with the present supplier;
4. Whether the customer's equipment has been damaged or destroyed as a result of a problem with the electric supply;
5. The effect the loss of the customer would have on the present supplier;
6. Whether a change in supplier would result in a duplication of service or facilities, especially in comparison with alternatives available from the present supplier, a comparison which could include: (a) the distance involved and cost of any new extension, including the burden on others -- for example, the need to procure private property easements; and (b) the burden on the customer relating to the cost or time involved, not including the cost of the electricity itself;
7. The overall burden on the customer caused by the inadequate service, including any economic burden not related to the cost of the electricity itself, and any burden not considered with respect to factor 6(b) above;



8. What efforts have been made by the present supplier to solve or mitigate the problem;
9. The impact the Commission's decision may have on economic development, on an individual or cumulative basis; and
10. The effect the granting of authority for a change of suppliers might have on any territorial agreements between the two suppliers in question, or on the negotiation of territorial agreements between the suppliers.

The applicant should try to address these factors when presenting testimony at the hearing.

# Schedule A

John J Lindsay  
12013 Karma Lane  
Neosho, MO 64850  
(417) 455-1221  
[jandlundergroundconstruction@gmail.com](mailto:jandlundergroundconstruction@gmail.com)

02/09/2023

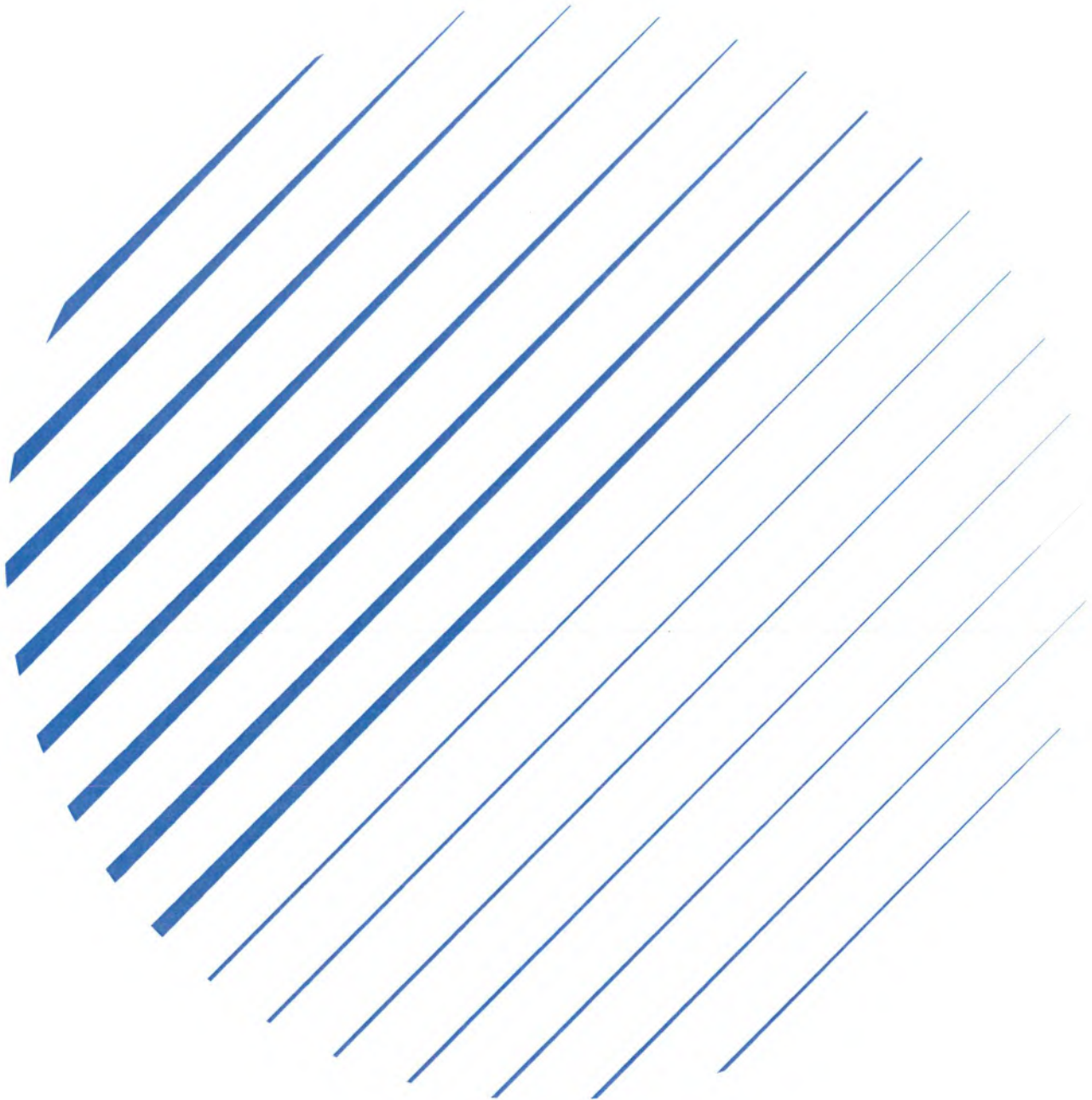
To Whom It May Concern,

My name is John Lindsay. I own two small businesses outside of the city limits of Neosho, MO residing in the county of Newton. I have lived at my residential home for 20 years whereas I acquired the adjoining property next to me approximately 7 years ago. The adjoining property was already an established business running as Stage Stop Campground. As a business owner, it is important to me that I can provide quality services to the customers who pay to use these facilities. I am in a unique position where my businesses and residential home are all connected to one another by property boundaries, but I also have two separate power companies at each one. One power company (New Mac Electric) provides services to my residential home at 12013 Karma Ln and two-story shop which outperforms the other power company (Liberty Utilities) that provides services to the campground RV sites, the shower house, community well house, and a secondary rental home at 12012 Karma Lane. Over the past 7 years of owning Stage Stop Campground, I have noticed several issues with the power provided to us by Liberty Utilities.

