

**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 The) Case No. EO-2025-0146
Empire District Electric Company d/b/a Liberty)

LIBERTY’S RESPONSE TO APPLICATION

COMES NOW The Empire District Electric Company d/b/a Liberty (“Liberty” or the “Company”), and for its response to the Application of Michael R. Davis (the “Applicant”), Liberty respectfully states as follows to the Missouri Public Service Commission (the “Commission”):

1. On November 4, 2024, an application was filed herein, requesting that the electric supplier for the Applicant’s property be changed from Ozark Electric Cooperative, Inc. (the “Cooperative”) to Liberty.
2. The Commission issued its *Order Directing Notice, Adding Parties, and Directing Responses to Application*, directing Liberty and the Cooperative to file responses to the application by November 29, 2024.
3. The Applicant is not a current Liberty customer, and Liberty does not possess the information necessary to admit or deny the factual allegations of the application.
4. Liberty is a “public utility” and an “electric corporation” pursuant to RSMo. §393.1700.1, with its Missouri operations subject to the jurisdiction of the Commission as provided by law.
5. RSMo. §393.106 and §394.315, commonly referred to as Missouri’s anti-flip flop law, typically govern change of supplier requests. RSMo. §394.315 refers to rural electric cooperatives (like the Cooperative), while §393.106 refers to electric corporations (like Liberty)

and joint municipal utility commissions. The purpose of the statutes is to “prevent customers from switching back and forth between two available electric suppliers to take advantage of rate differences” – a strong public policy of our state. *Empire Dist. Elec. Co. v. Southwest Elec. Co-op.*, 863 S.W.2d 892, 896 (Mo. App. S.D. 1993).

6. The statute further provides that the Commission, upon application, may order a change of supplier “on the basis that it is in the public interest for a reason other than a rate differential.”

7. Based on the application filed herein, it appears that the change of supplier request from the cooperative to Empire is based only on a perceived rate differential.

WHEREFORE, Liberty submits this Response to Application and requests such relief as is just and proper under the circumstances.

Respectfully submitted,

/s/ Diana C. Carter

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CERTIFICATE OF SERVICE

I hereby certify that the above document was filed in EFIS on this 26th day of November, 2024, with notification of the same being sent to all counsel of record.

/s/ Diana C. Carter