

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

In the Matter of Empire District)
Electric Company, Empire District)
Gas Company, Liberty Utilities)
(Missouri Water), LLC d/b/a Liberty)
Utilities, Liberty Utilities (Midstates)
Natural Gas) Corp. d/b/a Liberty)
Utilities (MNG) Motion for)
Temporary Variances Regarding)
Electric, Gas, Water, and Sewer)
Tariffs and the Impact of COVID-19)
on Missouri Customers)

Case No. AO-2020-0335

The Office of the Public Counsel’s Response

COMES NOW the Office of the Public Counsel (“OPC”) and for its response to the motion and Staff Recommendation, states as follows:

1. The Empire District Electric Company, Empire District Gas Company, Liberty Utilities (Missouri Water), LLC d/b/a Liberty Utilities, and Liberty Utilities (Midstates Natural Gas) Corp. d/b/a Liberty Utilities (MNG) (collectively “Movants”) request a number of tariff variances and new tariff sheet approvals in response to the economic impacts of COVID-19.

2. The OPC supports the temporary suspension of disconnections. According to the Movants’ current tariffs, disconnecting customers is at the Movant’s discretion (“...the Company *may* disconnect service...”), and variances do not appear to be necessary to suspend disconnections. However, the OPC does not oppose the Commission granting variances from disconnection tariffs as recommended by the Commission’s Staff.

3. The OPC also supports the Movants' request for temporary variances from assessing late payment charges, also subject to the Staff's Recommendation. Unlike the disconnection tariffs, temporary variances may be necessary to waive these charges.¹ Likewise, the OPC supports a variance from the requirement that a customer loses eligibility for the Low-Income Pilot Program if their bill is past due greater than sixty days.

4. The OPC concurs with the Staff that the new proposed tariff sheets related to credit card payment fees should be rejected for the reasons outlined in the Staff Recommendation. The OPC is aware of nothing prohibiting the Movants from electing to absorb such third-party fees without new regulations should the Movants choose to do so.

5. Lastly, a more thorough review of the Movants' tariffs for other ways to protect customers from further economic hardship may be necessary in anticipation of the eventual lifting of these temporary variances. For example, residential customers delinquent on paying their bills five months out of twelve are subject to paying a deposit, and commercial customers delinquent on paying their bills two months out of six are also subject to a deposit (*see* Empire District Electric, P.S.C. MO No. 5, Section 5, 6th Revised Sheet No. 28; and Empire District Gas, P.S.C. MO No. 2, 1st Revised Sheet No. R-6). Such deposits could create further economic hardships, and these tariff provisions warrant further review outside of this case.

¹ While not a point to be considered here, further discussion is warranted on whether it is in the public interest to ensure public utilities have greater flexibility to waive late fees without Commission approval.

6. The OPC intended to file its response yesterday as directed, but delayed its response to incorporate a prompt response to the Staff Recommendation filed late yesterday. For this reason, the OPC requests that the Commission accept this late response.

WHEREFORE, the Office of the Public Counsel offers this response.

Respectfully submitted,

OFFICE OF THE PUBLIC COUNSEL

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed, emailed or hand-delivered to all counsel of record this 7th day of May 2020.

/s/ Marc Poston
