

BEFORE THE PUBLIC SERVICE COMMISSION

STATE OF MISSOURI

TRANSCRIPT OF PROCEEDINGS

EVIDENTIARY HEARING

In the Matter of the Request)
of the Empire District Electric)
Company d/b/a Liberty for) File No. ER-2024-0261
Authority to File Tariffs)
Increasing Rates for Electric)
Service Provided to Customers)
In its Missouri Service Area)

TUESDAY, OCTOBER 14, 2025
9:00 a.m.

Governor Office Building
200 Madison Street
Jefferson City, MO 65101
and WebEx

VOLUME 11

CHARLES HATCHER, Presiding
SENIOR REGULATORY LAW JUDGE

KAYLA HAHN, Chair,
MAIDA J. COLEMAN,
GLEN KOLKMEYER,
JOHN MITCHELL,
COMMISSIONERS

REPORTED BY:
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Commission

1 JUDGE HATCHER: My name is Charles
2 Hatcher. I am the Regulatory Law Judge that will be
3 presiding over this hearing. This is an evidentiary
4 hearing set for the general rate case of the Empire
5 District Electric Company, doing business as Liberty.
6 This is Case Number ER-2024-0261.

7 First and foremost, if I could ask
8 everyone to please mute your phones. Everyone who has
9 joined by WebEx, if you could please check and make
10 sure that you are muted now.

11 For the record, I'd like to mention that
12 we have two of our Commissioners joining us online
13 today. We have Commissioner Kolkmeier online, as well
14 as Commissioner Coleman and Mitchell. I'm sorry. We
15 have three of our Commissioners, and Commissioner
16 Mitchell. I expect Chair Hahn to be joining us from
17 upstairs shortly.

18 Next, I'd like to thank Office of Public
19 Counsel and the Consumers Council of Missouri for your
20 quick filing of your objections. This has been a
21 last-minute settlement, which is quite a big curve
22 ball in a case, and I appreciate both of those parties
23 shortening -- self-shortening the seven -- seven-day
24 deadline to get those filed.

25 Mr. Williams?

1 MR. WILLIAMS: Judge, we actually only
2 responded to one of the settlements. We don't have
3 any objection to the other two, just to be clear on
4 the record.

5 JUDGE HATCHER: Thank you. I appreciate
6 that.

7 Moving on, let's talk about our excused
8 parties today. By my count, we have five parties
9 actively participating today. That will be Empire,
10 Staff, OPC, Consumers Council, and MCEG.

11 Excused parties include the International
12 Brotherhood of Electrical Workers, that's IBEW, that
13 local; Empire District Retirees, also known EDRA;
14 Influent Energy. Those three have already been
15 excused from the proceedings.

16 Moments ago a motion was filed by Renew
17 Missouri requesting that they also be excused. Are
18 there any objections to the excusing of Renew
19 Missouri? Hearing none, they are also so excused.

20 Let's see. What else is on my list?
21 According to the amended hearing schedule -- let me
22 back up and change topics.

23 I don't have an order for opening
24 statements. Just following the order of
25 cross-examination for the five remaining parties, I

1 would suggest -- or I would throw out as a first
2 thought that we go Empire, Staff, OPC, MECG and then
3 Consumers Council batting last.

4 Are there any suggestions otherwise? We
5 do not have a schedule for opening statements.

6 Okay. Let's go back to our amended
7 hearing schedule. This was filed Friday evening. And
8 I would like to point out two topics -- three topics
9 of note on this filing.

10 The first says: The parties stipulate to
11 the admission of all testimony pre-filed in this
12 docket. I want to take that partial statement on its
13 own. My understanding from that is that we will not
14 be needing witnesses to come up and be sworn in to
15 verify that they filed that pre-filed testimony.

16 My understanding and intent from that
17 understanding to move forward is that when we get to
18 issues that the parties have said that they will not
19 have opening statements and they will not be
20 cross-examining, so more or less the bulk of our
21 docket for this week, those issues I will ask the
22 Commissioners, "Do you have any questions?" and then
23 we will proceed from there whether we call up
24 witnesses to then be sworn and answer questions.

25 So, for example, today we'll finish up

1 with Customer Experience issues. At the conclusion of
2 that, my intent is to then announce that we are moving
3 to Income Statement issues, and I will list off those
4 issue numbers.

5 I will then ask if there are any
6 Commissioner questions, jumping right into the middle
7 of that. If there are no Commissioner questions,
8 we'll move on. If there are, then we'll stop, call up
9 those appropriate witnesses, and move through the
10 Commissioner questions and then circle back around to
11 everyone else's redirect and recross.

12 Are there any concerns, objections,
13 modifications on that? Mr. -- Staff counsel.

14 MR. VANDERGRIFF: It's Eric Vandergriff,
15 Your Honor.

16 JUDGE HATCHER: Thank you,
17 Mr. Vandergriff.

18 MR. VANDERGRIFF: So regarding the issue
19 statement -- or Income Statement issues, if the
20 Commission would announce if they had questions for
21 those witnesses as soon as possible, that would help
22 some of our witnesses. That's the only question we
23 have.

24 JUDGE HATCHER: I understand and
25 appreciate that. I have thought about that a lot this

1 weekend. We are -- we were compressed for time from
2 the global stipulation to the objections to the
3 amended schedule and now today.

4 Reluctantly, I have to say no. I do not
5 wish to excuse any witnesses today because I don't
6 know how this is going to play out. In my head, this
7 goes really smoothly. But I -- I want to make sure --
8 and I'm also aware that Staff witnesses typically work
9 in this building. So I would even add that onto my
10 hesitancy.

11 For the week ahead, the motions I've seen
12 ask for excusal of all of those witnesses. I'm
13 hesitant because I don't have a list of exact names.
14 I'm also hesitant because the stipulation, the
15 objections, and the new schedule, the timing, have not
16 given the Commissioners a lot of time to go through
17 and give a fine point on what it is that they want to
18 ask.

19 So for today, I'm not going to excuse
20 anyone in advance. We will just go through and -- and
21 when we get to Income Statements, I -- I'm sorry,
22 we're going to have to just roll the dice and see how
23 that works out.

24 If witnesses are not available, if they
25 have excused themselves from the office for whatever

1 reason, I will bend over backgrounds to be
2 understanding and reschedule them to either later
3 today or later this week. With all of those, I'm
4 going to have to say no, I'm not going to excuse
5 witnesses this morning.

6 MR. VANDERGRIFF: Thank you, Your Honor.

7 JUDGE HATCHER: Sorry, Mr. Vandergriff.

8 Thank you.

9 Okay. Let's get back to the phrase, "The
10 parties stipulate to the admission of all testimony
11 pre-filed in this docket." I will ask for objections,
12 and for purposes of the next five days, I'm going to
13 rule on all of those pre-filed testimonies.

14 Does anybody have any concerns or
15 objections about me asking all at once? I'm asking
16 all at once and I feel comfortable asking all at once
17 because the parties all signed on to this. Are there
18 any objections to all of those pre-filed exhibits
19 being admitted? I'm going to get to your special
20 ones.

21 Hearing no objection, all of the
22 pre-filed testimony is admitted according to the
23 exhibit numbers that were posted on everyone's
24 pre-filed exhibit list.

25 (All pre-filed testimony was received

1 into evidence.)

2 JUDGE HATCHER: Second, and as a part of
3 the same sentence, the parties have stipulated as well
4 to the admission of Exhibits 227 -- these are OPC's,
5 we can tell by number -- Exhibits 227, which is
6 DR-2001; Exhibit 201, and that is DR-8054; and
7 Exhibit 200, which is DR-8053.

8 I'm informed that Exhibit Numbers 200 and
9 201 and 227, all of those three, were not pre-filed in
10 the same manner that the other testimony was
11 pre-filed. However, they have been provided to the
12 parties in advance of my asking this question.

13 So just belt and suspender, the parties
14 have already agreed that these are admitted. I just
15 want to double check. Has anyone changed their mind?
16 Are there any objections to the admission of 227, 201
17 and 200? Hearing none, they are so admitted.

18 (OPC Exhibits 200, 201 and 227 were
19 received into evidence.)

20 JUDGE HATCHER: Mr. Williams?

21 MR. WILLIAMS: Just as a point of
22 clarification, those are actually Empire responses to
23 Public Counsel data requests.

24 JUDGE HATCHER: Yes, my phrasing is -- is
25 short following this morning. Thank you. I

1 appreciate that.

2 And lastly, according to the amended
3 hearing schedule, the parties further stipulate to the
4 following -- following correction to the pre-filed
5 rebuttal testimony of Daniel Dane, the following: Page
6 21, lines 17 to 18, quote, As noted by Fitch in May,
7 the correct year should be 2024. The remainder of
8 that sentence is deleted through to the colon, end
9 quote.

10 Are there any objections to that
11 correction being made to the pre-filed rebuttal
12 testimony of Daniel Dane?

13 Hearing none, it is so corrected.

14 Let's touch briefly on further
15 corrections, if we have any. I'd like to take those
16 up as separate filings, errata sheets with the -- the
17 place and -- and page number and everything to be
18 corrected just for the ease of myself, the
19 Commissioners and all the parties.

20 Mr. Vandergriff?

21 MR. VANDERGRIFF: Your Honor, that's what
22 we were going to mention, we had a correction as well.

23 JUDGE HATCHER: Let's save that unless
24 it's going to be super relevant today. Let's just
25 have that filed -- throw me out a date when you think

1 you can have that done. Next Friday? Not this coming
2 Friday, but the Friday after our hearing.

3 MR. VANDERGRIFF: Yes, Your Honor.

4 JUDGE HATCHER: Done.

5 Ms. Carter?

6 MS. CARTER: Judge, we have one addition
7 stipulation item.

8 JUDGE HATCHER: Is this the one that was
9 filed this morning or yesterday? There was one filed
10 yesterday. I'm sorry. Go ahead with your question.

11 MS. CARTER: Thank you. I was just going
12 to put on the record, OPC had requested an amount that
13 had been paid to a particular witness to be stipulated
14 on the record. And we stipulate that the amount paid
15 to John Reed for this case through October 9 of 2025
16 is \$123,288.75.

17 JUDGE HATCHER: Does counsel for OPC have
18 any response?

19 MR. WILLIAMS: No. We were asking for
20 the stipulation for waiving cross.

21 JUDGE HATCHER: So I think that sets into
22 motion they are going to be waiving cross on Thursday
23 on the Customer Experience issues when we continue
24 those issues. Is that my understanding? Is that
25 understanding correct?

1 MR. WILLIAMS: We're waiving cross on
2 Mr. Reed.

3 JUDGE HATCHER: Okay. And just to
4 confirm, the Global Non-Unanimous Stipulation stated
5 in the event that it was objected to, which is a
6 situation we are in, that the parties to the stipu- --
7 the signatories would not cross-examine the fellow
8 signatories of that. By the nods of the head, I'm
9 seeing that that is still in effect.

10 MS. CARTER: That is correct, Judge. As
11 opposed -- with the exception of cross questions based
12 on questions from the Bench.

13 JUDGE HATCHER: I follow.

14 Okay. Thank you. That was a lot of
15 introductory announcements we have made our way
16 through. Let's start with our opening statements.
17 Empire, the floor is yours.

18 And let the record reflect we have been
19 joined in person by our Chair, Kayla Hahn. Thank you.

20 Ms. Carter, go ahead.

21 MS. CARTER: Thank you. My name is Diana
22 Carter, counsel for the Empire District Electric
23 Company, which does business as Liberty. Also
24 appearing in the hearing on behalf of Liberty will be
25 my colleague, Jermaine Grubbs, who is hiding behind

1 this pillar right at the moment; Jim Flaherty of
2 Anderson and Byrd, who is back here. He has
3 represented the company before the Kansas Corporation
4 Commission for many years. And then also my former
5 partner from just down the street, Dean Cooper of
6 Brydon, Swearngen and England.

7 There is a list of issues with
8 170 decision points, without counting subparts. But a
9 global settlement was reached between Liberty; the
10 Staff of the Commission; the industrial customer
11 group, MECG; Renew Missouri; and the union that
12 represents many of Empire's employees.

13 The company reached separate partial
14 settlements with the retiree group and the union. And
15 upon request, those two parties were excused from the
16 hearing.

17 Intervenor, Influent Energy, stated their
18 non-objection to the global settlement and they were
19 excused from the hearing. And the signatory Renew
20 Missouri, was just excused from the hearing this
21 morning.

22 Because of the objection by two parties
23 to that global stipulation, it now serves as the Joint
24 Position Statement of the signatories.

25 The Company, the Staff of the Commission,

1 and the other signatories continue to urge the
2 Commission to approve the terms of the global
3 settlement as the just and reasonable resolution of
4 all issues in the case.

5 As you know, the Company deployed what we
6 call Customer First. It's an SAP system that is being
7 used for all core functions across the enterprise;
8 financial transactions, procurement, human resources.

9 The focal point of discussion in this
10 case has been the billing module of that SAP system.
11 Billing issues have been a part of informal complaints
12 and inquiries as you know, written comments, testimony
13 at town halls, local public hearings, and the witness
14 testimony that will be before you today.

15 I reviewed those complaints, I attended
16 the town halls, I attended the local public hearings.
17 I heard those complaints, I felt those complaints.

18 From a customer impact perspective, the
19 deployment has certainly not been what our customers
20 deserve. We acknowledge that, we understand that.
21 The frustration and confusion expressed by our
22 customers is more than valid.

23 It's a compelling reflection of the
24 challenges we must address as a company. While we
25 have implemented significant improvements, we

1 recognize that the issues experienced by our customers
2 went on too long, and that even a small percentage of
3 unresolved billing issues affects customer
4 satisfaction and trust. And trust not just from our
5 customers, but from all stakeholders.

6 While the company continues to take
7 action to address billing concerns, here are just a
8 few of the steps that have already been taken. And
9 we're not simply asking for trust. We understand that
10 that's something we need to build back, and we're
11 earning it back through measurable transparent
12 progress.

13 We increased staffing levels in both the
14 call center and in billing operations to improve the
15 timeliness of addressing customer needs. And we
16 developed a dedicated team for customer complaints for
17 focused resolution, data collection, and
18 problem-solving sessions.

19 We updated the exception process within
20 SAP to mitigate those non-value added exceptions and
21 improve billing timeliness. We deployed a manual
22 review process by our regulatory and billing experts
23 so we could catch more of the issues before they
24 appear on customer bills.

25 I'm very proud of this next one, number

1 four, the role of chief customer officer was created
2 so that customer experience is prioritized at the
3 highest level of leadership and to develop a
4 customer-centric operating model for the entire
5 organization that provides direct accountability for
6 customer outcomes.

7 Our chief customer officer, Amy Walt,
8 will be the first witness to take the stand in this
9 case.

10 Next, Amy implemented key performance
11 metrics that track billing accuracy, timeliness,
12 customer service success, and customer experience with
13 the ability to drill into the metric and understand
14 the primary pain points of our customers. This will
15 drive focused problem solving to proactively resolve
16 issues before they reach our customers.

