

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

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| In the Matter of the Application of Roger Pritchett for |) | |
| Change of Electric Supplier from the Empire |) | <u>Case No. EO-2017-0217</u> |
| District Electric Company to Ozark Electric |) | |
| Cooperative in Greene County, Missouri |) | |

**STAFF RECOMMENDATION TO DENY CHANGE OF SUPPLIER AND
ALTERNATIVE RECOMMENDATION**

COMES NOW the Staff of the Missouri Public Service Commission ("Staff"), by and through the undersigned counsel, and files this *Staff Recommendation to Deny Change of Supplier and Alternative Recommendation* ("Recommendation") with the Missouri Public Service Commission ("Commission"), and respectfully states as follows:

1. On February 6, 2017, Roger Pritchett ("Customer") filed with the Commission an *Application for Change of Electric Supplier* requesting that the Commission authorize a change of the supplier of electric service from Empire District Electric Company ("Empire") to Ozark Electric Cooperative, Inc. ("Ozark") for a residential structure located in Ash Grove, Missouri, pursuant to 394.315.2, RSMo.

2. On February 7, 2017, the Commission issued its *Order Directing Notice, Adding Parties, and Directing Responses to Application* directing Staff to file a recommendation no later than April 10, 2017.

3. On March 9, 2017, Empire filed a response in which they deny any service- related issues, and cite Section 393.106.2, RSMo. 2016, as a basis to deny the request. On April 4, 2017, Ozark filed a response in which they allege insufficient information to confirm or deny Customer's allegations, but confirmed they could serve Customer if ordered to do so by the Commission. On April 8, 2017, Staff filed

a *Motion for Extension*, as it required additional time to conduct discovery. On April 10, 2017, the Commission issued an *Order* that granted Staff's *Motion for Extension* with a deadline of May 9, 2017 to file its recommendation.

4. Sections 394.315.2 and 393.106.2, RSMo., give the Commission jurisdiction over rural electric cooperatives and investor-owned electric corporations, respectively, to order a change to the supplier of electricity to a structure "on the basis that it is in the public interest for a reason other than a rate differential." Commission Rules 4 CSR 240-3.140 and 4 CSR 240-2.060(1) detail the filing requirements for applications for authority to change electrical suppliers.

5. Staff has conducted an investigation and reviewed the information submitted in this case file. Staff's *Memorandum* is attached hereto as Appendix A, detailing that investigation, and incorporated herein by reference. Staff, for the reasons stated therein, recommends the Commission deny the *Application* as not in the public interest, since the Customer's concern about a rate difference is not a proper statutory basis for a change of electric service provider, and the Customer's concerns about usage, vegetation management and outages, on the basis of Staff review of the Customer's situation, are not sufficient grounds for the Commission to grant his *Application* for a change in electric service provider. Alternatively, Staff recommends that the Commission offer Mr. Pritchett the opportunity to provide additional information for the Commission to consider when evaluating his request by either amending his *Application* or holding a hearing.

6. Empire is current with its required filing of annual reports and its payment of assessment fees to the Commission. Staff is unaware of any pending or final

unsatisfied judgments against Empire from any state or federal court involving customer service or rates within three years of the filing date of the *Application*. Ozark is not required to provide annual reports or assessments to the Commission

WHEREFORE, for the foregoing reasons discussed in detail in the Staff's *Memorandum*, Staff respectfully recommends the Commission issue an Order denying Customer's Change of Supplier request and offer Mr. Pritchett the alternative of an opportunity to provide additional information for the Commission to consider when evaluating his request by either amending his Application or holding a hearing.

Respectfully submitted,

/s/ Nicole Mers

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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, on this 9th day of May 2017, to all counsel of record.

/s/ Nicole Mers