- The internet at Stage Stop Campground is constantly being interrupted with power flickers which increases the chances of customers losing data on their home/business computers and the loss of files that have not been backed up while in the process of working on their documents. A complaint of this magnitude on social media could be devastating to such a small campground.
- I have had to replace multiple printers in the office at Stage Stop Campground because I have had full power surges (lights flickering completely off and then coming back on suddenly) which is not the proper way to shut down the printer and/or computers.
- I have had multiple video camera systems burned up completely at Stage Stop Campground. This includes the cameras themselves, internet routers, GFI's, and RV inverters. It is difficult to explain to the customers that this is a common occurrence for the power company to have flickers while I am unable to do anything about their \$200.00 inverter which has been burned out. I am also putting customers at risk when the cameras are out of service because I am not able to properly surveillance who is coming and going.
- I have had to replace sewer pumps twice in the last 7 years. A normal life span for these types of pumps should be around 10 to 15 years. When a device shuts off and kicks back on under a load, this causes distress on the pump.
- The power surges have burned up a pressure switch and one of the controllers on the well in the last 7 years.

I have spoken with a representative from Liberty Utilities in the past with the only explanation to be "This type of thing happens, and it only lasts for a few seconds". Clearly, Liberty Utilities is not looking at the long-term effects that these surges cause over time. On the other hand, I have had New Mac Electric at my primary residence and I never these types of problems at my home. I have had loss of power through New-Mac Electric due to an ice storm and my power was back on within 30 minutes while the campground was out of power for days. I am attaching meter readings with proof of loss of power, and I respectfully request permission to switch the existing power of each property from Liberty Utilities to New-Mac electric based on evidence provided.