17 And also, Amy launched targeted
18 end-to-end process reviews and is implementing root
19 cause solutions.

20 With the help of OPC and Staff, we
21 recently obtained variances from the Commission so
22 that we can address the largest pain point of
23 collective and joint accounts by aligning the meter
24 reading and bill cycles for those customers who have
25 multiple services or multiple meters.

1 These actions and many others demonstrate
2 our commitment to customers and our accountability for
3 improvement.

4 It's important to note that Customer
5 First is fully integrated into nearly every aspect of
6 our daily business functions and is essential to
7 delivering service to our customers in Missouri. The
8 testimony demonstrates that it is in service and used
9 and useful consistent with regulatory standards.

10 Also, the Commission must remember there
11 is more in this case than just the Customer First
12 investment. Beyond Customer First, approximately
13 550 million of prudent investment has taken place
14 since the last case.

15 Eighteen substations were upgraded, five
16 substations were rebuilt for improved reliability and
17 increased capacity.

18 The Ozark Beach crane extension is a good
19 example of a significant safety improvement. You'll
20 be hearing about that on Friday, I believe.

21 Approximately 80 miles of transmission
22 lines were reconductored. There were approximately
23 30 miles of newly constructed transmission lines.

24 Briefly moving to the legal standards.
25 In deciding this case, the Commission is required to

1 set rates that are just and reasonable by balancing
2 the interests of the investor and our customers. In
3 its rate case decisions, this Commission often points
4 to this balancing obligation established by the
5 Supreme Court's Hope decision.

6 The Commission also points to the Supreme
7 Court's Bluefield opinion on what constitutes a just
8 and reasonable rate.

9 The Supreme Court and this Commission has
10 held that in undertaking the balancing required by the
11 Constitution, the Commission is not bound by any
12 particular formula. You're free to make adjustments
13 based on the particular circumstances. But rates must
14 be designed to produce enough revenue to cover
15 operating expenses and also the capital cost of the
16 business, service on the debt and dividends on the
17 stock.

18 For rates to be just and reasonable, they
19 must be designed to produce revenues that provide the
20 Company with an opportunity to earn a return that is
21 fair, one that is sufficient to assure confidence in
22 the financial integrity of the utility to maintain its
23 credit and to attract capital. This should be a
24 concern, an interest of all stakeholders, not just the
25 Company.

1 Liberty's pre-filed testimony supports an
2 annual revenue requirement increase of approximately
3 169 million. The Staff's pre-filed testimony supports
4 an increase of approximately 129 million. It's very
5 important to note that Staff's recommendation of
6 129 million dollar increase already reflects removal
7 of the entire Customer First investment in cost and a
8 drop from a 9.5 ROE of 100 basis points to account for
9 the billing and customer service issues.

10 In light of the evidence that is
11 presented in this case in Staff's position, OPC's
12 recommendation of a zero increase, even understanding
13 their recommendation for doing so, is woefully
14 inadequate for our customers to receive safe and
15 adequate service.

16 And if the Commission were to adopt that
17 recommendation, it would be far out of line with legal
18 standards for setting utility rates.

19 If Liberty has to reduce what it spends
20 to provide service to customers to the levels that
21 would be required under OPC's zero increase
22 recommendation, I fear what could result. Especially
23 given the fact that the Commission Staff, after
24 conducting its audit, performing a complete revenue
25 requirement analysis and then eliminating all costs of

1 Customer First and then reducing the return on equity
2 recommendation by 100 basis points, still recommends
3 an increase of 129 million.

4 Now, the global settlement that was
5 objected to and serves now as the Joint Position
6 Statement of the five signatories, would set the rate
7 increase at 97 million. That's the green bar there.

8 The settlement also calls for Liberty to
9 phase in that raise increase over a three-year period.
10 The percentage increase to customers under the global
11 settlement would be approximately 6.3 percent each
12 year. And under that global settlement, the company
13 has agreed for there to be no carrying costs during
14 the phase-in.

15 You're likely familiar with the Show-me
16 State sentiment: Frothy eloquence neither convinces
17 nor satisfies me. I am from Missouri. You have got
18 to show me.

19 Consistent with that idea and recognizing
20 where we have been with billing and customer service,
21 under the global settlement Liberty does not seek
22 recovery of or a return on Customer First in this
23 case. And this is despite the evidence and despite
24 the integral nature of Customer First.

25 Instead, the global settlement proposes

1 that OPC and Staff partner with Liberty to set target
2 metrics associated with the billing process going
3 forward. Only after meeting those agreed-upon metrics
4 and only in those months where we meet those metrics
5 would the Company be allowed to book a return to a
6 regulatory asset.

7 Rates paid by customers wouldn't change
8 between rate cases. That's not the proposal. The
9 regulatory asset, if earned, would be considered for
10 recovery in Liberty's next rate case.

11 Under this stipulation commitment,
12 Liberty's return on Customer First is tied directly to
13 measurable performance metrics, ensuring full
14 accountability before any return is earned before
15 there is essentially any recovery for Customer First;
16 fully addressing those concerns you heard from our
17 customers.

18 This allows the Commission to hold the
19 Company accountable for improving customer outcomes,
20 while preserving the financial integrity and stability
21 necessary for the Company to continue providing safe
22 and reliable service.

23 Some of the other noteworthy
24 customer-focused provisions of the global settlement,
25 if it were to be accepted as the resolution of the

1 issues in this case, external audits. In committee
2 with Staff and OPC, Liberty would engage an
3 independent third party to conduct audits on customer
4 billing and customer satisfaction.

5 The goal, to evaluate Liberty's current
6 policies and performance against industry standards
7 with the intent of identifying opportunities for
8 improvement and establishing measurable criteria for
9 future success. And up to \$500,000 of the cost of
10 those audits would be paid by Empire shareholders.

11 Next, arrearage forgiveness. With
12 approval of the settlement, the Company would forgive
13 8.5 million dollars of customer debt on its books
14 through a targeted relief initiative. Again, that
15 would be working with OPC, Consumers Council and other
16 stakeholders to design a forgiveness program that
17 would support those most in need.

18 Another aspect of the global settlement,
19 the Low-income Weatherization program. The company
20 would continue its annual budget in the amount of
21 550,000, with 300,000 coming from stakeholders.

22 There's also the Fresh Start plan that is
23 outlined in Nate Hackney's testimony. It's currently
24 called the Low-income Pilot program. The Company
25 would continue a 50 percent match, but at the annual

1 cap being increased to 900,000, and the Company would
2 remove the budget billing requirement that our
3 customers have -- have pushed back against.

4 The Critical Medical Needs program would
5 also continue under the global settlement, with
6 \$50,000 coming from shareholders. And under the
7 settlement, there would be quarterly low-income
8 stakeholder meetings. The Company would host these
9 meetings with OPC, Consumers Council and other
10 stakeholders at which affordability would be standing
11 item agenda.

12 The Non-Unanimous Stipulation and
13 Agreement, or now Joint Position Statement, of
14 Liberty; the Commission Staff; the consumer group for
15 industrials, MCEG; Renew Missouri; and the union is a
16 just and reasonable resolution of all issues in this
17 case, balancing the interests of all stakeholders.

18 I'm excited about it. It's -- it's
19 straight-up awesome, in my opinion. It recognizes and
20 addresses Liberty's known billing deficiencies and the
21 need for the Company to continue making progress, but
22 it balances that with satisfaction of legal standards
23 and the need to avoid jeopardizing the Company's
24 ability to provide safe, reliable and adequate
25 service.

1 I very much thank you for your time and
2 consideration. You have some big issues before you.
3 I welcome any questions Chair Hahn or the Judge you
4 have for me or the Commissioners online. And we
5 welcome any questions you may have for the Liberty
6 employees or other witnesses who will be appearing
7 before you over the coming days.

8 I especially look forward to you hearing
9 from our chief customer officer, Amy Walt, who will be
10 up right after opening statements; along with our
11 local customer care director, Candice Kelly; Tim
12 Wilson, our Central Region president for electric; and
13 Charlotte Emery, our local senior director for rates
14 and regulatory affairs.

15 JUDGE HATCHER: Thank you. Are there any
16 questions? Chair, go ahead.

17 CHAIR HAHN: Good morning, Ms. Carter.
18 After reviewing this stipulation and agreement, one of
19 the items that was frequently brought up at the local
20 public hearings was the lack of in-person customer
21 service assistance in both Bolivar and Aurora,
22 specifically with the Aurora Customer Service Center
23 being closed.

24 Who can speak to efforts on behalf of the
25 Company to reopen or appropriately staff those

1 centers?

2 MS. CARTER: So Amy, Candice and Tim are
3 all good folks to answer questions on those issues.

4 CHAIR HAHN: Thank you. Also, looking at
5 the 97 million dollar overall revenue requirement, has
6 Liberty done any analysis on the residential ratepayer
7 impact percent by year? Or where could I find that?

8 MS. CARTER: We have. And Charlotte
9 Emery, who will be before you this morning as well,
10 actually has that all printed out.

11 CHAIR HAHN: Wonderful. Thank you.
12 That's all I have.

13 JUDGE HATCHER: Thank you, Chair.
14 Are there any other Commissioner
15 questions for Ms. Carter?

16 COMMISSIONER KOLKMEYER: Yeah, Judge.
17 This is Commissioner Kolkmeier.

18 JUDGE HATCHER: Yes, go ahead,
19 Commissioner.

20 COMMISSIONER KOLKMEYER: We heard loud
21 and clear that -- about the billing problems. But one
22 of the questions that I have is have you -- have you
23 resolved the problem of someone appearing in person to
24 try to pay their bill to say they don't owe anything,
25 and the next day or two then get four bills in the

1 mail? Has that issue been resolved?

2 MS. CARTER: So, Commissioner Kolkmeyer,
3 I encourage you to ask Amy Walt that question so she
4 can give you an answer that would then be on the
5 record and in evidence.

6 COMMISSIONER KOLKMEYER: Okay. Thank
7 you.

8 MS. CARTER: Thank you.

9 JUDGE HATCHER: Thank you, Commissioner.
10 Any other questions for Ms. Carter? All
11 right. Hearing none, thank you, ma'am.

12 MS. CARTER: Thank you.

13 JUDGE HATCHER: That brings us to Staff's
14 opening statement.

15 MR. VANDERGRIFF: May it please the
16 Commission. Good morning, Commissioners and Judge.
17 I'm Eric Vandergriff, appearing on behalf of the Staff
18 of the Missouri Service Public Commission as its lead
19 attorney in this case.

20 Two weeks ago at the Commission's agenda,
21 there were understandable concerns about the number of
22 issues to be -- set to be tried in this case. I am
23 pleased to announce that since then, Staff entered
24 into a Non-Unanimous Global Stipulation and Agreement.

25 The global stipulation cut the contested

1 issues that need to be litigated before the Commission
2 down from 170 contested issues to just a few.
3 However, because this agreement is non-unanimous, the
4 Commission will still need to hear from
5 non-signatories, but the scope of the live issues have
6 been dramatically decreased.

7 To recap, Empire filed this rate case in
8 November 2024 seeking a rate increase of about
9 92 million dollars. By early December, Staff would
10 not join into a Joint Procedural Schedule because of
11 unreliable billing determinants and usage information
12 provided by Empire.

13 While Staff worked with Empire to resolve
14 the issue, the Commission -- I mean the Company
15 subsequently filed substitute tariff sheets expanding
16 its request by roughly 60 million to about 152 million
17 dollars without supporting testimony, prompting Staff
18 to move to dismiss this case two days later.

19 The Commission then held a procedural
20 conference on February 24 to address the process
21 options, including refiling and resetting the
22 statutory clock.

23 On March 4, the Commission issued a
24 corrected notice setting new intervention deadlines on
25 March 25th, after which opened a investigation to all

1 Liberty utilities on February 27th.

2 The Commission, including -- excuse me.

3 The Commission opened an investigation to
4 all Liberty utilities that provided service in
5 Missouri, including Empire's billing and customer
6 service practices.

7 And in July, it conducted several local
8 public hearings in this case in Joplin, Nixa, Bolivar,
9 Branson, Aurora, and two additional virtual hearings.
10 Staff used updated data produced by Empire since
11 December, and our position supported an increase to an
12 annual revenues of around 128 million and included a
13 100 basis point reduction on return on equity tied to
14 service performance. At the time of the true-up
15 rebuttal filing, Empire's position had evolved to 168
16 million dollars increase.

17 Staff, along with Empire and several
18 other parties, including the Midwest Energy Consumers
19 Group, MECG; Renew Missouri; the local IBEW union
20 reached -- reached a comprehensive global settlement
21 that would resolve nearing every issue in this case.

22 Not all parties signed on. Notably, the
23 Office of the Public Counsel and the Consumers Council
24 of Missouri chose not to and objected to the
25 settlement.

1 Despite these objections of the OPC and
2 the Consumers Council, Staff believes this agreement
3 strikes a fair balance among the stakeholders'
4 concerns and interests.

5 Here's what it does and here's what it
6 means. First, it provides Empire a revenue
7 requirement increase of about 97 million dollars, far
8 lower than the Company's case at their true-up of
9 168 million dollars, with an equal percentage phased
10 in in rates over three years. It's a 57 percent
11 reduction to Empire's requested revenue requirement.

12 Further, Empire has agreed not to file
13 another rate case for at least 24 months. Without
14 this global stipulation, any contested outcome would
15 likely hit its ratepayers at once and nothing would
16 prevent Empire from requesting another rate increase
17 soon after.

18 This was a black-box compromise with
19 concrete Customer First adjustments that Staff pushed
20 for. Roughly 20 million dollars of Empire's
21 decrease -- increase -- or request tied to its new
22 billing system of service deficiencies are not being
23 passed through.

24 The downward adjustment directly
25 acknowledges Empire's sub-par rollout and ensures that

1 ratepayers aren't paying for a system that hasn't
2 delivered the service ratepayers are entitled to.

3 However, this global stipulation lays out
4 a path toward -- forward with Customer First
5 performance metrics that would allow Empire to recover
6 the return associated with its billing system
7 investments in a future rate case; those monthly
8 benchmarks for timely and accurate billing, call
9 center performance, and assurance resolutions that
10 would be developed in a separate collaborative process
11 targeted for finalization by May 31st, 2026.

12 And it's only after Empire meets those
13 normalized performance metrics that it may begin
14 deferring any return on Customer First assets. Put
15 plainly, Empire will not be rewarded for its Customer
16 First investment without tangible, agreed-upon
17 results.

18 Let's discuss the cost of capital. The
19 parties agree to use a 7.01 percent overall rate
20 return for any mechanisms or process that requires
21 specific components of rate returns like PISA,
22 P-I-S-A. Note: This recommended rate of return does
23 not mean that it was used to derive the black-box
24 annual revenue requirement increase.

25 While it's lower than what Staff

1 initially recommended in its testimony, it is near the
2 midpoint of the range expected for utilities in
3 Empire's current position. It gives Empire a fair
4 opportunity to maintain its financial integrity and
5 attract capital on reasonable terms while protecting
6 ratepayers for paying for an excessive return.

