

**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	)	<b><u>File No. EO-2025-0146</u></b>
The Empire District Electric Company d/b/a	)	
Liberty	)	

**JOINT LIST OF ISSUES, ORDER OF WITNESSES,  
ORDER OF CROSS-EXAMINATION, ORDER OF OPENING  
STATEMENTS, LIST OF EXHIBITS**

**COMES NOW** the Staff of the Missouri Public Service Commission (“Staff”), and after consultation with the parties, submits the following List of Issues, Order of Witnesses, Order of Cross-Examination, Order of Opening Statements, and List of Exhibits:

**List of Issues**

1. Is a change of suppliers in the public interest for a reason other than a rate differential?<sup>1</sup>
2. Is a change of suppliers requested by Applicant for a reason other than a rate differential?<sup>2</sup>

---

<sup>1</sup> This is Staff’s statement, non-objected to except for Ozark Electric Cooperative, Inc.

<sup>2</sup> This is Ozark Electric Cooperative, Inc.’s, non-objected to except for Staff. Staff’s position is as follows: Staff’s statement tracks the language of the relevant statute. Ozark’s does not: “The public service commission, upon application made by an affected party, may order a change of suppliers on the basis that it is in the public interest for a reason other than a rate differential, and the commission is hereby given jurisdiction over rural electric cooperatives to accomplish the purpose of this section.” (emphasis added) Staff contends that the difference is substantial. Ozark’s reading means that an applicant may not change suppliers unless the applicant’s reason is other than a rate differential. The statute provides and Staff’s issue statement allows that a change may be allowed even if the applicant’s reason is a rate differential if, additionally, there is a separate reason that is in the public interest. In short, the public interest guides the Commission, regardless of the applicant’s personal motivations.

Ozark’s position, on the other hand, is that that the first question to be determined is whether the request is being made for a reason other than rate differential. Ozark contends: “Only then can we get to the question of public interest. The public interest qualifier should not be a part of that initial question.”

3. If the applicant's request otherwise qualifies as a proper "public interest" request, then the issue is whether, considering the "ten-factor balancing test" set out here below, granting the application for change of suppliers is in the public interest.

- A) Whether the customer's needs cannot adequately be met by the present supplier with respect to either the amount or quality of power;
- (B) Whether there are health or safety issues involving the amount or quality of power;
- (C) What alternatives a customer has considered, including alternatives with the present supplier;
- (D) Whether the customer's equipment has been damaged or destroyed as a result of a problem with the electric supply;
- (E) The effect the loss of the customer would have on the present supplier;
- (F) Whether a change in supplier would result in a duplication of facilities, especially in comparison with alternatives available from the present supplier, a comparison of which could include:
  - (i) the distance involved and cost of any new extension, including the burden on others -- for example, the need to procure private property easements, and
  - (ii) the burden on the customer relating to the cost or time involved, not including the cost of the electricity itself;
- G) The overall burden on the customer caused by the inadequate service including any economic burden not related to the cost of the electricity itself, and any burden not considered with respect to factor (F)(ii) above;
- (H) What efforts have been made by the present supplier to solve or mitigate the problems;
- (I) The impact the Commission's decision may have on economic development, on an individual or cumulative basis; and
- (J) The effect the granting of authority for a change of suppliers might have on any territorial agreements between the two suppliers in question, or on the negotiation of territorial agreements between the suppliers.

#### **Order of Opening Statements**

Applicant  
Liberty  
Ozark Electric Cooperative  
Staff

#### **Order of Witnesses and Cross Examination**

##### **Applicant**

Ozark Electric Cooperative, Inc.  
Staff  
Liberty

**Liberty**

Ozark Electric Cooperative, Inc.  
Applicant  
Staff

**Ozark Electric Cooperative, Inc.**

Applicant  
Liberty  
Staff

**Staff**

Applicant  
Liberty  
Ozark Electric Cooperative, Inc.

**List of Exhibits**

The procedural schedule ordered that a list of exhibits be filed no later than June 17, 2025, and, additionally, that each party prepare a list of its pre-filed, pre-marked exhibits and file a copy of that list in the EFIS file per the following numbering system:

<b>Party</b>	<b>Exhibit Numbers</b>
Michael R. Davis	1-99
Ozark Electric Cooperative, Inc.	100-199
Liberty	200-299
Commission Staff	300-399

**Michael R. Davis Exhibits (1-99)**

<b>Exhibit Number</b>	<b>Exhibit Name</b>

**Ozark Electric Cooperative, Inc. (100-199)**

Exhibit Number	Exhibit Name

**Liberty (200-299)**

Exhibit Number	Exhibit Name

**Commission Staff (300-399)**

Exhibit Number	Exhibit Name
300	Direct Testimony of Coty L. King

**WHEREFORE**, Staff respectfully submits the foregoing pleading in compliance with the Commission's orders.

**Respectfully Submitted,**

/s/ Paul T. Graham #30416

Senior Staff Counsel  
Missouri Public Service Commission  
P.O. Box 360  
Jefferson City, Mo 65102-0360  
(573) 522-8459  
[Paul.graham@psc.mo.gov](mailto:Paul.graham@psc.mo.gov)

### **CERTIFICATE OF SERVICE**

The undersigned by his signature below certifies that the foregoing pleading was served upon all persons who have entered an appearance of record in this matter on this June 16, 2025, by electronic filing in EFIS.

/s/ Paul T. Graham