

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

In the Matter of the Application of Garrett)
Stancer and Southway Storage for)
Change of Electric Supplier from The) **File No. EO-2024-0194**
Empire District Electric Company d/b/a)
Liberty to White River Valley Electric)
Cooperative, Inc.)

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

Issue Date: December 18, 2023

Effective Date: December 18, 2023

On December 12, 2023, Garrett Stancer and Southway Storage filed an application with the Missouri Public Service Commission requesting that the electric supplier be changed from The Empire District Electric Company d/b/a Liberty to White River Valley Electric Cooperative, Inc. (White River).

The Commission will direct its Data Center to send notice of the application to Liberty and White River. Because they are necessary parties, Liberty and White River 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 notes that Mr. Stancer’s application includes “Southway Storage”, which appears to be a business. If Southway Storage is a separate business entity as created by statute, such as a corporation or limited liability company, it must have legal representation in matters before the Commission under Commission Rule 20 CSR 4240.2.040(5). That rule states that a natural person may only appear on behalf

of themselves and not any other entity. The Commission will allow time for Southway Storage to obtain counsel, if necessary.

THE COMMISSION ORDERS THAT:

1. The Data Center shall send this order, with a copy of the application, to Liberty and White River.
2. Liberty and White River are made parties to this proceeding and shall each file a response to the application no later than January 12, 2024.
3. Staff shall file its recommendation, or a request for an extension of time stating when it expects to file its recommendation, no later than January 26, 2024.
4. Mr. Stancer shall file a pleading indicating the type of entity of Southway Storage no later than January 9, 2024.
5. This order shall be effective when issued.



BY THE COMMISSION

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

Nancy Dippell
Secretary

Charles Hatcher, Senior Regulatory
Law Judge, by delegation of authority
pursuant to Section 386.240, RSMo 2016.

Dated at Jefferson City, Missouri,
on this 18th day of December, 2023.

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

FILED
December 12, 2023
Data Center
Missouri Public
Service Commission

In the matter of the application of)
Garrett Stanver)
(Name of Applicant)) Case No. _____
)
for change of electric supplier.)

~~Southway Storage~~
APPLICATION FOR CHANGE OF ELECTRIC SERVICE PROVIDER

1. Applicant's address is: _____

The property is located at the southwest corner of F
Highway and Highway 65 in Ozark, MO

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

~~There is currently no electric service to the property. Liberty Utilities is the provider for Ozark~~

3. 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 White River Valley Electric Cooperative (Requested)

5. Applicant requests the Missouri Public Service Commission to order a change
of electric provider for the following reasons.*

The property currently does not have any
electric service. White River has power on the
same side of the property and within 1/4 of a
mile. White River serves the southwest side of
highway 65. The cost to provide service to the
requested property is much less with White
River and also much more feasible without any
boring under highway 65.

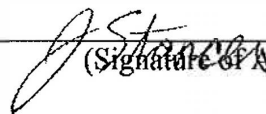
6. Applicant has taken the following steps in an attempt to work out electric service problems with the electric service provider:

Liberty Utilities will have to bore underneath highway 65 to bring power across to my property. The cost is substantial making it unfeasible to obtain power from this utility.

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

(Date)

11/13/23



(Signature of Applicant)

(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 Green) SS.

VERIFICATION

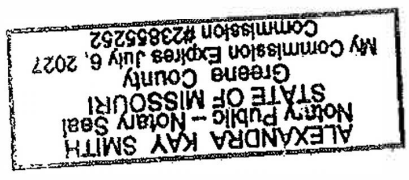
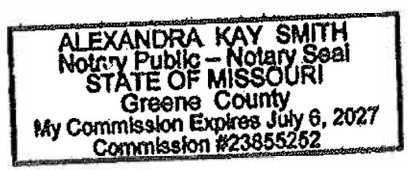
Garrett Stancer, on oath, states that he/she has read the foregoing application and is familiar with its contents and the matters set forth therein are true to the best of his/her knowledge, information and belief.

Garrett Stancer
(Signature of Applicant)

SWORN TO BEFORE ME, the undersigned Notary Public on this the first day of December ~~19~~ 2023.

Alexandra Kay Smith
Notary Public

My Commission Expires: July 6, 2027



**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.

PRESS FIRMLY TO SEAL



PRESS FIRMLY TO SEAL

PRIORITY MAIL
FLAT RATE ENVELOPE
POSTAGE REQUIRED



UNITED STATES
POSTAL SERVICE



Retail

P

US POSTAGE PAID

\$9.65

Origin: 65714
12/05/23
2858440764-5

PRIORITY MAIL®

0 Lb 2.10 Oz

RDC 03

EXPECTED DELIVERY DAY: 12/07/23

B050

SHIP TO:

PO BOX 360
JEFFERSON CITY MO 65102-0360

USPS TRACKING® #



9505 5132 6862 3339 9904 31



PS00001000014

- Expected delivery date shown
- Domestic shipments include
- USPS Tracking® service included
- Limited international insurance
- When used internationally

*Insurance does not cover certain Domestic Mail Manual at <http://pe>

** See International Mail Manual at

FLAT RATE ENVELOPE
ONE RATE ■ ANY WEIGHT

TRACKED ■ INSURED

FROM:

Garrett Stancee
PO Box 1105
Nixa, MO 65714

RECEIVED

DEC 12 2023

MO PUBLIC SERVICE COMMISSION
MAIL ROOM

TO:

Public Service Commission
200 Madison Street
PO Box 360
Jefferson City, MO
65102-0360

This packaging is the property of the U.S. Postal Service® and is provided solely for use in sending Priority Mail® and Priority Mail International® shipments. Misuses may be a violation of federal law. This package is not for resale. EP14F © U.S. Postal Service; October 2023; All rights reserved.

This package is made from post-consumer waste. Please recycle - again.

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 18th day of December 2023.



Nancy Dippell

Nancy Dippell
Secretary

MISSOURI PUBLIC SERVICE COMMISSION

December 18, 2023

File/Case No. EO-2024-0194

MO PSC Staff

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
(OPC)**

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

Garrett Stancer

Garrett Stancer
P.O. Box 1105
Nixa, MO 65714

Liberty (Empire)

Legal Department
602 S. Joplin Avenue
P.O. Box 127
Joplin, MO 64801
diana.carter@libertyutilities.com

Southway Storage

Garrett Stancer
P.O. Box 1105
Nixa, MO 65714

**White River Valley Electric
Cooperative, Inc.**

Legal Department
P.O. Box 969
Branson, MO 65615

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

Sincerely,



**Nancy Dippell
Secretary**

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