

# BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

In the Matter of the Application of Matthew )  
Delia for Change of Electric Supplier from )  
Southwest Electric Cooperative to The ) **File No. EO-2023-0108**  
Empire District Electric Company d/b/a )  
Liberty )

## ORDER DIRECTING APPLICANT TO SHOW CAUSE WHY APPLICATION SHOULD NOT BE DISMISSED

Issue Date: March 2, 2023

Effective Date: March 2, 2023

On September 19, 2022, Matthew Delia filed an application with the Commission requesting a change of electric supplier from Southwest Electric Cooperative (SWEC) to The Empire District Electric Company d/b/a Liberty. On November 29, 2022, SWEC filed a response to Mr. Delia's application; Liberty filed its response on December 2, 2022. On January 18, 2023, the Staff of the Commission (Staff) filed its *Staff Report and Recommendation*.

On February 3, 2023, the Commission issued an order setting a prehearing conference for March 1, 2023, beginning at 2:00 p.m., via WebEx video and teleconference.

The prehearing conference was conducted as ordered on March 1, 2023. Counsel for SWEC, Liberty, and Staff appeared for the conference. Mr. Delia did not appear via WebEx video or telephone and did not contact the Commission to request a continuance of the hearing.

Commission Rule 20 CSR 4240-2.090(5) states that "[f]ailure to appear at a prehearing conference without previously having secured a continuance shall constitute

grounds for dismissal of the party or the party's complaint, application or other action unless good cause for the failure to appear is shown."

The Commission will not dismiss the application without giving Mr. Delia an opportunity to explain why he did not appear for the prehearing conference. Therefore, the Commission will order Mr. Delia to file a pleading showing cause as to why his application should not be dismissed.

**THE COMMISSION ORDERS THAT:**

1. Applicant Matthew Delia shall file a pleading no later than March 17, 2023, showing cause why his application for a change of electric supplier should not be dismissed.
2. This order shall be effective when issued.



**BY THE COMMISSION**

A handwritten signature in black ink that reads "Nancy Dippell".

Nancy Dippell  
Secretary

Kenneth J. Seyer, Regulatory Law Judge,  
by delegation of authority pursuant to  
Section 386.240, RSMo 2016.

Dated at Jefferson City, Missouri,  
on this 2<sup>nd</sup> day of March, 2023.

**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 2<sup>nd</sup> day of March, 2023.**



*Nancy Dippell*  
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**Nancy Dippell**  
**Secretary**

**MISSOURI PUBLIC SERVICE COMMISSION**

**March 2, 2023**

**File/Case No. EO-2023-0108**

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

*Sincerely,*



**Nancy Dippell  
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.