# Property Boundaries







*Property 1  
Stage stop  
campground*

**LINDSAY JOHN JAY & LEAH ANN**

Owner

**12201 HAMMER**

Address

**16-5.0-15-000-000-006.001**

Parcel ID



## LINDSAY JOHN JAY & LEAH ANN

Owner

**12201 HAMMER**

Address

**16-5.0-15-000-000-006.001**

Parcel ID

*Property 1  
Stage Stop Campground*

🕒 UPDATED 2022-Q3

➤ SEND

### 🏠 LOCATION

Neosho  
Newton, MO  
Neosho R-V School District

### 🏷️ VALUE

<b>\$27,440</b>	-	<b>\$0</b>
Market Value	Building	Land

### 📏 LAND

<b>3.24</b>	<b>3.24</b>
Deeded Acres	Calculated Acres
<b>Commercial</b>	-
Residential	Land Use Class
-	<b>15-25N-32W</b>
Land Use Code	Section-Township-Range
	<b>1172 ft</b>
	Elevation





**LINDSAY JOHN & LEAH**

Owner

**12013 KARMA**

Address

**16-5.0-15-000-000-006.007**

Parcel ID

*Property 2  
Sal underground/  
Primary Residence*

🕒 UPDATED 2022-Q3

➤ SEND

🏠 LOCATION

Neosho  
Newton, MO  
Neosho R-V School District

🏷️ VALUE

<b>\$22,840</b>	-	<b>\$0</b>
Market Value	Building	Land

📏 LAND

<b>1.59</b>	<b>1.48</b>
Deeded Acres	Calculated Acres
<b>Commercial</b>	-
Residential	Land Use Class
-	<b>15-25N-32W</b>
Land Use Code	Section-Township-Range
	<b>1177 ft</b>
	Elevation



*Property 3  
Rental Home*

**LINDSAY JOHN & LEAH**

Owner

**12012 KARMA**

Address

**16-5.0-15-000-000-006.011**

Parcel ID





**LINDSAY JOHN & LEAH**

Owner

**12012 KARMA**

Address

**16-5.0-15-000-000-006.011**

Parcel ID

 UPDATED 2022-Q3

 SEND

 LOCATION

Neosho  
Newton, MO  
Neosho R-V School District

 VALUE

<b>\$27,860</b>	<b>-</b>	<b>\$0</b>
Market Value	Building	Land

 LAND

<b>1.55</b>	<b>1.56</b>
Deeded Acres	Calculated Acres
<b>Residential</b>	<b>-</b>
Residential	Land Use Class
<b>-</b>	<b>15-25N-32W</b>
Land Use Code	Section-Township-Range
<b>1181 ft</b>	
Elevation	





