**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 )

# OZARK ELECTRIC COOPERATIVE’S RESPONSE TO APPLICATION

**COMES NOW** Ozark Electric Cooperative (“Ozark Electric”) and for its response to the Application of Michael R. Davis (the “Applicant”), Ozark Electric 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. to Liberty (the d/b/a under which Empire District Electric Company operates).
2. The Commission issued its *Order Directing Notice, Adding Parties, and Directing Responses to Application*, directing Ozark Electric Cooperative to file its response to the application by November 29, 2024.
3. The Applicant is a current Ozark Electric member.
4. Ozark Electric is a rural electric cooperative organized pursuant to RSMo. §394.010 et seq.
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 Ozark Electric) while §393.106 refers to electric corporations (like Liberty) and joint municipal utility commissions. The purpose of the statute 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. Coop.*, 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 Liberty is based only on a perceived rate differential.
8. For this reason, Ozark Electric opposes the request.

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

Respectfully submitted,

By: */s/ Shawn P. Battagler*

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**Attorneys for Respondent**

**Ozark Electric Cooperative**

# CERTIFICATE OF SERVICE

I hereby certify that the above document was filed in EFIS on this 27th day of November, 2024, with notification of the same being sent to all counsel of record.

By: */s/ Shawn P. Battagler*

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