7 This stipulation resolves a long list of
8 issues through its black-box agreement. Taken
9 together, the global settlement is fair for Empire and
10 it's fair for its ratepayers.

11 From Staff's perspective, this settlement
12 is properly balanced, consistent with regulatory
13 principles, and what the law requires in rate-making.
14 The Commission's responsibility is to set rates that
15 protect consumers from unreasonable costs while
16 allowing the utility a fair opportunity to recover its
17 prudent investments and earn a reasonable return.

18 Here, the end result of this global
19 stipulation is a set of rates and conditions that
20 fully satisfy those standards. Empire will receive
21 its much-needed infusion of revenue to maintain and
22 improve its service, albeit less than Staff's
23 recommended 128 million dollar revenue increase. And
24 this agreed-upon global stipulation will provide clear
25 incentives to improve Empire's performance.

1 Ratepayers, on the other hand, will see a
2 significantly smaller increase than initially
3 requested, with structural safeguards like the phasing
4 in of rates and the performance metrics ensuring that
5 they get value for what they pay.

6 In other words, Empire will be granted
7 no more than what is necessary for it to meet its
8 obligations to serve. And ratepayers are protected
9 from paying for Empire's past shortcomings while
10 gaining enforceable assurances for -- of better
11 service going forward.

12 Now, despite this just and reasonable
13 settlement, non-signatories want to present a few
14 issues for the cons- -- for the Commission's
15 consideration.

16 As reflected in the amended hearing
17 scheduled filed on October 10, the vast majority of
18 issues have been identified via footnote waiving
19 cross-examinations and openings. The parties have
20 agreed nearly all of the pre-filed testimonies will be
21 admitted by stipulation, and no further litigation is
22 needed of those subjects unless the Commission itself
23 has questions. For any such Commission questions, the
24 relevant witnesses will be made available.

25 Please note these issues will be briefed

1 by the parties.

2 Let me clearly name which issues were not
3 waived and which Staff witnesses are prepared to
4 testify to each, if needed. Staff may not have taken
5 a specific position on many of the discussions that
6 may arise out of this evidentiary hearing; however, we
7 reserve the right to do so based upon the evidence
8 prepared -- presented at this hearing.

9 So let's talk about Customer Experience
10 issues. I will note that these issues were resolved
11 among the non-signatories in the global stipulation.
12 However, the non-signatories have issues they would
13 like to litigate before the Commission. Those issues
14 generally cover billing errors, service quality, and
15 associated metrics in regulatory asset treatment.

16 All of those issues are addressed by the
17 stipulation's provisions, such as customer cost
18 disallowances and in performance metrics plans we've
19 previously discussed.

20 Staff's experts are Matthew Young, Tyrone
21 Thomason, Kim Bolin, and J Luebbert. If there are any
22 Commission questions to -- on those issues, any of
23 those witnesses are ready -- can readily step forward
24 and explain how the settlement addresses the customer
25 service concerns and questions about their testimony.

1 Capital structure, ROE, cost of debt.
2 Covering capital structure, the return on equity and
3 the cost of debt issues are our Staff's expert, Chris
4 Walters. If there are any questions about capital
5 structure, please direct your attention to
6 Mr. Walters.

7 If you have questions about the global
8 stipulation, please direct your questions to Kim
9 Bolin, who is ready to explain how the settlement
10 addresses these issues.

11 The fuel adjustment clause. We
12 anticipate some cross-examination on the fuel
13 adjustment clause's impact on revenue requirement.
14 While the Global Non-Unanimous Stipulation agrees to
15 several aspects of the FAC, including a 95/5 sharing
16 mechanism, transmission expense levels and -- and an
17 FAC base of \$13.97 per megawatt hour, Staff, along
18 with the signatories of the global stipulation,
19 satisfactorily resolve the impact of base fuel on --
20 on the revenue requirement via black-box development.

21 However, the non-signatories did not
22 waive cross-examination and openings for the fuel
23 adjustment clause. Therefore, Staff witness Brooke
24 Mastrogianis and Shawn Lange, who sponsored testimony
25 on these topics, will be available for any questions

1 the Commission may have.

2 Ozark Beak crane -- Ozark Beach crane
3 extension. Brodrick Project Niemeier wrote testimony
4 on Ozark Beach's crane extension. If you have further
5 questions about the global stip- -- stipulation,
6 please direct your questions to Staff expert Claire
7 Eubanks.

8 The additional issues is generally
9 covering AMI disconnect policies and Coty King wrote
10 testimony on modifying Empire's tariff to allow self
11 read options for customers who opt out of AMI meters
12 and is here for any questions you may have.

13 If you have any questions regarding this
14 issue within the global stipulation, please direct
15 your questions again to Staff expert Claire Eubanks.

16 Turning now to a few issues that remain
17 before the Commission. The Market Price Protection
18 Mechanism, Issue 128, is another contested issue left
19 unresolved by the global stipulation. The stipulating
20 parties have agreed that MPPM has no current revenue
21 impact and have suggested essentially moving the issue
22 out of the current case and deferring the decision on
23 it to a later time.

24 For the record, Staff's position on MPPM,
25 as filed in our statement of positions, is that the

1 Commission's previous order should be upheld. For
2 example, the standing definition of the PPA
3 replacement value; we did not take a position on some
4 of the sub-issues like how to calculate a non-zero
5 replacement if one were warranted or how to handle
6 related transmission credits, because at the time of
7 this case, Staff's position is that the PPA
8 replacement value is zero.

9 If the Commission chooses to reach merits
10 on Issue 128 in this case, Staff will support our
11 filed position that no immediate change is needed.

12 And if the Commission has questions
13 regarding the PPA replacement value as it pertains to
14 MPPM, Staff witness Marina Gonzales, who wrote
15 testimony on this mechanism, can be made available to
16 provide our analysis.

17 Should you have questions about Staff's
18 decision on deferring this issue to a new case, please
19 direct your questions to Staff expert J Luebbert and
20 Kim Bolin.

21 In conclusion, Staff wholeheartedly
22 supports the Non-Unanimous Global Stipulation and
23 Agreement as the appropriate resolution of this case.
24 We believe the settlement, as presented, satisfies the
25 Commission's rate-making standards and is consistent

1 with the evidence presented in the case and the law.
2 It isn't a comprise for comprise's sake. It is a
3 carefully crafted outcome that improves customer
4 protections and holds Empire accountable while still
5 ensuring Empire has the revenue it genuinely needs to
6 provide safe and adequate service going forward.

7 The settlement's terms were negotiated
8 with an eye on public interest and the agreement as a
9 whole strikes the right balance between Empire's
10 financial health and the customers' interests in
11 reasonable affordable service.

12 All of Staff's witnesses stand ready to
13 testify that, in their expert opinions, the components
14 of this settlement are reasonable and that the package
15 together is no more than what is necessary for Empire
16 to meet its obligations to its customers.

17 We are prepared to support this
18 stipulation as our joint position throughout this
19 hearing. And while non -- non-signatories oppose the
20 agreement, largely out of frustration with Empire's
21 past service quality and with the overall size of the
22 rate increase, we respectfully -- respectfully submit
23 that these concerns have been fully addressed through
24 this settlement's provisions; for example, the
25 performance metrics and the financial adjustments

1 discussed earlier.

2 To put it simply, adopting the
3 stipulation will yield rates that are fair, balanced
4 and lawful. Empire will have a reasonable opportunity
5 to earn its return. And customers will have the
6 assurance that they are paying a fair price under
7 improved service standards.

8 For all those reasons, on behalf of the
9 Staff of the Commission, I present the Non-unanimous
10 Global Stipulation and Agreement as the proper
11 resolution of this case. We recommend the Commission
12 find the stipulation just, reasonable, and in the
13 public interest and to approve it.

14 Staff's witnesses are available
15 throughout this hearing to answer any questions you
16 may have. thank you.

17 JUDGE HATCHER: Thank you,
18 Mr. Vandergriff.

19 Are there any questions for Staff
20 counsel? Okay. Hearing none, you are excused. Thank
21 you, sir.

22 Next on my list is the Office of the
23 Public Counsel. Mr. Williams, the floor is yours.

24 MR. WILLIAMS: May I approach?

25 JUDGE HATCHER: Yes, please.

1 MR. WILLIAMS: I do have a demonstrative
2 exhibit.

3 JUDGE HATCHER: Thank you, sir.

4 MR. WILLIAMS: Thank you. May it please
5 the Commission. My name is Nathan Williams and I am
6 appearing on behalf of the Office of Public Counsel,
7 who represents the public in this case.

8 I'm going to lead off by saying I don't
9 think anybody disputes that Liberty has been providing
10 inadequate customer service. We have the billing
11 investigation case, we've had all the billing issues,
12 their additional customer service issues.

13 It's our position that because Liberty's
14 service has been inadequate, the Commission should not
15 entertain its rate increase request at this time. It
16 should require Liberty to show that it's fixed its
17 inadequate service problems and then it can have the
18 opportunity to come in and seek an -- a rate increase.

19 We're not taking issue with the
20 expenditures it's made. We don't believe that
21 delaying Liberty's opportunity to get an increase will
22 put the Company in financial peril. It's financed
23 through its affiliates, who are the ones that seek
24 money from the markets. It recently got a 300 million
25 dollar cash infusion from its -- issuance of its

1 securitization bonds.

2 And currently -- or in 2024, it had --
3 let me find this part -- it's Moody credit metrics in
4 2024 were as high or better than those of Ameren
5 Missouri, Evergy Missouri West, and Evergy Missouri
6 Metro.

7 Turning back to the Customer Service
8 issues, I have given you a handout and it provides
9 some perspective on how Liberty Electric compares to
10 its peers. One side's a bar chart and the other
11 side's a graph.

12 The bar chart shows the average
13 residential electric customer arrearages during the
14 months of January through August of this year among
15 the investor-owned utilities that you rate regulate.
16 It also shows the number of arrearage accounts at
17 Liberty Electric. As you can see, one bar on that
18 chart stands out across the board.

19 The flip side graph is a comparison of
20 Liberty Electric's JD Power rankings from 2010 through
21 2024 compared to the lowest ranking electric utility
22 in the country in each of those years. If you have
23 questions about either the chart or the graph, please
24 ask them of Dr. Geoff Marke when he takes the stand.

25 As you may know, there are 727 public

1 comments in this case. The Commission held a total of
2 eight local public hearings, at which 173 members of
3 the public, including at least eight office-holding
4 local leaders, testified.

5 Three months have passed since those
6 hearings. Our office feels the Commission would
7 benefit by viewing pieces of testimony from those
8 hearings now to remind it of some of the concerns
9 members of the public raised.

10 If you would show the first clip.

11 (Video played.)

12 MR. WILLIAMS: The evidence from the
13 local public hearings shows that Liberty is providing
14 inadequate customer service at the same time it is
15 charging its customers with some of the highest
16 electric bills. Not on- -- not only in southwest
17 Missouri, but also throughout Missouri and the nation.

18 It shows that large numbers of those
19 customers already are economically challenged by low
20 fixed incomes and rely on public assistance, and they
21 are faced with having to choose between basic
22 necessities such as food, medicine and utilities.

23 It also shows that increasing Liberty
24 Electric bills not only impacts individuals, but also
25 businesses, and through their ripple effect, the local

1 economies. The larger those increases, the greater
2 the impacts.

3 Because Liberty's customer service is
4 inadequate, the Commission should require Liberty to
5 show that it is providing the customer service its
6 customers deserve before the Commission entertains a
7 case to increase Liberty's rates.

8 Public Counsel is not suggesting that the
9 Commission discontinue Liberty's authority for a fuel
10 adjustment clause. We're suggesting basically the
11 Commission maintain the status quo.

12 Public Counsel disagrees that continuing
13 Liberty's current rates would have drastic financial
14 impacts on Liberty. It is apparent that Liberty
15 delayed filing this case as long as it could in the
16 hope that it could improve its customer service before
17 it felt it needed to file a general rate case to
18 continue its fuel adjustment clause.

19 Liberty Electric, as I said earlier,
20 recently got about 300 million dollars in cash when it
21 issued its securitization bonds early last year. And
22 although it relies on affiliates for capital
23 injection, its Moody credit metrics in 2024 were as
24 high or better than those of Ameren Missouri, Evergy
25 Missouri West and Evergy Missouri Metro.

1 If, despite Liberty's customer service
2 issues, the Commission decides to redesign Liberty's
3 electric rates now, then when it does so, the
4 Commission should take into account not only the
5 parties' positions on the cost-of-service rate-making
6 issues, but also the poor quality of Liberty's
7 customer service and the customer affordability of an
8 increase.

9 While the Commission, at Liberty's
10 insistence, established a true-up cutoff date of
11 March 31, 2025 for purposes of truing up particular
12 items, including, quote, Fuel and purchased power
13 expense to include, but not limited to, updated
14 contract prices for fuel, wind power, fuel
15 transportation and fuel storage, closed quote, and
16 ordered, quote, Parties may propose the incorporation
17 of discrete adjustments beyond the true-up period
18 provided they are known and measurable, closed quote.

19 The Exhibits 200 and 201, which I've
20 handed to you, show that Liberty not only proposed
21 fuel and purchased power expense and market prices in
22 its direct based on forecasted 2025 natural gas prices
23 rather than known and measurement gas prices, it also
24 did so based on forecasted 2026 natural gas prices in
25 its true-up.

1 Public Counsel found nothing in Liberty's
2 pre-filings or work papers where Liberty disclosed it
3 was using forecast for its fuel and purchased power
4 expense.

5 This is not the only instance where
6 Liberty made beyond true-up cutoff date discrete
7 adjustments, but it is one where Public Counsel could
8 not determine that Liberty had done so before Liberty
9 answered the specific data request that Public Counsel
10 submitted to it.

11 While there are a multitude of
12 cost-of-service rate-making issues in this case, aside
13 from discrete adjustments, two stand out in
14 particular.

15 The first is Liberty's administrative and
16 general expense. Based on the annual average of \$149
17 per customer of the administrative and general
18 expenses that Evergy Missouri West, Evergy Missouri
19 Metro and Ameren Missouri reported on their 2024 FE --
20 Federal Energy Regulatory Commission Form 1s, Public
21 Counsel is advocating that the Commission include the
22 amount of \$149 per customer for an annual total of
23 \$24,483,862 for administrative and general expense for
24 Liberty instead of the \$402 per customer Liberty
25 reported on its FERC Energy Regulatory Commission

1 Form 1.

2 The difference between Public Counsel and
3 Staff on this issue causes Public Counsel's annual
4 revenue -- revenue requirement to be about \$22,479,519
5 below Staff's pre-settlement position.

6 The second issue that stands out is the
7 revenue requirement impact of reducing rate base by
8 accumulated depreciation. Starting in March 31, 2025,
9 that accumulated depreciation impact is about
10 \$10,673,110 per month.

11 Based on the rate of return of
12 6.5 percent and a tax gross-up factor of 1.31, that
13 depreciation impact on revenue requirement is a
14 reduction of about \$908,815 per month.

