

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

In the Matter of the Application of Brandon)
Jessip for Change of Electric Supplier from)
Empire District Electric to New-Mac Electric)

File No. EO-2017-0277

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

Issue Date: April 25, 2017

Effective Date: April 25, 2017

On April 20, 2017, Brandon Jessip filed an application with the Missouri Public Service Commission ("Commission") requesting that his electric supplier be changed from The Empire District Electric Company ("Empire") to New-Mac Electric Cooperative, Inc. ("New-Mac").

The Commission will direct its Data Center to send notice of the application to Empire and New-Mac. Because they are necessary parties, Empire and New-Mac 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 to file a recommendation.

THE COMMISSION ORDERS THAT:

1. The Data Center of the Missouri Public Service Commission shall send this order, with a copy of the application, to The Empire District Electric Company and New-Mac Electric Cooperative, Inc.

2. The Empire District Electric Company and New-Mac Electric Cooperative, Inc. are made parties to this proceeding and shall each file a response to the application no later than May 25, 2017.

3. The Staff of the Commission shall file its recommendation no later than June 26, 2017.

4. This order shall be effective when issued.



BY THE COMMISSION

A handwritten signature in cursive script that reads "Morris L. Woodruff".

Morris L. Woodruff
Secretary

Michael Bushmann, Senior Regulatory
Law Judge, by delegation of authority
pursuant to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 25th day of April, 2017.

FILED
 April 20, 2017
 Data Center
 Missouri Public
 Service Commission

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

In the matter of the application of)
)
BRANDON JESSIP)
 (Name of Applicant))
)
 for change of electric supplier.)

Case No. _____

APPLICATION FOR CHANGE OF ELECTRIC SERVICE PROVIDER

1. Applicant's address is: 7082 NIGHTHAWK RD, NEOSHO MO, 64850

2. The name of Applicant's current electric service provider is: Currently there is
no service to the property at all. The service provider of record is Empire District Electric.

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 EMPIRE DISTRICT ELECTRIC
 (Current)
 to NEWMAC ELECTRIC
 (Requested)

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

I have owned the property for 5 years and have had no service for 2.5 years. Newmac has
an easment that goes directly through my property that affects my use of the land. I should
benefit from its proximity to my property at the least. I have delt with Empire in the past
and their customer service is offensive and not helpful. Recently I have decided to remodel
the existing house and Newmac is my first choice of provider.

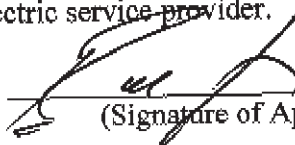
6. Applicant has taken the following steps in an attempt to work out electric service problems with the electric service provider: _____

I currently have no provider or service to the property. Newmac has been to the property and expressed that the project would be easy and straight forward. I have spoken to multiple people that said I have the right to choose at this point, however Empire has chosen to marshal its resources in order to force me and my family to do business with them, even though the legal precedence would have them forfeit any right to service the property. They are using this process to draw out the amount of time it will take to get power to my home in the hope that I will simply not be able to wait.

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

4-17-17

(Date)



(Signature of Applicant)

417-592-1816

(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.)

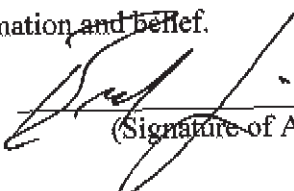
STATE OF MISSOURI)

COUNTY OF NEWTON)


ss.

VERIFICATION

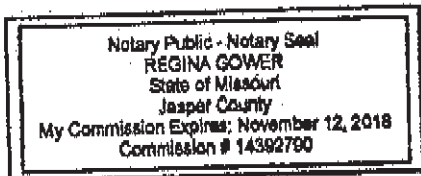
BRANDON L. JESSIP, on oath, states that he/she has read the foregoing application and is familiar with its contents and the matters set forth therein are true to the best of his/her knowledge, information and belief.


(Signature of Applicant)

SWORN TO BEFORE ME, the undersigned Notary Public on this the 17th
day of April 19 2017


Notary Public

My Commission Expires: 11/12/18



**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.

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 25th day of April 2017.




Morris L. Woodruff
Secretary

MISSOURI PUBLIC SERVICE COMMISSION

April 25, 2017

File/Case No. EO-2017-0277

**Missouri Public Service
Commission**

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

Hampton Williams
200 Madison Street, Suite 650
P.O. Box 2230
Jefferson City, MO 65102
opc@psc.mo.gov

Brandon Jessip

Brandon Jessip
7082 Nighthawk Rd.
Neosho, MO 64850

**Empire District Electric
Company, The**

Legal Department
602 S. Joplin Avenue
P.O. Box 127
Joplin, MO 64802

**Missouri Public Service
Commission**

Nathan Williams
200 Madison Street, Suite 800
P.O. Box 360
Jefferson City, MO 65102
nathan.williams@psc.mo.gov

**New-Mac Electric Cooperative,
Inc.**

Legal Department
12105 E. Hwy. 86
P.O. Box 310
Neosho, MO 64850

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

Sincerely,



**Morris L. Woodruff
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.