

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

Stan and Brenda Wilken,)	
)	
Complainant,)	
)	
v.)	<u>File No. EC-2025-0069</u>
)	
The Empire District Electric Company)	
d/b/a Liberty,)	
)	
Respondent.)	

STAFF’S REPORT AND RECOMMENDATION

COMES NOW the Staff of the Missouri Public Service Commission (“Staff”), by and through the undersigned counsel, and for its *Recommendation* respectfully states:

1. On August 29, 2024, Stan and Brenda Wilken (“Complainant”), filed a formal complaint with the Missouri Public Service Commission (“Commission”) against The Empire District Electric Company d/b/a Liberty (“Liberty” or “Respondent”) asserting that the Respondent overbilled the Complainant’s Average Payment Plan (APP or Budget Billing) and was otherwise unresponsive to some of the Complainant’s requests. The Commission ordered Staff to file its report regarding the complaint no later than November 27, 2024.¹

2. In cases where “a complainant alleges that a regulated utility is violating the law, its own tariff, or is otherwise engaging in unjust or unreasonable actions,” the Commission has determined that “the burden of proof at hearing rests with complainant.”²

¹ Order *Extending Time for Recommendation* issued on October 11, 2024.

² *State ex rel. GS Technologies Operating Co. v. Public Service Commission*, 116 S.W.3d 680, 693 (Mo. App., W.D. 2003) (quoting *Margulis v. Union Elec. Co.*, 30 Mo.P.S.C. (N.S.) 517, 523 (1991)). *AG Processing, Inc. v. KCP&L Greater Missouri Operations Co.*, 385 S.W.3d 511, Mo. App., W.D. 2012).

3. Staff reviewed the Complainant's payment history and actual usage billed, Staff did not find evidence that the Respondent overbilled the Complainant while participating in the APP.

4. However, Staff believes the Respondent violated 20 CSR 4240-13.045(9). The Respondent's utility representative is required to notify the customer that each party has a right to make an informal complaint to the Commission if the Respondent fails to resolve the issue to the satisfaction of the customer. Staff did not find evidence that the Respondent notified the Complainant of their right to make an informal complaint as required by the Commission rule.

5. Commission rule 20 CSR 4240-13.040(2), requires the Respondent to establish personnel procedures which, at a minimum, ensures that qualified personnel are available and prepared to respond to customer inquiries, and complaints. Staff reviewed fourteen (14) phone calls from 2023 and 2024, noting that the Respondent was not available to assist the Complainant five times. Staff does not believe that the Respondent definitively violated 20 CSR 4240-13.040(2). Nonetheless, Staff is concerned about the Respondent's customer service. Accordingly, Staff offers the following recommendations:

- a. Staff recommends that the Commission order Liberty to put a process in place ensuring that CSRs are properly trained to advise customers of their right to file an informal complaint as required per Commission Rule 20 CSR 4240-13.045(9);
- b. Staff recommends that the Commission order Liberty to put a process in place to ensure that CSRs are properly trained to assist with customer concerns and account inquires; and

- c. Staff recommends that the Commission order Liberty to put a process in place and ensure that each CSR is trained to note account activities comprehensively.

6. Attached hereto as Appendix A and incorporated by reference herein is *Staff's Report*, in which Staff provides a more comprehensive account of Staff's review and its recommendation.

WHEREFORE, Staff respectfully requests the Commission accepts this *Report* and recommendation incorporated by reference herein, and grant such relief as just under the circumstances.

Respectfully submitted,

/s/ Eric Vandergriff

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed or hand-delivered, transmitted by facsimile or electronically mailed to all parties and/or counsel of record on this 27th day of November, 2024.

/s/ Eric Vandergriff