15 As a discrete adjustment from March 31,
16 2025 through January 31, 2026, Liberty's revenue
17 requirement would be reduced by about 9.09 million
18 dollars.

19 Before I close my opening, our office
20 would like for you to see again the local public
21 hearing testimony of the police chief of both Aurora
22 and Marionville, as he well expresses many of the
23 public's concerns.

24 If you'd play the second clip.

25 (Video played.)

1 MR. WILLIAMS: I submit that what
2 Liberty's proposing to do now are things that it
3 should have done previously with regard to customer
4 service, and customers never should have seen the
5 impacts that they have from Liberty's billing issues
6 and other customer service issues that have gone for
7 I -- year and a half or longer.

8 My understanding is there's been a
9 communication issue between the AMI meters and getting
10 it to the office. I think that predates the April
11 2024 rollout of Customer First and its billing impacts
12 on customers that have been so horrific.

13 I encourage you to ask questions of
14 Dr. Geoff Marke on the Customer Service issues.

15 I'll try to answer any questions, if you
16 have any.

17 JUDGE HATCHER: Thank you, Mr. Williams.
18 Are there any questions for Mr. Williams
19 of the Office of the Public Counsel? Hearing none,
20 thank you, sir.

21 MR. WILLIAMS: Thank you.

22 JUDGE HATCHER: Next is Mr. Opitz
23 representing MECG. Welcome. The floor is yours.

24 MR. OPITZ: Good morning. May it please
25 the Commission. Tim Opitz on behalf of MECG.

1 Just to briefly reiterate, we are
2 signatory to the Non-Unanimous Stipulation and
3 Agreement. Those terms, in my view, comply with the
4 legal standards that you would have to apply to -- to
5 this case and it presents a reasonable outcome for
6 customers, particularly those that I represent.

7 I believe it also has a lot in there for
8 residential customers and those who are facing the
9 customer billing issues in there.

10 Just a few metrics to -- to highlight
11 that I believe Liberty touched on. But, you know,
12 their initial case was 153 million. That's an
13 increase of about 30 percent. Their true-up case is
14 higher than that now. I believe that's driven by
15 fuel, but I'm sure the other witnesses will talk about
16 that. You know, the Staff's case at surrebuttal I
17 think is around 129 million.

18 What we've stipulated to is a 97 million
19 increase over current revenues. You know, if I listen
20 to the numbers that I just heard, 22 million and a --
21 and 9 million reduction for two discrete issues
22 mentioned a moment ago, you add those to 97 million,
23 it basically gets you to Staff's case.

24 You know, I think the revenue requirement
25 is very impactful still at 97 million. I think it's a

1 little over 19 percent. And I appreciate the Company
2 being willing to phase in these rates at no carrying
3 costs over three years.

4 Because when I've talked with plant
5 managers or finance people at these companies, when
6 they're told that the increase will be 19 percent, you
7 know, that's not a happy conversation for me to have
8 with them. Just as it is, I'm sure, residential
9 customers to think about that.

10 So the phase-in where they're able to
11 adjust that over -- you know, I think it was 6 percent
12 or a little higher than 6 percent each year is a big
13 advantage that we've reached in this stipulation. So
14 I would ask the Commission to approve those terms.

15 You know, in -- and I'll mention one --
16 one additional component of that stipulation that --
17 that is important to MCEG is the Company has agreed to
18 not file for a rate increase for 24 months after the
19 effective date of rates in this case.

20 And so in our mind, that gives some
21 certainty about the rates that customers are paying:
22 One, because we know what this increase is going to be
23 on an annual basis; and two, because we know they're
24 not going to file to increase it prior to that time
25 period ex- -- ex- -- extending.

1 So happy to answer any questions and make
2 myself available for that.

3 JUDGE HATCHER: Thank you, Mr. Opitz.

4 Are there any questions for counsel for
5 MECG? Hearing none, thank you, sir.

6 MR. OPITZ: Thank you, Your Honor.

7 JUDGE HATCHER: And lastly, we have
8 Consumers Council of Missouri. Mr. Coffman, go ahead.

9 MR. COFFMAN: Thank you, Your Honor. May
10 it please the Commission. My name's John Coffman,
11 representing the Consumers Council of Missouri.

12 I guess I'll start off, there were two
13 things that my client wanted to communicate. First of
14 all, they want to sincerely thank the Commission for
15 having the local public hearings that they had in this
16 case. It takes a lot of effort, it's not easy. But I
17 think it's -- it's -- it's really commendable to go
18 down and meet customers where they are and to hear
19 their stories.

20 This is the Public Service Commission and
21 sometimes I think the -- the faces and voices of those
22 people are forgotten when we get into this room. And
23 so I really appreciate the Public Counsel reminding us
24 and -- and appreciate that it is sworn testimony.

25 So because of the public hearing and

1 because of these issues, you now have a record of
2 sworn testimony. And I know there will be folks that
3 will quibble and say, "Well, that's not expert
4 testimony, you can't consider it in the same way other
5 testimony is considered" and get into a bunch of legal
6 debates about the evidentiary nature of it.

7 My opinion is that customers are experts
8 at least in one thing, and that is their customer
9 experience. They -- which is the issue that we're
10 going to start off with today. And so those comments
11 that you heard are sworn testimony by people who are
12 expert in what kind of customer experience they have.

13 The second thing I want to say is that
14 Consumers Council wanted you to know that they did not
15 come by the position they're taking in this case
16 lightly. They've never taken a position before, but
17 they've never seen a case quite like this before.

18 We -- we are joining the Office of Public
19 Counsel in its request that you order no rate
20 increase, at least no revenue requirement increase in
21 this case. Allow the utility to utilize the fuel
22 adjustment clause to -- to respond to largely fuel
23 cost increases. And if you do so, we do not believe
24 that you would run afoul of any legal concerns, that
25 the utility would still be able to borrow and would

1 still have a reasonable opportunity to earn.

2 But the Commission has broad discretion
3 as to the manner in which it allows things. And
4 saying to this utility, "We're not going to allow a
5 rate increase until you clean up these problems," that
6 is within your discretion to allow that.

7 And I would note that under Missouri law,
8 the Commission has very specific and strong authority
9 as to billing. And so that -- as to that issue, I
10 think the Commission has more than your normal amount
11 of authority and discretion to address the issues
12 here.

13 I've been doing this 36 years -- I've
14 been working in this -- 36 years tomorrow. And when I
15 started, there was a lot more talk about cost of
16 service rate-making being a surrogate for competition.
17 And I'm reminded of that when I hear these -- these
18 comments that were made at the public hearing that,
19 you know, if people had a choice, they would go to a
20 co-op; if they had a choice, they would go to CUS
21 Springfield or some other municipal.

22 Because Liberty/Empire, their electric
23 rates are the highest in the state. And based on
24 this, likely the lowest customer service in the state.
25 That's -- that's not a situation that the Commission

1 should be recognizing as business as usual. The
2 Commission should insist that the standards of billing
3 and customer service improve.

4 And there are some promising steps that
5 have been taken just recently by Empire. And we
6 appreciate that they are -- are taking things more
7 seriously, but the test year in this case, the period
8 that we have evidence in the record is that they have
9 a terrible customer service and billing situation.

10 Unfortunately, we -- we don't have any
11 report from the Staff's investigation. We're glad
12 that there's an investigation going on, but we don't
13 even know the scope of that investigation or what the
14 investigators have uncovered yet.

15 We'd hoped that that report would be out
16 by now and that could be comprehensively considered in
17 this case. But not knowing what is going to be in
18 that report, I think that's another reason the
19 Commission should delay any rate increase until the
20 steps that have been taken start showing these numbers
21 go up and the numbers improve. And I think there's
22 some testimony here that it's going to take some time,
23 a year, maybe more to do that.

24 And speaking of the length of time, it's
25 what -- you know, I've seen utilities have kerfuffles

1 and -- and, you know, challenges in -- in
2 transitioning from one billing system to another, but
3 not one that has -- has persisted this long.

4 And I was not involved in the previous
5 Liberty rate case, but looking at the record of that,
6 it seems that many of the -- many of the problems that
7 were complained about by the public go back even
8 further, years even further. These -- this is not a
9 problem that has just developed recently.

10 And at the very least, the problems with
11 the Customer First software, you know, that -- it went
12 live in April of 2024, so it's been a year and a half.
13 And covering the -- the test year and the update
14 period in this case, things did not improve during
15 that period of time.

16 In my memory, you have to go back to
17 Missouri Gas Energy and -- and their billing problems
18 in 1995 before you see a problem that is this severe
19 with billing. You can go back and look at how the
20 Missouri Commission handled that in 1995. It was
21 ultimately finally resolved in 1997. But the billing
22 problems themselves only lasted a few months. And so
23 I think this is really unprecedented in how long the
24 problems here have persisted.

25 Again, you have a lot of tools.

1 You've -- you don't have to grant, you know, a rate of
2 return at any particular level, as long as you're not
3 denying the utility its ability to go forward.

4 And I would argue that billing and
5 customer service is part of adequate service. And so
6 this utility is not currently providing adequate
7 service and so it should not necessarily receive a
8 rate increase as normal.

9 Moving onto other issues, to be clear, we
10 object to the 97 million dollar rate increase. Part
11 of it -- there are parts of the non-unanimous
12 settlement that we do not oppose; for instance, rate
13 design. We think that that is a fair resolution and
14 hopefully that would be adopted as to -- you know, if
15 there is any particular change in rates. We also have
16 some issues with the a fuel adjustment clause and the
17 sharing mechanism there.

18 I would note that the Non-Unanimous
19 Stipulation would implement a 97 million dollar rate
20 increase. And at the end of it, there would be a
21 rate-base addition. And so it's -- it's much more
22 than 97 million.

23 And as far as Customer First, that is a
24 deferral that would then be presumably allowed at
25 the -- at the end of this process. And so the

1 deferral would -- if -- if ultimately approved, would
2 make the utility whole as if there was really no
3 disallowance at all. We think that the utility needs
4 to face more serious consequences.

5 And I think that pretty much sums it up.
6 We'll have more to say as -- perhaps on a couple of
7 these issues as we go. I know this is a difficult
8 case and I wish you luck in finding a fair, just, and
9 reasonable result.

10 JUDGE HATCHER: Thank you, Mr. Coffman.
11 I'll call for questions. And, Chair
12 Hahn, go ahead.

13 CHAIR HAHN: Mr. Coffman, do you have a
14 witness that plan --

15 MR. COFFMAN: We don't have a witness on
16 the customer experience. We had a rate design
17 witness, which may be waived, I'm not sure. If --
18 if -- and we have a -- a witness on customer programs
19 and affordability, and his name's Jim Thomas and he's
20 scheduled to be here tomorrow.

21 CHAIR HAHN: Okay.

22 MR. COFFMAN: Is -- was there a
23 particular issue you were wondering about?

24 CHAIR HAHN: Yeah. There was a couple
25 that were hit on. You had mentioned that Liberty has

1 the highest rates in the state. And I think you may
2 even have specifically mentioned White River or was
3 that --

4 MR. COFFMAN: I did not mention --

5 CHAIR HAHN: Maybe that was in the video
6 earlier.

7 MR. COFFMAN: They -- they may have
8 higher rates. I'm --

9 CHAIR HAHN: Okay.

10 MR. COFFMAN: I'm not aware of White
11 River's rates. I would say I only know that they have
12 the highest of the utilities regulated by the
13 Commission.

14 CHAIR HAHN: Okay. And is that just on
15 the per kilowatt hour or the customer charge or both
16 average bill?

17 MR. COFFMAN: I would just -- they -- per
18 kilowatt hour.

19 CHAIR HAHN: Okay. There was something
20 else earlier, but I can't recall. I may have to ask
21 later. Thank you.

22 MR. COFFMAN: Okay. Sure. Thank you.

23 JUDGE HATCHER: Thank you. Are there any
24 other questions for Mr. Coffman? Hearing none, thank
25 you, sir.

1 Let's move -- sorry, let's back up just a
2 second. Go ahead, Chair.

3 CHAIR HAHN: Sorry -- sorry, Mr. Coffman.
4 I remembered. I think you said Consumers Council
5 position would be to -- be the same as the OPC's
6 position of zero dollars now and waiting until they
7 fix the service issues.

8 MR. COFFMAN: Uh-huh.

9 CHAIR HAHN: So in Consumers Council's
10 view, if they do, over the next two years or so, fix
11 customer service issues, what happens to rates in the
12 next rate case? Presuming then they do get recovery
13 of the Customer First system and they could
14 potentially get recovery for even a longer period.
15 How would Consumers Council work to mitigate the rate
16 shock that would happen then?

17 MR. COFFMAN: I mean, there are a variety
18 of ways you could address rate shock. Phase-ins is --
19 is one of them.

20 I -- I would think for us, the most
21 important thing here is that we feel that if -- if
22 the -- the utility receives a rate increase as if
23 the -- you know, as they would if there weren't as
24 many problems with the -- the adequate billing system,
25 that we're just not convinced that the problems will

1 get fixed. We -- we want to see the problems fixed
2 before they get their rate increase.

3 And if there are -- if there are
4 disallowances in this case and certain costs are
5 disallowed, that does -- that does -- that's not
6 precedent for what happens down the road. And so they
7 could be -- the Commission could look at it fresh in
8 the next case and allow what was disallowed in this
9 case if they had better evidentiary support in the
10 future.

11 Does that answer your question or is --

12 CHAIR HAHN: I think so. Thank you.

13 MR. COFFMAN: Okay.

14 JUDGE HATCHER: Okay. Thank you.

15 That will wrap up our opening statements.
16 I'd like to move directly into our first issue, which
17 is Customer Experience. And these will be Empire's
18 witnesses. Go ahead.

19 MR. COOPER: Judge, we could call to the
20 stand Ms. Amy Walt.

21 JUDGE HATCHER: Good morning, Ms. Walt.

22 THE WITNESS: Good morning.

23 JUDGE HATCHER: If you would raise your
24 right hand and repeat after -- or let me swear you in.

25 (Witness sworn.)

1 JUDGE HATCHER: Thank you. And would you
2 please state and spell your full name for our court
3 reporter.

4 THE WITNESS: Yes. My name is Amy Walt,
5 A-m-y W-a-l-t.

6 JUDGE HATCHER: Thank you.

7 And, Mr. Cooper, your witness.

8 MR. COOPER: Very briefly.

9 AMY WALT,
10 being first duly sworn, testified as follows:

11 DIRECT EXAMINATION

12 BY MR. COOPER:

13 Q. Ms. Walt, you are the chief customer
14 officer that was mentioned earlier in Ms. Carter's
15 opening statement?

16 A. I am.

17 Q. And you would -- it's your understanding
18 that your testimony has been admitted as Exhibits 53,
19 54 and 55 into the evidence -- into evidence in this
20 case?

21 A. Yes, that's correct.

22 Q. And is it accurate to say that any --
23 that recommendations found in that testimony would be
24 modified as necessary to support the Non-Unanimous
25 Global Stipulation and Agreement that was filed in

1 this case?

