

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

In the Matter of the Request of The Empire)
District Electric Company d/b/a Liberty for)
Authority to File Tariffs Increasing Rates)
for Electric Service Provided to Customers)
In its Missouri Service Area)

Case No. ER-2024-0261

**PUBLIC COUNSEL’S MOTION TO
REJECT TARIFF SHEETS AND DISMISS APPLICATION**

COMES NOW the Office of Public Counsel (“Public Counsel”) and moves the Commission to issue an order that both rejects the tariff sheets Liberty filed on February 3, 2025, that it designed to increase its annual revenues by \$152,855,209 and dismisses Liberty’s application in this case without prejudice on the grounds that follow:

1. On November 6, 2024, Liberty initiated a general electric rate case by filing tariff sheets it designed to increase its annual revenues by \$92,136,624 together with supporting testimony (rule 20 CSR 4240-2.065(1)) and a cover letter. In accord with § 393.140(11), RSMo, those tariff sheets bore an effective date of December 6, 2024.

2. In response, on November 8, 2024, this Commission issued an order where, among other things, it said, “On November 6, 2024, The Empire District Electric Company d/b/a Liberty (Liberty or “Company”) filed tariff sheets *designed to increase its gross annual electric revenues by approximately \$92 million, or a 15.99% increase* over current base rate electric service revenues.” (Emphasis added; footnote omitted). Pertinent to this motion, the Commission directed Commission employees to send copies of its order to the county commissions where Liberty

serves, to “make its order available” to the legislators who represent the public where Liberty serves, and to “make its order available . . . to the news media as appropriate.”¹

3. Public Counsel began trying to understand the ramifications of Liberty’s REV ADJ 1 adjustment “to reclass FAC related revenues from the FAC specific revenue general ledger accounts to the tariffed general ledger revenue accounts within the revenue requirement” immediately after Liberty filed its application. Public Counsel issued discovery to Liberty in December and January. Reaching an understanding in January, Public Counsel informally challenged Liberty on January 30, 2025, as to whether it was limiting its rate increase request to 15.99% as it had represented. On February 3, 2025, Liberty filed its “substitute” tariff sheets replacing many of the tariff sheets it had filed on November 6, 2024.

4. On February 3, 2025, Liberty filed what it describes in its filing cover letter as “substitute tariff sheets” to replace most of the tariff sheets it filed on November 6, 2024. Liberty designed these substitute sheets to increase its annual revenues by an additional \$60,718,585, to \$152,855,209, rather than the \$92,136,624 increase for which it had designed the sheets that it filed on November 6, 2024. Both the substitute tariff sheets and the replaced tariff sheets show they were issued on November 6, 2024, to become effective December 6, 2024. The Commission suspended the tariff sheets Liberty filed on November 6, 2024, until October 5, 2025.

5. Section 393.140(11), RSMo, in part, provides:

Unless the commission otherwise orders, no change shall be made in any rate or charge, or in any form of contract or agreement, or any rule or regulation relating to any rate, charge or service, or in any general privilege or facility, which shall have been filed and published by a gas corporation, electrical corporation, water corporation, or sewer corporation in compliance with an order or decision of the commission, except after thirty days' notice to the commission and publication for thirty days as required by order of the commission, which shall plainly state the

¹ § 393.140(11), RSMo, requires that to change a tariff there must be “thirty days' notice to the commission and publication for thirty days as required by order of the commission, which shall plainly state the changes proposed to be made in the schedule then in force and the time when the change will go into effect.

changes proposed to be made in the schedule then in force and the time when the change will go into effect. The commission for good cause shown may allow changes without requiring the thirty days' notice under such conditions as it may prescribe.

6. Historically the Commission has allowed utilities to make technical corrections to tariff sheets before they go into effect and to change tariff sheets that they file to comply with Commission orders, by filing new tariff sheets that bear the same issuance and effective dates as the sheets replaced.

7. The “substitute tariff sheets” Liberty filed on February 3, 2025, neither implement technical corrections nor were filed to comply with a Commission order. Instead, Liberty filed them to increase the amount of the annual revenues it is seeking in this rate case—from \$92,136,624 to \$152,855,209, an increase of \$60,718,585.

8. With the filing of its “substitute” tariff sheets Liberty has withdrawn the tariff sheets it filed on November 6, 2024, that it replaced with the “substitute” tariff sheets. Because the testimony and minimum filing requirements which Liberty filed as part of its application that initiated this case on November 6, 2024, no longer are consistent with and do not support Liberty’s “substituted” tariff sheets, Liberty’s application does not comply with purpose and intent of Commission general rate case rules 20 CSR 4240-2.065(1) and 20 CSR 4240-3.030.

Wherefore, the Office of Public Counsel moves the Commission to issue an order that rejects all of the tariff sheets Liberty filed on November 6, 2024, as “substituted” (replaced) with tariff sheets it filed on February 3, 2025, and dismisses Liberty’s application because through Liberty’s own actions Liberty’s application does not comply with the purpose and intent of rules 20 CSR 4240-2.065(1) and 20 CSR 4240-3.030, and Liberty’s representations to the public and the Commission’s notice to the public now misleadingly represent a designed annual revenue

increase of \$92,136,624, not the \$152,855,209 for which the tariff sheets now before the Commission are designed to realize.

Respectfully,

/s/ Nathan Williams

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or electronically mailed to all counsel of record this 5th day of February 2025.

/s/ Nathan Williams