

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service Commission held at its office in Jefferson City on the 27th day of March, 2024.

In the Matter of the Application of The)
Empire District Electric Company d/b/a)
Liberty for an Order Granting Billing)
Variances Related to the Company's)
Implementation of Customer First)

File No. EE-2024-0232

ORDER GRANTING VARIANCES

Issue Date: March 27, 2024

Effective Date: April 7, 2024

On February 13, 2024, The Empire District Gas Company d/b/a Liberty, filed the above-referenced application. Liberty will be implementing a new, modern technology platform referred to as Customer First.

Liberty requests billing practice variances from 20 CSR 4240-13.015(1)(C) and 20 CSR 4240-13.020(6) to accommodate a recalibration of meter reading and billing cycles needed to implement Customer First. Liberty requested expedited treatment of the application so that its requests would be effective prior to April 8, 2024, as that is the date Liberty plans to implement Customer First.

Liberty further asks for a variance from the 20 CSR 4240-13.065(2), which requires a utility to mail copies of its application to the newspaper with the largest circulation in each county in its service territory. Liberty also asks for a variance of the Commission's 60-day notice requirement under 20 CSR 4240-4.017.

The Commission's Staff (Staff) filed its Recommendation on March 8, 2024.

In its Recommendation, Staff stated that Commission Rule 20 CSR 4240-13.015(1)(C), states in relevant part:

(C) Billing period means a normal usage period of not less than twenty-six (26) nor more than thirty-five (35) days for a monthly billed customer nor more than one hundred (100) days for a quarterly billed customer, except for initial, corrected, or final bills.

Commission Rule 20 CSR 4240-13.020(6), states in pertinent part:

(6) A utility may bill its customers on a cyclical basis if the individual customer receives each billing on or about the same day of each billing period. If a utility changes a meter route or schedule which results in a change of nine (9) days or more of a billing cycle, notice shall be given to the affected customer at least fifteen (15) days prior to the date the customer receives a bill based on the new cycle.

Commission Rule 20 CSR 4240-13.065(2), states in pertinent part:

A utility filing an application for a variance with the commission shall mail, contemporaneously with the filing, copies of the application by first class mail to the newspaper with the largest circulation in each county within the utility's service area affected by the variance.

Staff recommended that the Commission grant the requested variances, subject to certain conditions. No responses to Staff's Recommendation were received.

Under 20 CSR 4240-13.065(1), the Commission may grant a variance for good cause shown. The Commission finds that Liberty has presented good cause for the variance from Commission Rule 20 CSR 4240-13.015(1)(C), 20 CSR 4240-13.020(6), and 20 CSR 4240-13.065(2). Thus, the Commission will grant the requested relief, subject to Staff's conditions.

The Commission finds that Liberty has complied with Commission Rule 20 CSR 4240-2.080(14) regarding expedited treatment, and has stated good cause for expedited

treatment of its application. The Commission also finds that Liberty has provided good cause for waiver of the 60-day notice requirement of Commission Rule 20 CSR 4240-4.017(1), and the Commission will waive it. Because the Commission has found good cause to expedite the grant of these waivers, the Commission will make this order effective in less than 30 days.

THE COMMISSION ORDERS THAT:

1. Liberty's motion for expedited treatment is granted.

2. Liberty's request for variance from Commission Rule 20 CSR 4240-13.015(1)(C) and 20 CSR 4240-13.020(6) is granted, subject to the following conditions:

- A. In its next general rate case, Liberty will provide each tariffed rate class billing determinants (customer usage, number of bill and number of customers) by month, cycle with cycle dates that were utilized for billing purposes, and season to Staff in the following format: raw billing determinants, any and all adjustments separately (for proration, season, or any other reason) that were made to raw billing determinants, and the ending billing determinants. The ending monthly billing determinants should be the billing determinants Liberty utilizes to conduct its revenue requirement analysis in its general rate case.
- B. Liberty's tariff sheet P.S.C. MO. No. 6, Sec. 5, Original Sheet No. 27 allows for the Company to collect a \$20 charge for "each bad check or any type of electronic payment rendered to Company as payment of a bill", which Staff believes may apply to failed auto pay withdrawals due to insufficient funds. Liberty shall waive this fee for failed auto pay withdrawals for a period of 90 days after the transition.
- C. Liberty shall waive late fees for 90 days.
- D. Liberty shall hold customers who autopay their bills who 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 for electric service harmless from those fees.

- E. Liberty shall file an update in this docket on its Customer First transition 90 days after the transition occurs. That update shall include the following information:
- 1) A detailed description of all technical and customer service issues encountered during the transition, including what the issue was, how the issue occurred, the time period during which the issue persisted, and the resolution if applicable.
 - 2) The number of customers who received a bill for a usage period of less than 26 or more than 35 days for a monthly billed customer, and the reason(s) why this occurred. This should be broken down by month for each month following the transition.
 - 3) The number of customers whose bills were delayed following the transition and the reason for the delayed bill. This should be broken down by month for each month following the transition.
 - 4) Start times, end times, and duration of the following outages/closures/downtimes as part of the Customer First transition: the data processing blackout, Liberty's walk-in and drive-thru office closure, the My Account downtime, and Kubra unavailability. Any unplanned or unexpected outages/closures/downtimes should be notated as such. The Company should also list all other outages/closures/downtimes that were not included in this list but related to the Customer First transition.

3. Liberty is also granted a variance from Commission Rule 20 CSR 4240-13.065(2).

4. The 60-day notice requirement of Commission Rule 20 CSR 4240-4.017(1) is waived.

5. This order shall become effective on April 7, 2024.



BY THE COMMISSION

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

Nancy Dippell
Secretary

Hahn, Ch., Rupp, Coleman, Holsman
and Kolkmeier CC., concur.

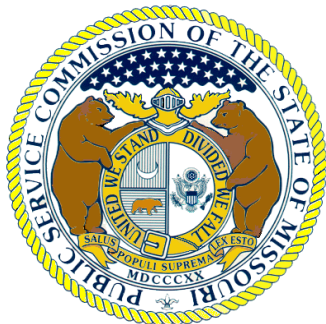
Pridgin, Deputy Chief Regulatory Law Judge

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 27th day of March 2024.



Nancy Dippell

Nancy Dippell
Secretary

MISSOURI PUBLIC SERVICE COMMISSION

March 27, 2024

File/Case No. EE-2024-0232

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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**

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