2 A. Yes, I agree with that.

3 MR. COOPER: Your Honor, I would tender
4 Ms. Walt for cross-examination.

5 JUDGE HATCHER: Thank you. And I'm going
6 to go a little slow through this witness just because
7 this is going to be our first instance of dealing with
8 signatories and cross-examination.

9 So the order I have would normally be
10 MCEG, which is a signatory; then Staff, which is a
11 signatory. And so that brings us to Consumers Council
12 for cross-exam. Mr. Coffman, your witness.

13 MR. COFFMAN: Thank you. I -- I have a
14 couple.

15 CROSS-EXAMINATION

16 BY MR. COFFMAN:

17 Q. Good morning, Ms. Walt.

18 A. Good morning.

19 Q. So it's my understanding, correct me if
20 I'm wrong, that you have laid out a number of metrics
21 that you believe Liberty Empire should be following
22 and that you propose to track over time to hopefully
23 show some improvement in the -- the -- the billing and
24 customer service issues?

25 A. Yes, that's correct.

1 Q. And in -- in your opinion, how long do
2 you think it will take to show data that can tell one
3 way or another whether the changes that are being made
4 now are going to bear fruit and show improvement?

5 A. So we have -- the metrics are being
6 populated every week. We go through a review of those
7 every week. We are now committed to coming back every
8 month to share those results so that you'll be able to
9 see the performance, as well as the drill-down into
10 each one of those metrics.

11 We've created Paretos, which is basically
12 just an understanding of what are the largest pain
13 points under each of those metrics, and then a
14 commitment to what are the actions we're taking
15 against each of those pain points.

16 So in September, we came. We spoke about
17 delayed bills. The number one issue was collectives,
18 and laid out a plan of how we're attacking that. And
19 that approach has begun to take place. And so we will
20 now be going through our plan, do, check, act,
21 process, which is part of our LEAN operating model to
22 track that and be able to show you that progress on
23 delayed bills reducing because of those actions.

24 And I expect to be able to do that for
25 each of those metrics each month when we come to

1 present those metrics.

2 Q. Okay. Is -- are one of the metrics that
3 you hope to track the number of corrected bills?

4 A. Cancel/rebills as seen by customers?
5 Absolutely.

6 Q. Okay. Cancel bills that need to be
7 rebilled because they weren't correct in the first
8 instance; is that --

9 A. That's correct. And that they actually
10 went out to the customer, creating that negative
11 experience, right? So the customer received a bill,
12 it was incorrect, we had to correct it, and then they
13 receive a corrected bill. And so that can create
14 confusion for our customers. And so we will
15 definitely be tracking those and understanding what's
16 the number one issue of why those are happening.

17 Q. And during 2024, which was roughly the
18 test year for this case, about how many cancel/rebills
19 were there in 2024 for this utility?

20 A. I'm not sure I have that with me up here.
21 Whoops. I do not have that number up here with me.

22 Q. Was it more than 85,000 bills that needed
23 to be corrected?

24 A. I am not familiar with that number. I'm
25 sorry. I don't have that number in front of me.

1 Q. Okay.

2 A. I have where it is today. Today we're at
3 295 -- I'm sorry, cancel/rebills, we have 475
4 cancel/rebills as of the last 30 days that have went
5 out to our customers that we're tracking.

6 Q. How -- could you give me that number
7 again?

8 A. 475.

9 Q. Okay. For one month?

10 A. For a rolling 30 days, yes.

11 Q. Okay. Got it. That's all I have. Thank
12 you.

13 A. Thank you.

14 JUDGE HATCHER: Thank you, Mr. Coffman.
15 That will take us to Office of Public Counsel,
16 Mr. Williams.

17 MR. WILLIAMS: Thank you, Judge.

18 CROSS-EXAMINATION

19 BY MR. WILLIAMS:

20 Q. Good morning, Ms. Walt.

21 A. Good morning.

22 Q. When did you join Liberty?

23 A. I joined Liberty on June 30th, 2025.

24 Q. Are you familiar -- did Liberty have
25 communications issues with its AMI meters?

1 A. Since I have been here, I will say I have
2 not seen that as a number one issue of having AMI
3 meters not coming in to the meter data management
4 system.

5 Q. Was it an issue in the past?

6 A. I understand we did have some concerns
7 around the data being fed from the meter data
8 management system into the billing system.

9 Q. And did Liberty take steps to deal with
10 those issues?

11 A. That is my understanding. I -- I don't
12 have those specifics, but I do see improvement -- as I
13 look across the metrics, I do see improvement in that
14 data.

15 Q. Well, wasn't that a cause of a lot of
16 estimated billing in the past, to your understanding?

17 A. Yes.

18 Q. And do you know how Liberty addressed
19 bringing that issue -- I don't -- I don't know what
20 I -- I don't want to say it was completely resolved,
21 but to address that issue to the -- at this point, do
22 you know what Liberty has done?

23 A. I don't have the specifics on the
24 actions, but I -- I do see today as I look at
25 consecutive estimates of greater than two months, we

1 have 295 customers who are experiencing that. So a
2 significant improvement from where we've been.

3 So we're -- and we only see less than
4 1 percent of the intervals being estimated, which was
5 a data request that we had received that we provided
6 some data around.

7 So as we look at those averages, we're
8 seeing less than 1 percent of the intervals, which we
9 measure every 15-minute intervals. We get those reads
10 and we see less than 1 percent of them being estimated
11 at this time.

12 Q. Well, didn't Liberty institute if it
13 failed to get data from a meter, accessing the data in
14 the meter a second time as opposed to just relying on
15 one read for billing purposes?

16 A. It does ping more than once to the meter
17 to get that register read. So if we -- we're looking
18 to get those monthly register reads to go out to the
19 customers. And so it will ping it multiple times to
20 try to get that read for that register read that we
21 use for billing.

22 Q. How many times are multiple times?

23 A. I believe it's three, but I -- I'm sure
24 there's another witness who might know that for sure.
25 But I believe it's three times that we ping the meter.

1 Q. Do you know when that change was
2 instituted?

3 A. I'm not sure of that exact date.

4 Q. Predates you?

5 A. Predates me, yes.

6 Q. Has Liberty changed since -- let's make
7 it when Customer First went live, which I think was
8 April of 2024. Has Liberty changed how it -- when it
9 designates a read to be estimated?

10 A. I understand that it has. I know in our
11 settlement agreement we have agreed to take a step
12 back and look at our estimation routines and get some
13 additional industry standards on how companies do
14 designate estimate on the bills.

15 So what we do today is if we don't get
16 that register read for the month, then we designate
17 that to be an estimated. If we do get the register
18 read, we count it as an actual read.

19 And so we want to go out and get some
20 additional industry information about what do others
21 do when we're using time-of-use rates. So we have
22 on-peak/off-peak rates. What do they designate, what
23 percentage of estimates have to be there for
24 intervals, things like that. Or -- or are they also
25 using register reads.

1 So we're going to -- that's part of the
2 settlement to get some additional information on that
3 and then modify our routine that would match an
4 industry standard approach for estimation.

5 Q. Are the register reads dependent on the
6 interval reads?

7 A. No, it's a separate ping to the meter.

8 Q. Well, you're talking about in terms of
9 getting data back. I'm talking about within the
10 meter. Do you know?

11 A. It's designated with -- well, within the
12 meter data management system where all the reads come
13 in, it would be designated as the register read,
14 knowing that that's the bill cycle for that
15 customer. So when that read comes in, it gets
16 designated as a register read, but the meter itself
17 doesn't know. The meter's just giving us information.

18 Q. Well, what I'm really trying to get at is
19 the register read an accumulation of interval reads or
20 is it independent of the interval --

21 A. Independent. Independent of the interval
22 reads.

23 Q. But if you had an interval that was lost,
24 would it show up in the register read?

25 A. No. It's just -- it's just one of the

1 15-minute interval reads that comes through and it
2 gets designated as the read that's going to get used
3 for billing. And then it compares it to the prior
4 month's register read and the difference between those
5 two reads becomes the usage for the month for the
6 customer.

7 And then the system also looks at the
8 in- -- individual intervals and says here's what's
9 on-peak, here's what off-peak and passes that over
10 into billing as well.

11 Q. Well, what I'm trying to understand is
12 whether the register reads are an accumulation of the
13 interval reads or if the data is captured totally
14 independently of the interval reads for the registry?

15 A. It's independent of the interval reads,
16 but it is an interval read in itself that --

17 Q. Well, okay. It's a monthly interval read
18 though, right?

19 A. Yes.

20 Q. The registry --

21 A. It's a read that comes in as a -- as a
22 number, like here's the number on the meter. And then
23 it says, here's what the number was last month. And
24 the difference between those two numbers would be the
25 usage for the customer. So it's an -- it has to be an

1 actual read last month, it has to be an actual read
2 this month and the difference between the two becomes
3 the customer's usage.

4 Q. Okay. And I'm -- just to be -- trying to
5 get this very, very clear.

6 A. Yeah, please.

7 Q. What I'm trying to get at is the
8 difference between the monthly reads reflected in the
9 interval reads or -- for example, if you lost -- I
10 don't know -- say two hours of interval reads, would
11 that also show up in the register read? Or would the
12 register read be done totally independent of the
13 interval read?

14 A. Totally independent of the register read.

15 Q. And again, the register read is just a
16 read at a point in time every basically 30 days?
17 Monthly?

18 A. That comes in every 15 minutes and it's
19 one of those that comes in --

20 Q. No, the register read.

21 A. The register read is also that read that
22 comes in every 15 minutes, but it's designated as a
23 register read.

24 Q. Okay. I'm learning things here.

25 A. Sorry. And -- and then there's --

1 Q. No, don't be.

2 A. -- billing determinants, right, that tell
3 us the on-peak and off-peak. So that -- the billing
4 determinants where it's adding up the -- what did we
5 use between 10:00 p.m. and 6:00 a.m., that's also
6 passed over so that it can designate that monthly
7 usage between on-peak and off-peak.

8 Q. Thank you. I don't have any further
9 questions --

10 A. Okay. All right.

11 Q. -- of this witness --

12 A. Thank you.

13 Q. -- at this time.

14 JUDGE HATCHER: Thank you, Mr. Williams.

15 Are there any Bench -- any Commissioner
16 questions? Madam chair, go ahead.

17 QUESTIONS

18 BY CHAIR HAHN:

19 Q. Good morning Ms. Walt.

20 A. Good morning.

21 Q. Earlier I had asked Empire's counsel
22 about decisions on the in-person Customer Service
23 Centers. Does that fall under your authority?

24 A. It does.

25 Q. Okay. As part of the stipulation and

1 agreement, there's nothing in there about staffing
2 levels or even reopening the in-person Customer
3 Service Center in Aurora. What is Liberty's plan
4 moving forward for staffing the in-person Customer
5 Service Centers, particularly in Bolivar and Aurora?

6 A. Yeah. So we are looking across all of
7 our opportunities to service our customers and we want
8 to make sure that it is the most convenient for our
9 customers that it can be.

10 And what we actually find is that our
11 customers would like to have more convenience. And so
12 what we've done is expand a third-party pay agent. So
13 they can go into a Wal-Mart, they can go into a CVS,
14 they can go into a Dollar Tree or -- I'm sorry, Dollar
15 General and make their payment. So as they're out
16 doing their shopping, they can also make those
17 payments.

18 We're do -- we've done studies that show
19 that there is those available alternatives,
20 third-party pay agents, that are within a couples
21 miles from our walk-in centers.

22 So right now our strategy is really to
23 continue to monitor those walk-in centers and
24 understand where customers are in need, but also to
25 make alternatives for our customers that are actually

1 cheaper. The walk-in centers are an incredibly
2 expensive way to service our customers that all
3 customers have to bear, and there's a very small
4 number of customers that use those service centers.
5 And so we are evaluating those opportunities to serve
6 our customers in different ways.

7 We have improvements we need to make to
8 our digital channels that customers have given us
9 feedback around as well, as well as our customer
10 service, how do we make improvements there. So that
11 has really been our focus.

12 The Bolivar office continues to be open,
13 continues to be staffed. We see that continuing. And
14 we're going to continue to assess the traffic there to
15 see if we can offer alternatives and continue to
16 promote the alternatives to our customers that are
17 actually more convenient for them. They have extended
18 hours, they have expanded geographies, and they're
19 cheaper for the remainder of the customer base.

20 Q. I don't disagree that long-term, once the
21 billing issues are resolved, that it makes sense to
22 make it easier for folks to pay their bill. But I
23 think what I heard during the local public hearings
24 that folks need to be able to talk to someone without
25 being on the phone for hours on end to get their bill

1 resolved.

2 And so in the short term or while the
3 system is being, you know, worked on, improved, I
4 see -- I still remain concerned about staffing at the
5 in-person centers. And I consistently heard, you
6 know, folks would go and there would be a very long
7 line.

8 A. Uh-huh.

9 Q. And before, you know -- I know we're
10 considering all options in the stipul- -- con- -- you
11 know, OPC's and Consumers Council position versus the
12 stipulation and agreement, but I remain concerned
13 about the in-person Customer Service Centers.

14 And since I didn't see anything about it
15 and I kind of hear you saying you don't plan to change
16 anything, I -- I'm hoping that you will continue to
17 think about that.

18 A. Yeah. I think it's something that we're
19 monitoring and watching. I think -- you know, as we
20 are rolling out the metrics and really understanding
21 where the challenges are for our customers, in
22 September we only had 11 complaints come in from our
23 customers.

24 That's what they wanted to talk about,
25 right? I'm having a complaint, I can't get it

1 resolved. We had over 100 complaints coming in per
2 month at a time and now we're down to 11 for the month
3 of September. So we are seeing those improvements.

4 And so I think if there's a need, we
5 absolutely would love to -- you know, we came to the
6 town halls that were in Aurora and in Bolivar to make
7 sure that we had our staff there to answer questions.
8 We'd love to engage with -- with others.

9 We've talked a little bit with some of
10 the other parties here about, you know, how can we be
11 of service to them in ways that don't cost -- you
12 know, we have to hire security, you have to have the
13 staffing, you have to have people come and collect the
14 cash. And, you know, there's just a lot of expense to
15 a walk-in center.

16 Q. Uh-huh.

17 A. But we -- we absolutely remain committed
18 to serving those customers and making sure they can
19 get answers. So that's something we'll -- we'll
20 continue to explore.

21 Q. I would urge you to do so. You know,
22 driving by -- I understand what the customers rec- --
23 specifically in Aurora were saying, which is, "We have
24 this beautiful Liberty building and it's locked." And
25 I think that presents a, "We're not here to help you"

1 image, whether or not that's the Company's intention.

2 A. Uh-huh.

3 Q. And so I really would urge you to think
4 about your in-person Customer Service Centers. We
5 even heard testimony in Bolivar that folks would go to
6 try to work on their bills, but there's inadequate
7 seating there were so many folks there. There were
8 not -- you know, and -- and people were so nice about
9 how they described the Bolivar Customer Service Center
10 personnel that --

11 A. Nice.

12 Q. -- they want to help them, but they --
13 they are inequipped, right?

14 A. Uh-huh.

15 Q. They -- they don't know the system, so
16 they can't help. And there's just not enough tech --
17 you know, customer service agents there.

