

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

In the Matter of the Application of Liberty Utilities     )  
(Midstates Natural Gas) Corp. d/b/a Liberty for an     ) Case No. GE-2024-0046  
Order Granting Billing Variances Related to the     )  
Company’s Implementation of its Customer First     )  
Program     )

**PUBLIC COUNSEL’S RESPONSE TO STAFF’S RECOMMENDATION**

**COMES NOW** the Office of the Public Counsel (“Public Counsel”) and responds to the Commission Staff’s September 22, 2023, recommendation in the above-captioned case as follows. Public Counsel also does not oppose Liberty’s plan to implement new software that will reduce the delay from when some of Liberty’s customer meters are read to when those customers are billed. Public Counsel shares the Staff’s concerns expressed in its recommendation. In addition to those concerns, Public Counsel is concerned that Liberty customers who autopay their gas bills may incur overdraft fees imposed by financial institutions and over-the-limit fees imposed by credit card companies that they would not have incurred but for Liberty changing when it charges them for their gas service. Liberty should hold those customers harmless from those fees.

Public Counsel believes that Liberty’s tariff sheet P.S.C. MO. No. 2, 1st Revised Sheet No. 20 which imposes a \$15 fee for “check[s] tendered to [Liberty] which [are] dishonored for reasons other than a bank error” that the Commission’s Staff raises as a concern only applies to written, dated, and signed drafts that direct a financial institution to pay a specific sum of money to the bearer. Therefore, autopayment by automated clearing house system (ACH) transfers, direct benefit transfers (DBT), and credit card payments are not checks. However, Liberty customers autopaying their Liberty gas bills using these methods could incur overdraft and/or insufficient

funds fees imposed by financial institutions, or over-their-credit-limit fees imposed by their credit card company due to Liberty changing the date it bills those customers.

Respectfully,

/s/ Nathan Williams

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**CERTIFICATE OF SERVICE**

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or electronically mailed to all counsel of record this 26<sup>th</sup> day of September 2023.

/s/ Nathan Williams