## LINDSAY JOHN & LEAH

Owner

### No Situs Address

Address

16-5.0-15-000-000-007.001

Parcel ID

🕒 UPDATED 2022-Q3

➤ SEND

### 🏠 LOCATION

Neosho  
Newton, MO  
Neosho R-V School District

### 🏷️ VALUE

\$0	-	\$0
Market Value	Building	Land

### 📏 LAND

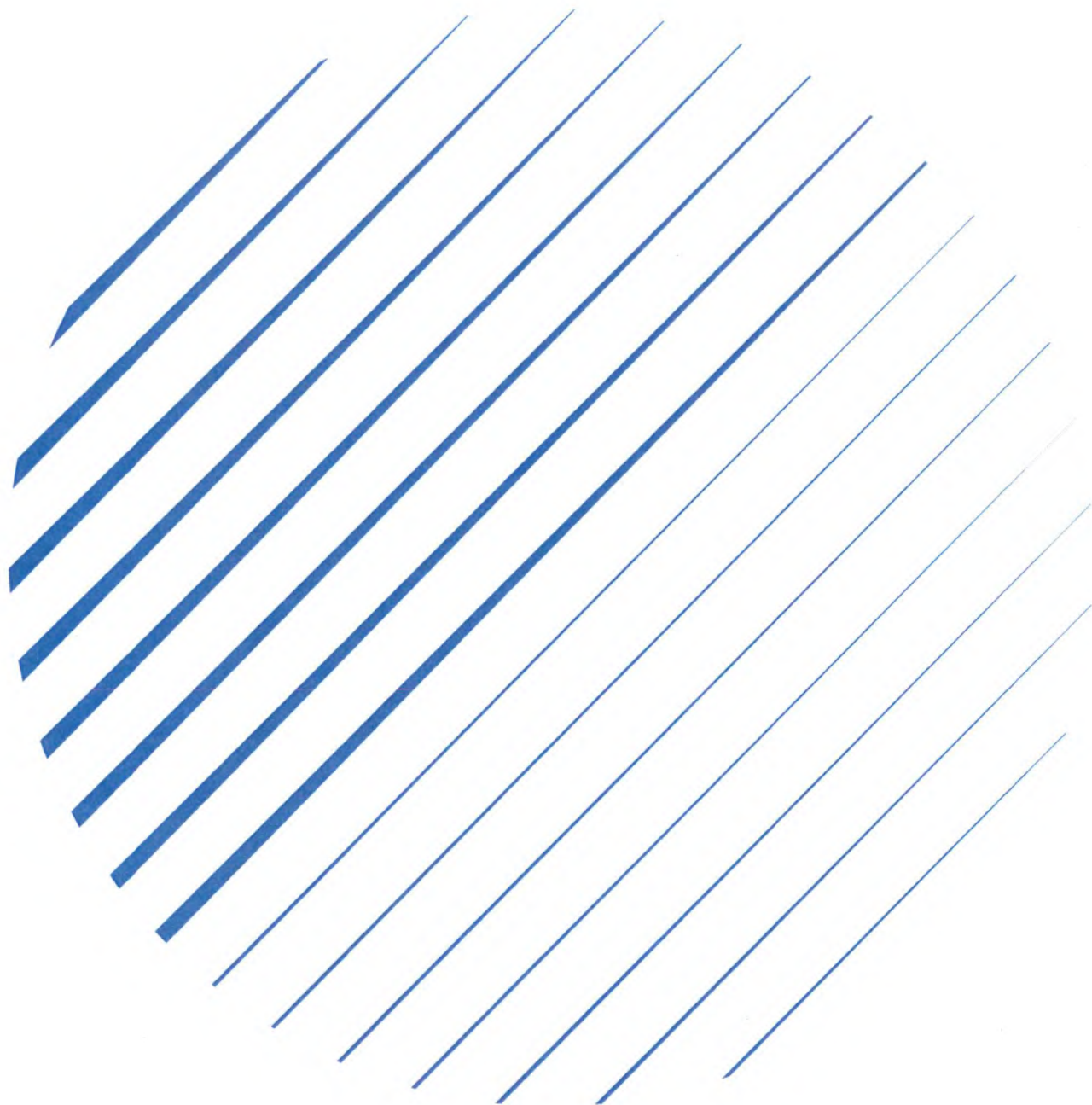
0.25	0.25	-
Deeded Acres	Calculated Acres	Residential

-	-
Land Use Class	Land Use Code
15-25N-32W	1182 ft
Section-Township-Range	Elevation

