



applications for authority to change electrical suppliers. Under Section 393.106.2, RSMo (Supp. 2022), the Commissions' authority is "limited to public interest determinations and excludes questions as to the lawfulness of the provision of service, such questions being reserved to courts of competent jurisdiction."

4. Under Section 393.270, RSMo (2016), "An investigation may be instituted by the commission as to any matter of which complaint may be made ... or to enable it to ascertain the facts requisite to the exercise of any power conferred upon it." Staff has conducted an investigation and reviewed the information submitted in this case file. Staff's *Memorandum* is attached hereto as Appendix A, and incorporated herein by reference. Staff, for the reasons stated therein, recommends the Commission approve Jennifer Dutcher's *Application for Change of Electric Service Provider* as being in the public interest, for reasons other than a rate differential. Staff further recommends the Commission open a docket, consistent with Section 393.270, RSMo (2016), and order EMW and Evergy Missouri Metro to complete a review of its similarly situated customers within 6 months. The review should consist of the following tasks at a minimum:

- (1) Identifying all similarly situated customers;
- (2) Identifying and recording all equipment serving those customers;
- (3) Evaluating and reporting on whether voltage is being maintained within tolerances<sup>1</sup>; and
- (4) Ensuring the equipment serving the similarly situated customers will be adequately inspected and maintained in accordance with the Commission's rules going forward.

---

<sup>1</sup> Commission Rule 20 CSR 4240-10.030(23)

Staff intends to utilize the newly created docket to further investigate the safety and customer service issues associated with serving these customers.

5. EMW is current with its required filing of annual reports and its payment of assessment fees to the Commission. Staff is currently not aware of any unsatisfied judgments or decisions against EMW in any state or federal agency or court involving customer service or rates that would have bearing on the immediate case. There is currently another Change of Provider Case between EMW and PCEC.<sup>2</sup> Other than this case, Staff is not aware of any other matter before the Commission that affects or is affected by this filing. Given that PCEC is a rural electric cooperative, the Commission does not require annual reports or assessment fees. Further, Staff is currently not aware of any pending or final unsatisfied decisions against PCEC from any state or federal court involving customer service or rates.

**WHEREFORE**, Staff respectfully requests that the Commission accept this report for its consideration and recommends the Commission approve Ms. Dutcher's *Application for Change of Electric Service Provider* as being in the public interest, for reasons other than a rate differential. Staff further recommends the Commission open a docket and order EMW and Evergy Missouri Metro to complete a review of its similarly situated customers within 6 months. The review should consist of the following tasks at a minimum:

- (1) Identifying all similarly situated customers;
- (2) Identifying and recording all equipment serving those customers;

---

<sup>2</sup> EO-2023-0105

(3) Evaluating and reporting on whether voltage is being maintained within tolerances, and

(4) Ensuring the equipment serving the similarly situated customers will be adequately inspected and maintained in accordance with the Commission's rules going forward.

Staff intends to utilize the newly created docket to further investigate the safety and customer service issues associated with serving these customers.

Respectfully submitted,

**/s/ Don Cosp**

Don Cosp

Legal Counsel

Missouri Bar No. 73231

P.O. Box 360

Jefferson City, MO 65102

573-751-4140 (Voice)

573-751-9285 (Fax)

[don.cosp@psc.mo.gov](mailto:don.cosp@psc.mo.gov)

Attorney for the Staff of the  
Missouri Public Service Commission

### **CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing was served by electronic mail, or First Class United States Mail, postage prepaid, to all parties or their representatives pursuant to the Service List maintained by the Commission's Data Center for this case, on this 31<sup>st</sup> day of October, 2022.