

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

In the Matter of the Application of Jerry L.)	
Countryman for Change of Electric)	
Supplier from Empire District Electric)	<u>File No. EO-2022-0226</u>
Company d/b/a Liberty to White River)	
Valley Electric Cooperative, Inc.)	

STAFF’S STATEMENTS OF POSITION

COMES NOW the Staff of the Missouri Public Service Commission (“Staff”), by and through counsel, and hereby files its *Staff’s Statements of Position*. On July 21, 2022, the Commission ordered the parties to file a list of issues, order of witnesses, and order of cross-examination and opening by September 23, 2022 and Statements of Position by September 27, 2022.

1. Is it in the public interest for a reason other than a rate differential for the Commission to order a change of electric service provider from Empire District Electric Company d/b/a Liberty (“Liberty”) to White River Valley Electric Cooperative, Inc. (White River”) for Jerry Countryman’s asserted reason (having only one electric service provider for his two adjacent real estate parcels)?

Staff’s Position: No. Mr. Jerry Countryman’s application and direct testimony stated the reason for wanting the change of service provider was to have one provider (White River) on the property.¹ Liberty and White River have both provided electric service to this property since the late 1970s.² Mr. Countryman’s application indicates that he acquired the second tract of property adjacent to his residence in 2010, and thus it

¹ *Direct Testimony of Jerry Countryman*, Pages 1 & 2 (July 14, 2022).

² *Id.*

appears that Mr. Countryman has been receiving electric service from both Liberty and White River since 2010.³

Mr. Countryman has not experienced any service related problems or safety issues regarding his electric service.⁴ Both White River and Liberty are providing safe and adequate service. White River states that it would need to extend its facilities to provide service to Mr. Countryman's residence,⁵ and that it would expect Liberty to require payment for removal of its existing facilities. Liberty states that losing revenue from a customer would negatively impact its remaining customers.⁶

The desire to have one electric service provider on two adjacent tracts of property, is not included in the list of ten factors the Commission has identified in its "public interest" consideration of such requests.⁷ Moreover, Mr. Countryman's request for the one electric service provider to be White River, rather than Liberty, appears to be based at least in part on Liberty's recent rate increase.⁸

Granting the proposed change of provider application is not in the public interest for reasons other than a rate differential as required under Sections 393.106.2 and 394.315.2, RSMo (2021) and 20 CSR 4240-3.140.⁹

WHEREFORE, Staff submits its Statements of Position and continues its recommendation that the Commission deny Mr. Countryman's Application, as no additional evidence was presented to show it is in the public interest for a reason other than a rate differential.

³ *Id.*

⁴ *Rebuttal Testimony of Alan Bax*, Appendix A, Schedule 2, P 14 (August 22, 2022).

⁵ *White River Rebuttal Testimony of Beau Jackson*, 2:4 (August 21, 2022).

⁶ *Rebuttal Testimony of Alan Bax*, Appendix A, Schedule 2, P 14 (August 22, 2022).

⁷ *Id.*

⁸ *Id.*

⁹ *Rebuttal Testimony of Alan Bax*, 2: 6-19 and Appendix A, Schedule 2, P 14 (August 22, 2022).

Respectfully submitted,

/s/ J. Scott Stacey

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been electronically mailed to all parties and/or counsel of record on this 27th day of September, 2022.

/s/ J. Scott Stacey