### 📈 COVERAGE

*Property 4  
No Service - will  
be new-mac  
in future*

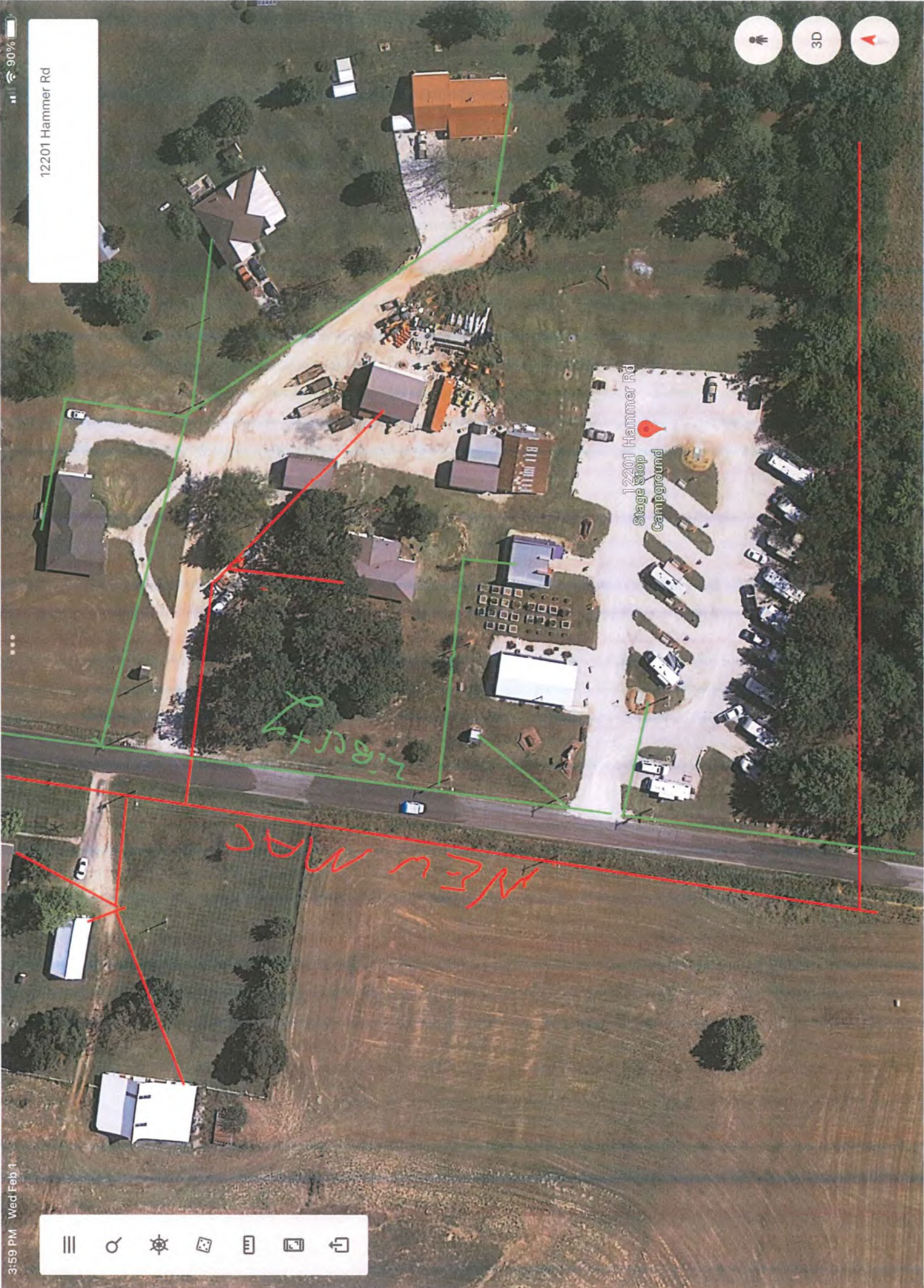
# Map of Existing Infrastructure





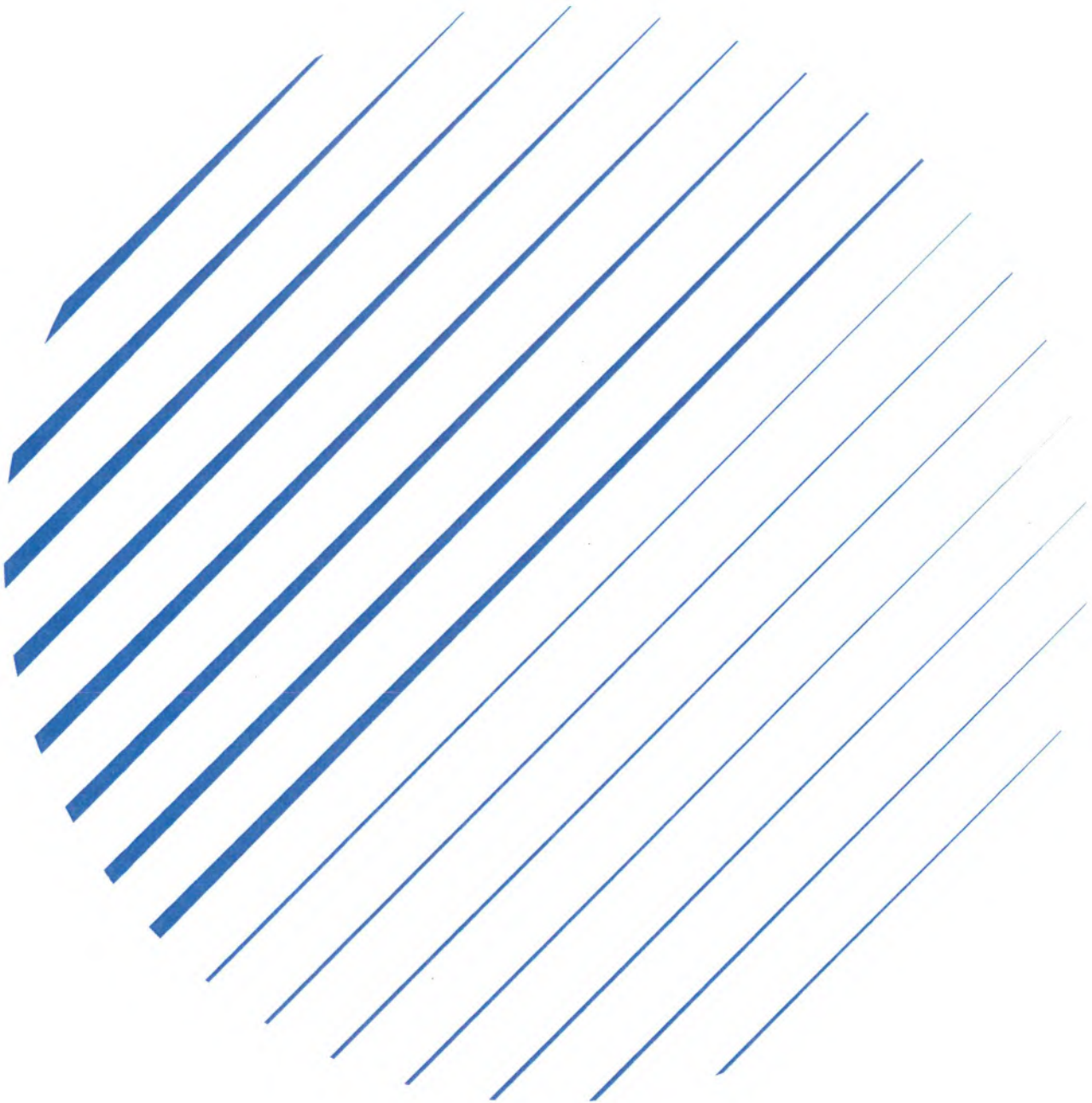


12201 Hammer Rd





# Map of Projected Expansion

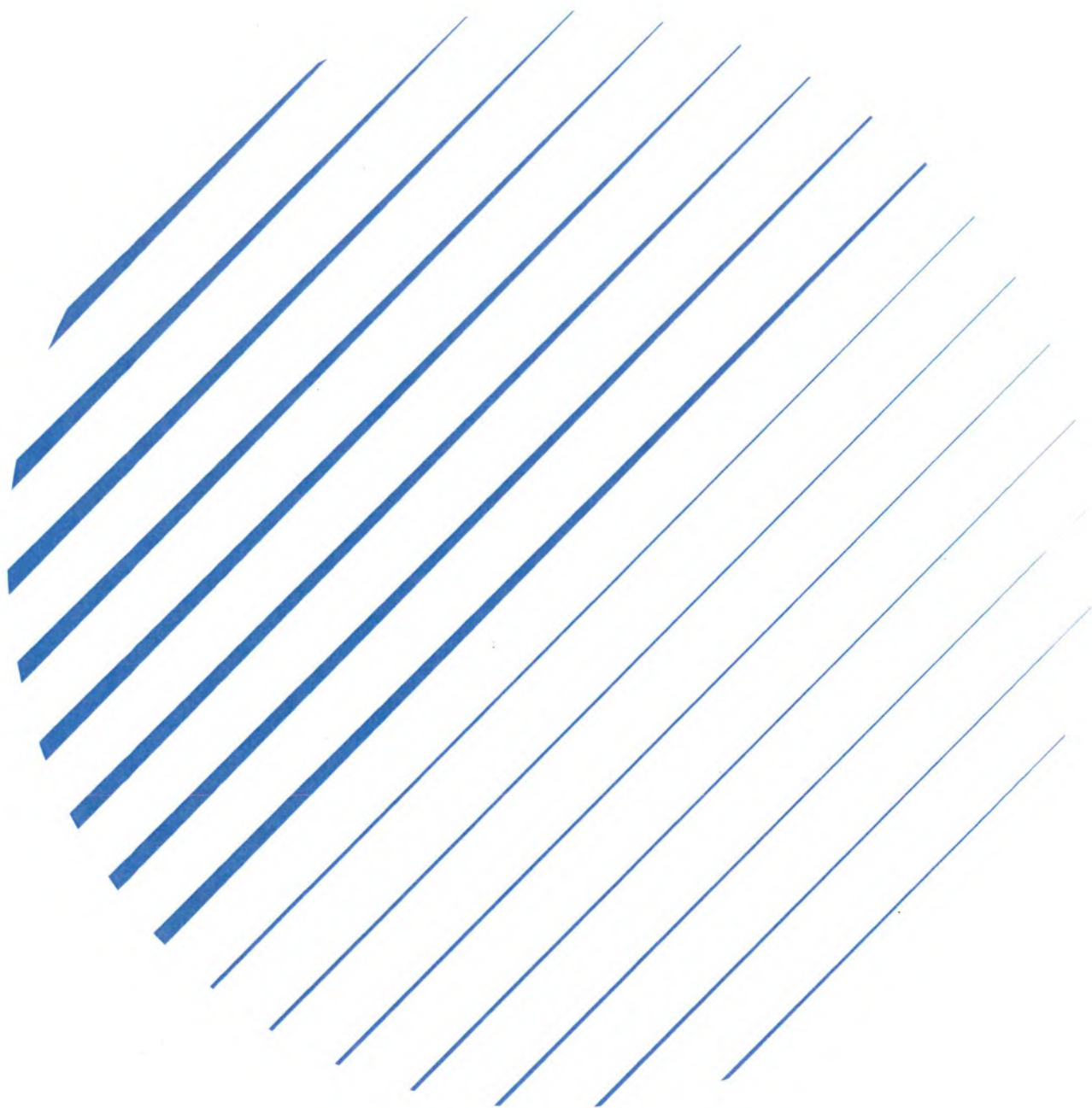








# Loss of Power Readings





Wireless

15:24

77%

## < Backup History

Events	Total	Longest
38	5 hours	an hour

Oct 27, 2021	5 minutes
18:54 - 18:59	

Oct 11, 2021	6 minutes
01:11 - 01:17	

Oct 2, 2021	8 minutes
04:06 - 04:14	

Oct 2, 2021	5 minutes
02:46 - 02:51	

Oct 2, 2021	5 minutes
02:23 - 02:28	

Sep 20, 2021	5 minutes
22:45 - 22:50	



Wireless

15:24

77%

## < Backup History

Events

38

Total

5 hours

Longest

an hour

Jan 1, 2022

6 minutes

03:25 - 03:31

Dec 28, 2021

5 minutes

09:39 - 09:45

Dec 12, 2021

6 minutes

09:09 - 09:15

Dec 7, 2021

an hour

13:33 - 14:58

Nov 14, 2021

5 minutes

07:00 - 07:05

Oct 27, 2021

5 minutes

18:54 - 18:59



Wireless

16:24

77%



## Backup History

Events

24

Total

2 hours

Longest