18 A. Uh-huh.

19 Q. So I think that that really does have to
20 be addressed here. So thank you for describing your
21 approach.

22 A. No, I appreciate your feedback. And it's
23 definitely something we'll keep an eye on for sure.

24 JUDGE HATCHER: Are there any other
25 Commissioner questions for Ms. Walt?

1 COMMISSIONER KOLKMEYER: Yes, Judge.

2 This is Commissioner Kolkmeier.

3 JUDGE HATCHER: Commissioner, go ahead.

4 COMMISSIONER KOLKMEYER: Yes, thank you,
5 Judge.

6 QUESTIONS

7 BY COMMISSIONER KOLKMEYER:

8 Q. First of all, I want to say that I share
9 the Chair's comments about the local service centers.
10 The customers at the local public hearing made it
11 really loud and clear that that's what they want,
12 that's what they like, that's what they've had for a
13 long time. So thank you.

14 Mrs. Walt, did you attend any of the
15 local public hearings?

16 A. I did. I attended three of them.

17 Q. And the others that you didn't attend,
18 did you do -- did you listen or did you go back and
19 listen?

20 A. I had the transcripts and I've read the
21 transcripts.

22 Q. Okay. That's good. Those local public
23 hearings were very eye opening to listen to the
24 customers and the -- and the customer service and the
25 billing problems and that -- that lang -- rang loud

1 and clear.

2 The OPC did a very good job with their
3 video editing and that was just a very small --

4 A. Uh-huh.

5 Q. -- sample of the customer experience. Do
6 your -- do your branch offices, local offices, are
7 they tied into the main computer? Are the computers
8 all tied together?

9 A. Yes, they're all on our SAP platform,
10 yes.

11 Q. That sounds like a really crazy or wild
12 question in -- in 2025, but it almost sounded like
13 there was no connection between the local office
14 and -- and the main office or the main computers.

15 The other thing was, we were told that I
16 think more than once they would go to the local branch
17 and try to pay a bill and they say they didn't owe
18 anything or they couldn't find anything. And then
19 three or four days later, they'd get like four bills
20 in the mail. Has that -- has that issue been taken
21 care of?

22 A. Yeah, so we believe that was happening
23 primarily because of the delayed bill issue. So
24 customers were -- you know, their bill doesn't show up
25 because their bill had an issue and it got kind of

1 pulled, if you will, and needed corrections to be
2 made. And so as those corrections are being made if
3 they're asking, you know, "How much do I owe? What's
4 my bill?" It -- we're going to say, "There's no bill
5 available." You know, "There's nothing that you owe
6 right now. There's no bill outstanding."

7 And then once those bills were getting
8 corrected -- because at that time it was taking us
9 several months to get those bills corrected --
10 customers were getting three and four, even more in
11 some cases, bills all at one time because they had all
12 been corrected at that point.

13 We were then offering payment plans to
14 those customers for however many months they had been
15 delayed, but of course, that's a significant
16 frustration for our customers. And that is why it's
17 one of the key metrics we're -- we are measuring and
18 monitoring is delayed bills.

19 And as I look at the delayed bills metric
20 that we have now, by far the number one issue that we
21 have right now are those collective and joint-use
22 accounts that we've already received a waiver for that
23 we are already underway in correcting for our
24 customers.

25 I will say that collectives and joint-use

1 is not a standard functionality for SAP. It needed to
2 be customized. And so the way that we did customize
3 it initially created some challenges for customers.

4 We now are aligning -- as Ms. Carter
5 mentioned, we're aligning the meter read date, we're
6 met- -- aligning the bill cycle so that we won't have
7 these delays anymore. The bill will go out as soon as
8 it's ready versus being held, as it was previously.
9 And we will see the number one and number two largest
10 pain points for our customers here at Empire being
11 resolved once those corrections are complete.

12 And the way that we're doing it is being
13 very measured to make sure we don't cause any
14 confusion. We've sent out letters to these customers.
15 There will be a letter with the bill for these
16 customers. We put messages in each of the local
17 newspapers letting them know that we are doing this,
18 because it is a large -- it does affect a large number
19 of customers.

20 And -- but this correction is getting at
21 the root cause of the challenge these customers were
22 experiencing. And we're doing it one bill cycle at a
23 time so we can measure this, we can monitor it, we can
24 make sure that it's working and we can make sure it's
25 actually fixed. We can measure any feedback coming

1 from back from our customers as we make the
2 corrections. And if we need to, we can stop and --
3 and re-plan if there's anything that seems awry.

4 So we just started this on October 8th.
5 We did our first set of customers and we're measuring
6 and monitoring it as we speak to ensure that our
7 number one pain issues can be eliminated for our
8 customers.

9 That, by far from what I can see in the
10 data, is the number one and number two issues our
11 customers were experiencing. That can create that
12 multiple bill or, you know, feeling like they weren't
13 getting a bill and then all of a sudden they're
14 getting multiple bills.

15 Q. Okay. Thank you. I'm glad to hear that
16 a lot of these issues are being resolved.

17 I only have one more question and that is
18 on new customers. New -- new installations and new
19 customers would come in -- or get service and then
20 they would go three or four or five months without a
21 bill. And they would go to the local service center,
22 try to pay the bill and they -- there was no bill to
23 be paid.

24 Have -- as -- has new customers, has that
25 been -- has that issue been resolved?

1 A. I have not heard that issue since I've
2 been here. So you can validate that I think with one
3 of the other folks that are coming up here, but I have
4 not heard that being an issue, and I do not see that
5 currently as being one of our key issues in the
6 metrics that we've created.

7 Q. I believe it was Aurora, the local public
8 hearing that there was a gentleman that had -- was a
9 new connect and then it took months to -- to receive a
10 bill. So anyway.

11 Thank you for your testimony. Thank you
12 for responding to our questions.

13 A. Yes.

14 Q. It sounds to me like things are turning
15 around --

16 A. Yes.

17 Q. -- which is -- which is good. That
18 needed to happen for -- for the customers and the
19 ratepayers. So thank you very much.

20 COMMISSIONER KOLKMEYER: Thank you,
21 Judge.

22 THE WITNESS: Thank you.

23 JUDGE HATCHER: Thank you, Commissioner
24 Kolkmeier.

25 Chair has another question.

1 THE WITNESS: Sure.

2 FURTHER QUESTIONS

3 BY CHAIR HAHN:

4 Q. Thank you, Ms. Walt.

5 A. Sure.

6 Q. OPC provided a chart that demonstrates
7 average customer arrearage. In the stipulation
8 agreement there is 8.5 million for a forgiveness
9 program.

10 A. Uh-huh.

11 Q. What's the estimation of the total amount
12 of arrearages that your customers have now?

13 A. Yeah, so that's another one of the
14 measures that we're monitoring. And so we look --
15 we're looking at the over 90-day arrears in our
16 metric. And right now, the customers have about
17 15.5 million dollars of past due arrears.

18 Primarily we've seen that number double
19 just since January, just because of the moratorium of
20 zero disconnects for any customers, residential or
21 commercial, has not been occurring for over a year.
22 And so we have seen where customers have just stopped
23 paying anything towards their bills and their bills
24 have absolutely grown to -- to very concerning levels.

25 Q. Thank you.

1 JUDGE HATCHER: Thank you. Are there any
2 other Commissioner questions for Ms. Walt?

3 QUESTIONS

4 BY JUDGE HATCHER:

5 Q. All right. I'll ask one last time, but I
6 do have some Bench questions I'd like to follow-up on.

7 A. Sure.

8 Q. First, I'd like to kind of touch on this
9 collective billing issue that you raise. You said you
10 read the transcripts from several of the local public
11 hearings?

12 A. Uh-huh.

13 Q. Did you read any complaints about
14 combined billing?

15 A. I did. And we actually sat with one of
16 the customers that was there. We actually pulled up
17 his account and looked through it. He was a landlord,
18 he had numerous issues -- or I'm sorry, numerous
19 houses that was creating issues for him as well where
20 he couldn't get his summary bill on time, his -- he
21 was having difficulty understanding why his meters
22 were getting read at different times. And so this --
23 this effort will actually correct that issue for him.

24 Q. Thank you. But my question was, did you
25 read that in the transcript?

1 A. In the transcripts, did I read that they
2 had a collective issue?

3 Q. Did you read in the transcript any
4 customer mentioning a complaint about their collective
5 billing?

6 A. Well, what I read in the transcripts is
7 that customers were frustrated by delayed bills. And
8 in some cases, that was the reason why their bills
9 were getting delayed was collective. So when I look
10 at delayed bills, greater than 30 days being delayed,
11 collective and joint-use are one of the primary
12 issues.

13 So customers weren't saying collective,
14 per se, but they were saying their bills are delayed
15 and they were confused why they're getting multiple
16 bills all in one month and things like that.

17 Q. I -- I heard that too, but I did not
18 connect that to them also not having their water bill
19 with their electric bill or their gas bill with their
20 water bill. You're saying that that's the cause?

21 A. That's the cause, yes.

22 Q. Okay. As of today, are the AMI meters
23 fully integrated into the billing module of Customer
24 First?

25 A. Yes.

1 Q. So the issue of the AMI meters and
2 showing on the app for My Account and also showing on
3 the billing, that's all fixed now?

4 A. So just to be clear, when the -- what the
5 meters talk to is a separate system called the meter
6 data management system. The data comes in through a
7 head end and then it goes into a data -- meter data
8 management system. It just passes over one piece of
9 information for billing purposes to SAP and then SAP
10 does the billing.

11 So what actually is shown on My Account
12 is information coming out of the meter data management
13 system, not out of SAP. So we do still have issues
14 where if they went through a billing correction or if
15 anything happened where anything was changed on their
16 bill, it's not going to be reflected on the My
17 Account.

18 We've tried to add some footnotes onto
19 the My Account screens to say: If you've experienced
20 a bill correction or if we've fixed your read -- I'm
21 sorry, fixed your read in the billing system, that
22 it's not going to be reflective on the My Account.

23 There's still some disconnects between
24 what they're going to see on their bill and if they've
25 had corrections, there will still be a disconnect

1 between the two systems.

2 Q. Is there a timeline for when that will be
3 fixed?

4 A. That would be incredibly expensive fi- --
5 like that is how the utilities operate today. That's
6 how most utilities are. Their reads are in two
7 different systems. And so if we want to -- we'll have
8 to think about how do we reflect it in the My Account.
9 But the My Account data will always come from a
10 separate system from the billing system today. That's
11 how it's been designed.

12 Q. Which system came initially to Liberty?
13 The My Account or Customer First?

14 A. I'm not sure actually. I'm not sure of
15 that.

16 Q. Where is your office located?

17 A. My residence is in Houston, Texas.
18 Just -- or The Woodlands, Texas, just north of
19 Houston.

20 Q. Does the office that you work out of --
21 you said residence.

22 A. That's where I work out of, yes. My
23 office would be in Canada, in Toronto, in Oakville.

24 Q. Where do you work on a typical Monday
25 through Friday?

1 A. Lately it's been in Missouri, but -- so
2 I -- I travel to all the different offices or I work
3 from home in Texas or I'm in the Canadian office.

4 Q. Okay. And that kind of brings up another
5 point. In your testimony, you had said that APUC
6 needed to purchase Customer First to help with its
7 regulated utilities in -- in combining all their
8 billing systems.

9 Can you give us the experience of some of
10 the other Liberty utilities that have implemented
11 Customer First? Have they had similar problems?

12 A. They haven't had as significant of
13 problems. I think Liberty did a few things right.
14 They tried to do it by -- we tried to do it by region.
15 So we started in -- with all of the East Coast
16 utilities and then we went to the West Coast and did
17 those utilities and then came to the Central Region to
18 do those utilities, trying to learn as we did it.

19 The Central Region is the first utility
20 that had AMI. Also the first that had time-of-use
21 rates. And so those are primarily the two challenges.
22 They also are the ones that have the most collective
23 and joint use accounts in this particular reasons --
24 regions.

25 So those three reasons really created the

1 biggest challenges, and those are the three things
2 that really we are trying to overcome here in the
3 Central Region. So the other areas had some
4 challenges, but nowhere near what we saw here in the
5 Central Region.

6 Q. Your testimony also mentioned that you
7 were going to be implementing the LEAN standard. I
8 could not find what that stands for. Would you please
9 tell me?

10 A. It's actually from Toyota. It's -- it's
11 based in -- it's -- it's a operating model and which
12 it really provides transparency. And so it's -- it's
13 founded in three components around providing for
14 cadences, so you're creating very strong touch points.

15 So every day I meet with my team, we go
16 through safety, quality, cost, delivery and morale.
17 Those are like components of this operating model that
18 we explore and we really try to understand if there's
19 any problems every single day that can be addressed.

20 We meet every week to look at our visual
21 management, which is the dashboards and the support
22 cards I've spoke about. We do problem-solving
23 sessions where you actually write up what is the true
24 problem and you get to the root cause of that problem
25 using cross-functional problem-solving and then you

1 create a standard once you've deployed a new -- new --
2 a new approach.

3 And so those four aspects of the approach
4 is what I'm bringing to Liberty, what I've also
5 brought to my previous utilities as well to really
6 drive transformation and drive us to top quartile
7 performance for our customers.

8 Q. And your testimony also acknowledged that
9 earlier statements of a two- to three-month fix were
10 inaccurate. Do you have a timeline now to fix the
11 billing issues?

12 A. I don't have a specific timeline to when
13 we will be at a standard place, but what I do commit
14 to is every single month you will see improvement. So
15 every single month that we come and we share our
16 numbers and our data, we are getting to root causes of
17 these issues and we're going to be presenting what it
18 is that we're working on and how we're going to be
19 fixing them.

20 So every month you will see improvement.
21 Prior utilities -- when I was at Consumers Energy, it
22 probably took about two and a half years. At Entergy,
23 which is the last place I was, it took us a little
24 over a year to get to a place where we felt, you know,
25 very stable in our controls and very stable in our

1 performance.

2 I think as I look at the metrics here,
3 we've been able to make service levels for the last
4 five months. We've been able to make --
5 cancel/rebills have been starting to stabilize for the
6 last four months or so, as I look at the data.

7 And so, you know, I can see things moving
8 in the right direction, but it's not -- it's not
9 sustainable today. It's a lot of manual work. It's
10 not utilizing the system controls in order to do that.
11 And so that's really what I'm -- I'm here to do.

12 That -- we're still seeing blips of
13 things, we're seeing repeat issues that we shouldn't
14 be seeing because we're not getting to root cause. So
15 that's really it. We're seeing improvements, but it
16 needs to be sustainable and we have to make sure we're
17 putting the right controls in place.

18 Q. Thank you. I just have a couple more.

19 A. Sure.

20 Q. Staff's testimony reported that Empire's
21 contract with IBM for SAP support was limited to
22 40 hours per request and 300 hours per month. Is that
23 sufficient?

