

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

In the Matter of the Application of Jack and)
Tammy Duncan for Change of Electric)
Supplier to Platte-Clay Electrical) **File No. EO-2023-0105**
Cooperative from Evergy Missouri West,)
Inc. d/b/a Evergy Missouri West)

STAFF’S RECOMMENDATION

COMES NOW the Staff of the Missouri Public Service Commission (“Staff”), by and through the undersigned counsel, and for its *Staff Recommendation* respectfully states:

1. In its Order on September 19, 2022, the Commission ordered Staff to file a recommendation in that case no later than November 18, 2022. The Commission later extended the deadline from May 18 to December 22, 2023.

2. Previously on November 3, 2022, Applicants filed its Motion for Continuance (“Motion”). The Applicants informed the Commission of their meetings with Evergy Missouri, Inc. d/b/a Evergy Missouri West (“EMW” or “Company”). The Applicants requested the Commission order a continuance of the Commissions deadline for filing a recommendation from November 18, 2022 to May 18, 2023. The Commission granted that extension. The Applicants wanted another continuance, so Staff requested for an extension on Applicants behalf to December 22, 2023. The Commission granted that extension as well.

3. The Applicant is requesting a change of suppliers to Platte-Clay Electric Cooperative (“PCEC”) because, as stated the *Application*, “Frequent power outages. We both are self-employed, Tammy with a Home Daycare, Jack with a Remodeling Co.

Loss of power causes loss of HVAC use, as well as the ability to prepare hot meals for the children. For the Remodeling Co., we have a small shop which we do custom work, which cannot be performed without power. Our Street is serviced by PCEC with the exception of 3 houses (ours being one of them). With that said PCEC Padmounted transformer is in our front yard less than 200' from our meter.”

4. PCEC is a rural electric cooperative based in Kearney, Missouri. It is a Chapter 394 rural electric cooperative corporation that distributes electric energy and service to its members in all or parts of seven Missouri counties, including Platte County. PCEC is not rate-regulated by this Commission. However, according to § 394.080.5, RSMo., the Commission may order PCEC to provide service if it is in the public interest for a reason other than a rate differential.

5. EMW is an electric corporation subject to Commission jurisdiction, as specified, in part, by Chapter 393, RSMo. EMW is authorized to provide electricity at the area that is the subject of this application.

6. The Applicant who submitted the *Application* for a change of supplier bears the burden of proof. The Applicant must prove that the requested supplier change is in the best interests of the public and not solely driven by a rate differential.¹

7. The Applicant presented several allegations to support their request, demonstrating that it is not only about a rate difference. When Staff reached out to the Applicant, the Applicant told them that their service had not been reliable. Due to reliability issues, the Applicant bought a generator for powering parts of their home.

¹ The Applicant is required by 20 CSR 4240-3.140(1)(G) to include reasons why a change in electrical suppliers is in the public interest.

The Applicant mentioned that they have lost multiple refrigerators of food in the past due to outages. Additionally, their home daycare has to send children home early whenever the property loses power. Moreover, some of the outages appear to be limited to the Applicant's property. The Applicant alleges that the neighbors served by PCEC are not affected by the issues raised.

8. Staff confirmed that some of the Applicant's allegations are true. The Applicant experienced six outages in 2021, one lasting over 18 hours due to vegetation. In 2021, weather and the public were also significant causes of major outages. In 2022, the Applicants experienced nine outages. The main causes of those outages were equipment, including a planned transformer replacement, as well as weather and vegetation.

9. Staff found that EMW attempted to address the Applicant's concerns. The Company replaced the customer's transformer in November 2022. Staff also found that EMW had upgraded their systems to resolve the Applicant's reliability issues. Since January 2023, there have been two outages: one caused by the public and another caused by weather.

10. Staff reviewed the Application and recommends that the Commission deny the Applicant's application based on its investigation using the ten factors outlined in the *Matter of Brandon Jessip's Application for Change of Electric Supplier*.² Attached hereto

² The Commission does not use a single factor test when determining whether an application for a change of electric suppliers should be granted, and has stated that customer preference does not suffice as the only basis for ordering a change in supplier. In previous cases the Commission has conducted a case-by-case analysis applying a ten factor balancing test to analyze the meaning of "public interest" for a change of supplier.

and incorporated herein by reference is *Staff's Recommendation*, in which Staff recommends the Commission deny the *Application*.

WHEREFORE, for the reasons stated above and in the attached and incorporated *Staff's Memorandum*, Staff recommends the Commission issue an order that denies the Applicant's application.

Respectfully submitted,

/s/ Eric Vandergriff

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed or hand-delivered, transmitted by facsimile or electronically mailed to all parties and/or counsel of record on this 22nd day of December, 2023.

/s/ Eric Vandergriff