7 minutes

Apr 30, 2022

07:56 - 08:02

5 minutes

Apr 4, 2022

01:00 - 01:05

5 minutes

Mar 10, 2022

19:10 - 19:15

5 minutes

Feb 19, 2022

10:55 - 11:00

5 minutes

Feb 10, 2022

11:07 - 11:12

5 minutes

Jan 9, 2022

07:23 - 07:28

5 minutes



Wireless

15:24

77%



## Backup History

Events

24

Total

2 hours

Longest

7 minutes

**May 21, 2022**

5 minutes

09:03 - 09:08

**May 18, 2022**

6 minutes

02:27 - 02:33

**May 15, 2022**

a few seconds

12:03 - 12:03

**May 4, 2022**

5 minutes

10:54 - 10:59

**May 4, 2022**

6 minutes

10:47 - 10:52

**Apr 30, 2022**

5 minutes

07:56 - 08:02



Wireless

15:24

77%



## Backup History

Events

24

Total

2 hours

Longest

7 minutes

**Aug 31, 2022**

7 minutes

14:17 - 14:24

**Aug 29, 2022**

a few seconds

17:51 - 17:52

**Aug 29, 2022**

5 minutes

03:30 - 03:35

**Aug 18, 2022**

5 minutes

10:38 - 10:43

**Jul 31, 2022**

5 minutes

06:23 - 06:28

**Jul 3, 2022**

a few seconds

07:03 - 07:03



Wireless

15:24

77%



## Backup History

Events

38

Total

5 hours

Longest

an hour