24 A. I'm not aware of those constraints. I
25 haven't seen those constraints yet. They've been able

1 to do the items that I'm asking of them, and in doing
2 it, in a very agile fashion. So I'm working with them
3 to -- to see these improvements through and I haven't
4 gotten any pushback to say that they are out of time
5 or that they can't work on them.

6 Q. Your expertise is in SAP management. So
7 would it be fair to say that maybe you're being
8 brought onboard to help narrow down --

9 A. Yeah.

10 Q. -- some of that usage from IBM?

11 A. Absolutely. So there was a lot of -- the
12 way that the LEAN operating model works is that you
13 understand your number one pain point and you all
14 rally around that number one pain point. And then you
15 measure it and you monitor it until that you really
16 have gotten to root cause and then you move on to the
17 next issue.

18 When I got here, there was a lot of
19 metrics, numbers, issues, just a lot of laundry list
20 of items that people were working on and they really
21 weren't, you know, able to measure and monitor and
22 make sure that they were working on them with quality,
23 because there was just so many of them and how to
24 prioritize them in -- in what to do.

25 And so this model really helps us to

1 focus everyone's attention and make sure that we're
2 working on the largest issues that are in -- our
3 customers are -- experience and do it in a quality
4 fashion across not just the system, but, you know,
5 getting training out to our CSRs, communicating to our
6 customers, the whole end-to-end end process needs to
7 be evaluated as we roll out these changes.

8 Q. And what have you identified as your
9 number one pain point?

10 A. The collective and joint-use is the one
11 that we're working on as we speak. That was what we
12 were hearing the most about in delayed bills. And
13 when we ran the data, that, by far, is the number one
14 issue.

15 I wish I could show you the Pareto. I
16 should have brought it. It's by far the number one
17 issue. And then you get to the next issue and it's --
18 it's much smaller (indicating). And so
19 joint-use/collective is what we found to be the number
20 issue.

21 We've laid out a plan. As I mentioned,
22 made the notifications, created communications to our
23 customers, trained our agents on what we're doing, how
24 to communicate to customers and now are -- are making
25 the system issues.

1 Q. During the last 90-day billing period, do
2 you know what percentage of customer accounts are
3 delinquent?

4 A. Our past due? Is that --

5 Q. Yes.

6 A. We're -- the measure that we're looking
7 at is over 90-day past due, and that's 15.5 million
8 dollars for Empire.

9 Q. Yes. My question is, what percentage of
10 customers?

11 A. Oh, of customers. I do not have that
12 with me today. I can get that, but I don't have that
13 with me today.

14 Q. Okay.

15 A. I expect it to be a -- a large amount
16 though with us not disconnecting and with that high of
17 the balances outstanding.

18 Q. How does that delinquency compare with
19 previous fiscal quarters?

20 A. It has doubled since January.

21 Q. Any other fiscal quarters you can touch
22 on?

23 A. That's the data I have with me. I can
24 show it to you by quarter outside of this, but that's
25 the data I have from where we were in January to where

1 we are now.

2 Q. Okay. Thank you.

3 A. Absolutely.

4 JUDGE HATCHER: Are there any other
5 Commissioner questions for Ms. Walt? Hearing none,
6 that will throw it back to our recross-examination.
7 MECG, any recross for Ms. Walt?

8 MR. OPITZ: No, thank you, Your Honor.

9 JUDGE HATCHER: Staff?

10 MR. VANDERGRIFF: No, thank you, Your
11 Honor.

12 JUDGE HATCHER: Consumers Council?

13 MR. COFFMAN: No, Your Honor.

14 JUDGE HATCHER: And OPC?

15 MR. WILLIAMS: Yes, thank you.

16 RECROSS-EXAMINATION

17 BY MR. WILLIAMS:

18 Q. Do you recall when you responded to Chair
19 Hall [as said] about in-person service centers, you
20 mentioned third-party pay agents?

21 A. Yes.

22 Q. Is there a fee that goes along with using
23 a third-party pay agent for a customer?

24 A. Yes. If they use a credit card, yes.
25 It's the associated credit card fee.

1 Q. You're aware that Liberty has socialized
2 credit card fees, so that fee would be something that
3 the third-party agent is charging?

4 A. No. It's the same as if they were to
5 make a credit card payment through the phone. It
6 should be the same process.

7 Q. Well, my point -- are you aware that for
8 Liberty, the merchant fees, there's no credit card fee
9 in terms of -- the merchant fee is socialized into --

10 A. Absorbed by the Company?

11 Q. Well, I wouldn't call it absorbed by the
12 Company.

13 A. Well --

14 Q. Customers are paying for it.

15 A. Yes.

16 Q. It's socialized in the -- the rates. So
17 with that understanding, is there a fee for -- given
18 you said customer -- I mean, credit card fee. If I go
19 into a Wal-Mart and I pay my Liberty bill, is it going
20 to cost me more than what the bill says?

21 A. No, it should be the same process as you
22 do if you called the --

23 Q. Okay.

24 A. -- phone --

25 Q. So there's not an additional charge

1 for --

2 A. There's no additional --

3 Q. -- the service provided by the pay agent?

4 A. That's correct.

5 Q. At least from the customer's perspective?

6 A. That's correct.

7 Q. Thank you. You said there are
8 15.5 million dollar of 90-day arrearages. What if you
9 make it 30-day as your cut-off? Do you know what the
10 arrearage amount is then?

11 A. I don't have that with me.

12 Q. Okay. And then you said that -- and I --
13 you talked about My Account being different than
14 billing if there was changes made.

15 If there's a usage change on a billing,
16 say somebody was out of town and the usage was
17 actually incorrect for whatever reason and it shows
18 up. If the change is made in billing, is that change
19 also reflected in My Account or there -- is there a
20 disconnect there?

21 A. No. So what's on My Account is strictly
22 what is coming in from the meter, nothing to do with
23 billing as far as that interval read chart that
24 they -- that they can see on My Account. Obviously if
25 they're looking at their billing balance or their --

1 Q. Well --

2 A. -- that, it will be different.

3 Q. -- for My Account then, there's --
4 there's no -- there is no estimated intervals. It's
5 just raw data from the meter. Is that what you're
6 saying?

7 A. So the meter data management system where
8 the meter data can come in, if there is a missing
9 interval, the system will create an estimate for that
10 interval and that will show up in the My Account, yes.

11 Q. But if there's any further change on the
12 billing side, that will not be reflected in the My
13 Account?

14 A. That's correct.

15 Q. Thank you. No further questions.

16 JUDGE HATCHER: Thank you, Mr. Williams.
17 That takes us to redirect.

18 MR. COOPER: Thank you, Your Honor.

19 REDIRECT EXAMINATION

20 BY MR. COOPER:

21 Q. Ms. Walt, you discussed this 15 million
22 dollars in arrearages that are noted being over
23 90 days or have been in arrearage for over 90 days.
24 Does that include both residential and commercial?

25 A. It does.

1 Q. Do you know a break-out between the two?

2 A. I do not have that.

3 Q. You and Mr. Williams got into a
4 conversation in the first cross-examination about the
5 interval reads versus the register reads and that sort
6 of thing. Let -- let me try something that --
7 that's -- was from a case I was in here recently.

8 But would it be accurate to say that the
9 meter is kind of like the odometer on a car? It
10 continues to turn? And so whether you look at it on
11 one day or another day, you still can tell how much --
12 how many miles you've traveled during that time period
13 total?

14 A. Yes. That's -- that's a nice way to
15 think about it.

16 Q. Okay. And that would be accurate for
17 what you were trying to explain in regard --

18 A. Yes.

19 Q. -- to the interval versus the register
20 read?

21 A. Yes.

22 Q. Okay. You started with some questions
23 from Mr. Coffman about the monthly meetings, correct?

24 A. Uh-huh.

25 Q. And I think you -- you had answered that

1 you came onboard on June 30th of 2025, correct?

2 A. That's correct.

3 Q. Have you attended each of the monthly
4 meetings here in Jefferson City since you came
5 onboard?

6 A. I have.

7 Q. Okay. And it was mentioned that there
8 was a September meeting, I believe, correct?

9 A. That's correct.

10 Q. And that meeting would have happened
11 after parties' surrebuttal testimony was filed?

12 A. Yes.

13 Q. But could you tell us what the --
14 generally what the report was to the other parties at
15 that time in the September meeting in regard to the
16 metrics and -- and where the Company was with -- with
17 addressing some of these issues?

18 A. Yes. I was excited to bring the live
19 version of our scorecard data that's going to become
20 our visual management for the team and how we operate.
21 So it is a -- it's a standard that shows each of our
22 metrics around our average speed of answer, our
23 delayed bills, our cancel/rebills seen by customers,
24 our consecutive estimates, our first call resolution,
25 are customers satisfied with our agents. We do a

1 survey that -- that measures that.

2 And so it takes all of those metrics, and
3 so I was able to show that we're going to be measuring
4 that every week, as well as on a rolling 30-day basis
5 for each of those metrics.

6 And then we also have the ability to
7 click on each one of those metrics and drill into
8 those metrics and be able to see a trendline as well
9 as a Pareto that will allow us to see what are the
10 largest pain points in each of those metrics.

11 For the delayed bills is where we
12 started, knowing that that's been a significant pain
13 points for our customers. We were able to really
14 focus on that Pareto and development of what are the
15 biggest pain points. We saw that collective and
16 joint-use were the number one and number two issues.

17 And then we brought forward a one-pager
18 just showing exactly what we're going to be doing to
19 correct those situations for our customers to get
20 those bills to be timely.

21 Q. And -- and generally would you say
22 that -- that -- that those metrics thus far are
23 showing improvement in the areas that you've
24 measuring?

25 A. Yes. We've seen a -- if you -- the good

1 news is if you take out collectives, we've seen a
2 92.4 percent improvement in delayed bills greater than
3 30 days. Obviously with the collective in there, we
4 haven't seen the improvement because we're working on
5 rolling that out as we speak.

6 Cancel/rebills, as I said, have been
7 consistently performing. And then our service levels,
8 we've made service level for the last four months,
9 going on our fifth month as we speak and so we're
10 excited about that.

11 And then we are adding complaints to that
12 dashboard. That is one that we've gotten feedback
13 from Staff that they did want to see, so we're
14 actively working to try to automate how we can get
15 that data. So that's one we -- it's not automated
16 yet, but I can at least see the data today and we --
17 we're down to only 11 complaints -- Com- -- Commission
18 complaints coming in in September. So definite
19 improvement that I'm seeing in the metrics.

20 I would say still cautiously optimistic.
21 I would say I would -- I'm feeling not as sustainable
22 there. There's a lot of brute force going into
23 achieving those metrics today, but definitely seeing
24 us moving in the right direction.

25 MR. COOPER: That's all the questions I

1 have, Your Honor.

2 THE WITNESS: Thank you.

3 JUDGE HATCHER: Thank you. Ms. Walt, you
4 are excused.

5 THE WITNESS: Thank you.

6 JUDGE HATCHER: We'll go ahead then and
7 call our next witness. And I have Candice Kelly; is
8 that correct?

9 MR. COOPER: That's correct, Your Honor.

10 JUDGE HATCHER: Thank you.

11 And while we're doing that, Madam Court
12 Reporter, I'm intending to go until about 11:45, kind
13 of bumping up against 12:00. Are you going to be
14 okay? Do you need a break before then.

15 THE COURT REPORTER: I'll survive.

16 JUDGE HATCHER: Okay. Let's aim for
17 11:30 and then we'll take our lunch break.

18 Candice Kelly, thank you for joining us.
19 Please raise your right hand.

20 (Witness sworn.)

21 JUDGE HATCHER: Thank you. And would you
22 please state and spell your name for our court
23 reporter.

24 THE WITNESS: Candice, C-a-n-d-i-c-e,
25 Kelly, K-e-l-l-y.

1 JUDGE HATCHER: Empire, your witness.

2 MR. COOPER: Thank you, Your Honor.

3 CANDICE KELLY,

4 being first duly sworn, testified as follows:

5 DIRECT EXAMINATION

6 BY MR. COOPER:

7 Q. Ms. Kelly, would you tell us what your
8 current title is?

9 A. I am the Director of Customer Experience
10 for the Central Region.

11 Q. And how long have you been the Director
12 of Customer Experience for the Central Region?

13 A. Since February 24th, 2025.

14 Q. Is it your understanding that your
15 testimony has been admitted to the record as
16 Exhibits 29, 30 and 31?

17 A. Yes, it is.

18 Q. Similar to what I asked Ms. -- Ms. Walt,
19 but is it accurate to say that any recommendations
20 found in that testimony would be modified as necessary
21 to support the Non-Unanimous Global Stipulation and
22 Agreement?

23 A. That is correct.

24 MR. COOPER: Okay. That's all the
25 questions I have and I'd tender Ms. Kelly for

1 cross-examination.

2 JUDGE HATCHER: Thank you. And just to
3 reiterate for everyone's -- who is following along, we
4 are skipping MEG as a signatory, we're skipping Staff
5 as a signatory. And that will take to us Consumers
6 Council.

7 MR. COFFMAN: I have no questions, Your
8 Honor.

9 JUDGE HATCHER: Thank you. And Public
10 Counsel?

11 MR. WILLIAMS: Thank you, no questions.

12 JUDGE HATCHER: Thank you. That takes us
13 to Bench and Commissioner questions. Are there any
14 Commissioner questions for Ms. Kelly? And we have
15 three of our four Commissioners on WebEx. We'll give
16 them a moment. It is *6 to unmute if you have called
17 in on a phone.

18 QUESTIONS

19 BY JUDGE HATCHER:

20 Q. Hearing none, the Bench does have just
21 one question. This is about the -- the third-party
22 vendor hired with the expected increase in calls.

23 A. Yes.

24 Q. That vendor only worked for Empire from
25 April 2024 through June of 2024. That's part of your

1 rebuttal testimony. My question is, were those part
2 of the costs, the cost of that third party for those
3 two months -- third-party vendor, were those part of
4 the costs that were waived for recovery by Empire
5 District?

6 I think it was your testimony that
7 mentioned that -- that some of the costs had been
8 waived due to the -- the billing issues that were
9 going on.

10 A. That is correct.

11 Q. Were those third-party telephone vendor
12 calls for those several months included in those?

13 A. In the costs that were waived?

14 Q. Yes.

15 A. Yes.

16 Q. Okay. Thank you.

17 JUDGE HATCHER: That was the only
18 question I had. I'll call once again if there are any
19 Commissioner questions? Any Commissioner questions
20 for Ms. Kelly?

21 Hearing none, I did ask a question. That
22 will take us back to recross. That opens it up to all
23 of the parties, including signatories. So MECG?

24 MR. OPITZ: No, thank you.

25 JUDGE HATCHER: They are indicating no

1 questions. Staff?

