

BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

In the Matter of the Application of Michael)
R. Davis for Change of Electric Supplier)
from Ozark Electric Cooperative, Inc. to) **File No. EO-2025-0146**
The Empire District Electric Company d/b/a)
Liberty)

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

Issue Date: November 7, 2024

Effective Date: November 7, 2024

On November 4, 2024, Michael Davis filed an application with the Commission requesting a change of electric supplier from Ozark Electric Cooperative (Ozark Electric) to The Empire District Electric Company d/b/a Liberty.

Commission Rule 20 CSR 4240-2.060(1)(M) requires that applications be subscribed and verified by affidavit under oath. Commission Rule 20 CSR 4240-2.060(2) states that if any of the items required are unavailable at the time the application is filed, they shall be furnished prior to the granting of the authority sought. Davis did not verify his application for a change of electric supplier. He must do so prior to the Commission deciding his application.

The Commission will direct its Data Center to send notice of the application to Liberty and Ozark Electric. Because they are necessary parties, Liberty and Ozark Electric 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 Liberty and Ozark Electric.
2. Liberty and Ozark Electric are made parties to this proceeding and shall each file a response to the application no later than November 29, 2024.
3. Davis must verify his application for a change of supplier via affidavit.
4. The Staff of the Commission shall file a pleading no later than November 25, 2024, stating a date by which it can submit a recommendation about Davis' application.
5. This order is effective when issued.

BY THE COMMISSION



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

Nancy Dippell
Secretary

John T. Clark, Senior Regulatory Law Judge,
by delegation of authority pursuant to
Section 386.240, RSMo 2016.

Dated at Jefferson City, Missouri,
on this 7th day of November, 2024.

FILED

NOV 04 2024

BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

Missouri Public Service Commission

In the matter of the application of Michael Ryan Davis (Name of Applicant) for change of electric supplier.

Case No. _____

APPLICATION FOR CHANGE OF ELECTRIC SERVICE PROVIDER

1. Applicant's address is: 6087 West Farm Rd 94 SPR MO 65803

2. The name of Applicant's current electric service provider is: OZARK ELECTRIC CO OP

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 OZARK ELECTRIC CO OP (Current) to LIBERTY UTILITIES OZARK MO (Requested)

5. Applicant requests the Missouri Public Service Commission to order a change of electric provider for the following reasons. * IN 2017 WE BECAME SOLAR CUSTOMERS. WE SIGNED THE NET METERING 5yr obligation form for the meter. I have since then battled with my electric bill. IN 2024 OZARK ELECTRIC IMPLEMENTED A PEAK DEMAND CHARGE THAT ALTERED MY BILL DRASTICLY. I UNDERSTAND CONTROLLING YOUR USAGE DURING PEAK HOURS AND AGREE TO DO MY BEST TO SPREAD OUT USAGE. THE PEAK DEMAND FROM OZARK ELECTRIC COOP IS ABSOLUTELY UNFAIR & IT TAKE AWAY ANY POSSIBLE SAVINGS FROM MY SOLAR OVER PRODUCTION. I EVEN BOUGHT AN ELECTRIC CAR TO GO GREENER & IT TOO HAS BEEN PROVEN TO BE A BAD INVESTMENT. DUE TO PEAK DEMAND

6. Applicant has taken the following steps in an attempt to work out electric

service problems with the electric service provider: I have had both the
ELECTRIC COMPANY & SOLAR COMPANY (SUN SOLAR)
Check all the system & I'm told all are functioning
in the proper manner. I've given everyone the chance
to show me the problem and it all comes down
to Billing / production / peak demand / service fees
I've found several happy Liberty customers w/ SOLAR
that have minimal bills. I.e. 9⁰⁰ and 15⁰⁰
I AM TRYING SEVERAL SCENARIOS TO FIND THE CURE WITHOUT
ANY HELP.

WHEREFORE, Applicant requests the Missouri Public Service Commission to

issue an Order which changes the current electric service provider.

10-15-2024
(Date)

[Signature]
(Signature of Applicant)

417-536-4010
(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 _____) ss.

VERIFICATION

_____, 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 _____ day of _____ 19____.

Notary Public

My Commission Expires: _____

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 7th day of November 2024.



Nancy Dippell

Nancy Dippell
Secretary

MISSOURI PUBLIC SERVICE COMMISSION

November 7, 2024

File/Case No. EO-2025-0146

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

Liberty (Empire)

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

Michael R. Davis

Michael Davis
6087 West Farm Road 94
Springfield, MO 65803
m_i_davis2004@yahoo.com

Ozark Electric Cooperative, Inc.

Legal Department
Highway 39 N.
P.O. Box 420
Mt. Vernon, MO 65712

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.