Oct 2, 2021

5 minutes

02:23 - 02:28

Sep 20, 2021

5 minutes

22:45 - 22:50

Sep 20, 2021

6 minutes

22:17 - 22:23

Sep 20, 2021

a minute

21:55 - 21:56

Sep 16, 2021

7 minutes

11:56 - 12:03

Sep 10, 2021

an hour

11:46 - 12:40



Wireless

15:23

77%

## < Backup History

Events	Total	Longest
24	2 hours	7 minutes

Dec 13, 2022	5 minutes
04:02 - 04:07	

Oct 25, 2022	6 minutes
11:32 - 11:38	

Sep 29, 2022	5 minutes
08:59 - 09:04	

Sep 28, 2022	5 minutes
07:45 - 07:50	

Sep 15, 2022	6 minutes
15:09 - 15:14	

Sep 1, 2022	5 minutes
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John Lindsay

FEB 16 2023

12013 Karma

MO PUBLIC SERVICE COMMISSION  
MAIL ROOM

Neosho, MO, 64850

TO:

Missouri Public Service  
Commission

200 Madison Street,  
P.O. Box 360, Jefferson City  
MO 65102-0360

Label 228, March 2016

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**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 16<sup>th</sup> day of February, 2023.**



  
**Morris L. Woodruff**  
**Secretary**

**MISSOURI PUBLIC SERVICE COMMISSION**

**February 16, 2023**

**File/Case No. EO-2023-0266**

**Missouri Public Service  
Commission**

Staff Counsel Department  
200 Madison Street, Suite 800  
P.O. Box 360  
Jefferson City, MO 65102  
staffcounsel@psc.mo.gov

**Office of the Public  
Counsel**

Marc Poston  
200 Madison Street, Suite  
650  
P.O. Box 2230  
Jefferson City, MO 65102  
opc@psc.mo.gov

**John J. Lindsay**

John J Lindsay  
12013 Karma Lane  
Neosho, MO 64850  
jandlundergroundconstruction@gmail.com

**Liberty (Empire)**

Legal Department  
602 S. Joplin Avenue  
P.O. Box 127  
Joplin, MO 64801  
Diana.Carter@LibertyUtilities.com

**Missouri Public Service  
Commission**

Paul Graham  
200 Madison Street, Suite  
800  
P.O. Box 360  
Jefferson City, MO 65102  
Paul.Graham@psc.mo.gov

**New-Mac Electric Cooperative, Inc.**

Legal Department  
12105 E. Hwy. 86  
P.O. Box 310  
Neosho, MO 64850

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

**Sincerely,**



**Morris L. Woodruff  
Secretary**

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