2 MR. VANDERGRIFF: No, thank you.

3 JUDGE HATCHER: Consumers Council?

4 MR. COFFMAN: No, Your Honor.

5 JUDGE HATCHER: Public Counsel.

6 MR. WILLIAMS: No, thank you.

7 JUDGE HATCHER: And redirect?

8 MR. COOPER: No redirect, Your Honor.

9 JUDGE HATCHER: Thank you. Ms. Kelly,
10 you are dismissed from our witness stand for today.

11 THE WITNESS: Thank you.

12 MS. CARTER: Judge, I would just like to
13 say thank you and that -- Candice's first time up
14 there. She was very nervous. So thank you for asking
15 her one question so she got to go through it, but not
16 have to be tortured.

17 JUDGE HATCHER: I wish I would have known
18 that was her first time. Could have had something
19 special planned.

20 Okay. We'll move onto our next witness,
21 Tim Wilson. Mr. Wilson, please raise your right hand.

22 (Witness sworn.)

23 JUDGE HATCHER: Thank you. Please state
24 and spell your name for our court reporter.

25 THE WITNESS: Tim, T-i-m, Wilson,

1 W-i-l-s-o-n.

2 JUDGE HATCHER: Thank you.

3 THE WITNESS: Thank you, Judge.

4 JUDGE HATCHER: And Empire, your witness.

5 MR. COOPER: Thank you.

6 TIM WILSON,
7 being first duly sworn, testified as follows:

8 DIRECT EXAMINATION

9 BY MR. COOPER:

10 Q. Mr. Wilson, what is your title?

11 A. I'm the Central Region President of
12 Electric.

13 Q. Is it your understanding that your
14 testimony has been admitted into evidence as Exhibits
15 60, 61 and 62?

16 A. Yes.

17 Q. And again, accurate to say that any
18 recommendations found in that testimony would be
19 modified as necessary to support the Non-Unanimous
20 Global Stipulation?

21 A. I would agree.

22 MR. COOPER: Okay. I would tender
23 Mr. Wilson for cross-examination.

24 JUDGE HATCHER: Thank you. And as stated
25 just previously, we will be skipping MCEG and Staff.

1 Consumers Council.

2 MR. COFFMAN: Yes, thank you, Your Honor.

3 CROSS-EXAMINATION

4 BY MR. COFFMAN:

5 Q. Good morning.

6 A. Morning, Mr. Coffman.

7 Q. So your responsibility covers all of the
8 billing and customer service issues; is that correct?

9 A. My responsibility is to the Empire
10 District Electric Company. The -- the billing and
11 customer service is -- is Ms. Walt's area.

12 Q. Okay. So you're on -- you're listed as a
13 witness on this issue because you were overseeing
14 the -- the Company's response though?

15 A. Yes. I still have oversight, although
16 not directly.

17 Q. Right.

18 A. Through my title, I have oversight of
19 the -- of the electric company, yes.

20 Q. All right. So I wanted to ask you a
21 couple questions sort of from a utility management
22 perspective over this entire set of problems.

23 Customer First software went live in
24 April of 2024, correct?

25 A. April the 8th of 2024.

1 Q. And based on your testimony, you say that
2 you kind of brought a task force together by August of
3 2024 to look at problems?

4 A. Yes. I didn't directly lead that task
5 force, but the Company, as a whole, decided once we
6 started seeing the billing issues come to fruition,
7 that we needed to pull together a team to -- to take a
8 look at it.

9 Q. So it's fair to say that by August of
10 2024, the Company knew that it had a problem that
11 needed to be addressed?

12 A. Yes.

13 Q. Okay. And would -- would it be fair to
14 say that one of the biggest problems is that the
15 software would sort of kick out certain types of
16 bills?

17 A. Correct.

18 Q. That then had to be manually reviewed and
19 addressed by a live person?

20 A. Correct.

21 Q. Okay.

22 A. That is my understanding.

23 Q. So why didn't the utility staff up enough
24 live individuals to get ahead of the problem and
25 ensure that people were getting a bill every month, by

1 that time in August of 2024?

2 A. We -- we -- we did add some additional
3 staff I recall during that time period. It wasn't
4 just adding staff. It was -- it was time. Folks were
5 working a lot of hours. I would come in on Saturdays
6 and even Sundays and see our billing team working on
7 the weekend as well. So really proud of all the hard
8 work and effort that they did to try to fix it.

9 Q. And I know that there are a lot of very
10 dedicated folks on your staff.

11 A. Thank you.

12 Q. But couldn't -- couldn't the utility have
13 hired even more folks, maybe looked at some temporary
14 folks or -- or other folks to -- just to ensure that
15 people were receiving timely bills?

16 A. So corporately there were folks added, be
17 it from the IBM team or elsewhere. But we were to the
18 point where we needed to fix what was causing the
19 outsorts and not necessarily man- -- manually gear up
20 to -- to fix all those. There was thousands and
21 thousands and thousands of outsorts.

22 Q. Uh-huh. And -- but -- but these -- you
23 know, these -- these thousands of -- of problems then
24 persisted beyond August 2024 for -- for many months
25 after that.

1 A. They did.

2 Q. And even --

3 A. Until about October of 2024 we started to
4 see the -- the down tick with the hiring of Shawn
5 Gordon. He came in and we -- we got a lot of those
6 issues resolved.

7 Q. Okay. Why didn't the utility company
8 bring onboard someone like Ms. Walt a year ago?

9 A. That's a good question. I think a year
10 ago we had different leadership. Only with the hiring
11 of -- of Mr. West did we start getting talent such of
12 the quality of -- of Ms. Walt. And so that's --
13 that's probably why.

14 Q. Okay. That's all I have. Thank you.

15 A. Thank you, Mr. Coffman.

16 JUDGE HATCHER: Thank you. And Public
17 Counsel.

18 MR. WILLIAMS: Thank you, Judge.

19 CROSS-EXAMINATION

20 BY MR. WILLIAMS:

21 Q. Good morning, Mr. Wilson.

22 A. Good morning.

23 Q. Still is.

24 A. Yes.

25 Q. I believe you testified that Customer

1 First -- and I think the term you guys use is "go
2 live" was rolled out so that customers were actually
3 seeing what it did in April 8th of 2024; is that
4 correct?

5 A. April 8th of 2024 was the day we went
6 live with the system.

7 Q. When did you first intend to go live with
8 that system?

9 A. Originally it was actually scheduled -- I
10 think a lot of people forget this -- October of '23.
11 And then it was changed to make us go last, which
12 would have been October of 2024.

13 Q. I'm not following. If you rolled it out
14 in April of 2024, you weren't last then, correct?

15 A. I'm sorry. '23 -- October of 2023. And
16 then it was rolled out in April of 2024.

17 Q. Was it only delayed once?

18 A. I would consider it delayed twice.
19 Again, the previous October we were set to go live and
20 then it was pushed back to -- they wanted Empire,
21 being the most difficult, to go last and so that's why
22 they pushed it to October of 2023.

23 And then we saw there were going to be
24 major issues. And of all of the utilities that we
25 have across this organization -- I couldn't even

1 count, there's like 18 or 20 -- only one utility
2 delayed go live again and that was us. So we delayed
3 it six months from October to April.

4 Q. I'm confused. What was the original
5 rollout date?

6 A. The original rollout date was October
7 2023. However, previous to that, the -- the -- the
8 original date was October of 2022. They moved it.

9 Q. 2022?

10 A. Yes.

11 Q. Okay. That -- that was what I was not --

12 A. Yes.

13 Q. -- understanding --

14 A. Sorry.

15 Q. -- with your testimony. So --

16 A. Not a lot of people knew that. It was
17 originally -- they'd moved the schedule out. But I
18 would still say the original go live date was
19 scheduled to be October 2023. We pushed it to
20 April 8th of 2024.

21 Q. Now I'm confused. Because I -- I thought
22 what you were saying is the original date was October
23 of 2022, it got moved to October of '23 --

24 A. All of those are correct.

25 Q. -- and then to April of 2024 is when

1 it --

2 A. All of those are correct. What I was
3 trying to say was not a lot of people knew about the
4 first date.

5 Q. I didn't. I just --

6 A. Yeah.

7 Q. -- had heard you say there were two
8 delays so --

9 A. Uh-huh.

10 Q. -- that's why I pursued it.

11 A. Yes, sir.

12 Q. And what was the reason for the change in
13 the dates?

14 A. The -- the first reason from the first
15 date was because Empire was -- was largely regarded,
16 as Ms. Walt alluded to, the -- the most difficult one.
17 We had AMI, we had multiple jurisdictions, we had
18 multiple commodities. And so it was pushed back to
19 the -- the October 2023 date.

20 When we were getting ready to go live in
21 October of 2023, we fortunately had an interim CEO
22 come in; his name was Chris Huskilson. And he asked
23 me, he said, "Are we ready?" And I said, "Do you want
24 the truth?" He said, "Yes." I said, "No. And he
25 said, "We'll delay it." And so we delayed it for --

1 for six months to -- to April.

2 Q. And why did you roll it out in April?
3 You had all your problems addressed or --

4 A. That's a very good question. We had all
5 the problems addressed that we could. Absent of going
6 live in a parallel operation situation, we addressed
7 everything that we possibly could.

8 Q. Did you do any parallel operation with
9 your existing system before you made the cut over to
10 what's been labeled Customer First?

11 A. When we first implemented Customer Watch?

12 Q. I'm not familiar --

13 A. I wasn't a part of that.

14 Q. I'm not familiar with your systems. I'm
15 just --

16 A. Yeah.

17 Q. Well, let's look at it from a customer
18 perspective. Did you do any -- and I'll call it
19 shadow billing?

20 A. Yes.

21 Q. How long?

22 A. I couldn't tell you exactly. I know it
23 was months.

24 Q. Six months? Shorter, longer? I'm trying
25 to get a feel.

1 A. They did shadow billing, from my
2 recollection, for a few months. I couldn't tell you
3 how many.

4 Q. And they didn't see any of the problems
5 that arose after you went live?

6 A. We did see problems with some of the
7 shadow billing and that's why we delayed it.

8 Q. Okay. So the shadow billing was
9 before --

10 A. Before go live, yeah.

11 Q. No, before October of 2023?

12 A. Yes.

13 Q. Did you see more problems between
14 October of 2023 and April of 2024?

15 A. I couldn't characterize that at this
16 point in time. I wasn't the one that was necessarily
17 looking at the shadow billing, but there were
18 definitely some issues that were -- that we saw. It
19 did get better and better throughout the months before
20 we went live.

21 Q. That's good to hear. Still getting
22 better, right?

23 A. It is still getting better. It's getting
24 much better.

25 Q. And when did you roll out your AMI meter

1 system where you had your wireless communications to
2 get information from the meters to your system -- data
3 systems?

4 A. I believe we rolled out AMI in 2022.

5 Q. So that included the communications as
6 well as the meters, the whole --

7 A. As far as I know. I wish Joey Sparks was
8 here.

9 Q. Did you have any communication issues
10 with the meters at that time?

11 A. We have had communication issues at
12 times.

13 Q. From the day they were rolled out?

14 A. From the day they were rolled out? Not
15 necessarily from the day they were rolled out. We had
16 a couple of different issues. One was -- we were
17 talking about new meter sets earlier. Folks were
18 working -- were working on the billing issues, got
19 pulled away.

20 We did get that fixed. We hired three
21 additional people to make sure that new meter sets
22 were getting rolled into AMI and so that issue got
23 resolved.

24 And then we added an extra CGR to collect
25 data from the --

1 Q. CGR? Would you -- what is that?

2 A. I can't remember the acronym. It's --
3 it's -- basically it takes the data from the meter and
4 sends it to the AMS system. Collective data recorder,
5 I think.

6 Q. Well, I -- I believe I've heard that
7 there were communication issues between getting data
8 from the meter to the main systems; is that --

9 A. Just --

10 Q. -- is that not correct?

11 A. I think there have been at times, but
12 I -- there's also just day-to-day operations where you
13 can have issues with communication. For example, if a
14 storm rolls through -- we'll use Aurora as an
15 example -- and they lose power, you lose connectivity.

16 And then we implemented a software
17 upgrade during the process of -- of this time frame
18 where we -- the upgrade allowed us to go back three
19 days to get data that had been missed. That's
20 something that -- that's changed since go live.

21 Q. And before, you'd just do one dip of the
22 data; is that correct?

23 A. As far as I know. I'm not the expert on
24 AMI.

25 Q. Well, I want to get into the things

1 you've changed. Have you made any other changes to
2 your system to improve the reliability of getting data
3 from the meters to your back-end systems?

4 A. I would say primarily it's that -- it's
5 that upgrade we did in adding that additional CGR and
6 then adding the three additional people to help new
7 meter sets are the three things that I would say that
8 we've done.

9 Q. Did you do anything physical out in the
10 field?

11 A. Outside of the one CGR, I'm not aware of
12 any.

13 Q. So you haven't added any cell towers to
14 your networks for getting the data from the meters to
15 your back-end system?

16 A. That's what the CGR kind of is. It's
17 akin to a cell tower.

18 Q. So you've improved the connectivity on
19 your wireless system to get data from the meters?

20 A. I -- I would believe incrementally to the
21 extent one additional one would do so.

22 Q. Thank you.

23 A. Yeah. It's more of a deep dive on AMI
24 than I thought we'd go, so.

25 Q. Well, I -- yeah, I thought you knew

1 everything, Tim, so I thought I'd dive into it.

2 A. I -- believe it or not, I don't. It's
3 these folks out here that know everything.

4 Q. Anyway, I don't have any further
5 questions at this time. Thank you.

6 A. Yes, sir.

7 JUDGE HATCHER: Thank you, Mr. Williams.

8 Are there any Commissioner questions?
9 Chair, go ahead.

10 QUESTIONS

11 BY CHAIR HAHN:

12 Q. Morning.

13 A. Good morning, Chair Hahn.

14 Q. You were made aware -- when was -- I
15 think you said August of '24 is when you became aware
16 that there was an issue with Customer First?

17 A. August 2024 was when we created the task
18 force.

19 Q. Okay.

20 A. So we were aware prior to that.

21 Q. How did you communicate with our Staff on
22 the issues you were experiencing with Customer First?

23 A. We communicated with Staff even prior to
24 go live. We knew we were going to have issues. We
25 just certainly didn't expect them to last a year and a

1 half. Inasmuch as -- as many as we had, we knew we
2 were going to have issues.

3 Q. Did you establish a regular cadence with
4 Staff to talk through the issues you were experiencing
5 with Customer First?

6 A. Yes.

7 Q. How often was that?

8 A. Monthly.

9 Q. Okay. What actions were taken as a
10 result of those cadences?

11 A. From the Company's perspective?

12 Q. Yes.

13 A. We just -- we gave updates on our -- our
14 billing metrics. And it -- it really put a focus for
15 us on doing what's right for our customers. We -- it
16 was an update on billing metrics. And since October
17 of -- of last year, we have seen a gradual decline in
18 what they call BPEMS or those billing exceptions in
19 our system.

20 Q. Okay. When was the Aurora Customer
21 Service Center closed?

22 A. Customer -- I don't know the -- the date
23 of when it was closed. I'm sorry.

24 Q. Was it during the test year which this
25 case covers?

1 A. I do not know the exact date of when
2 it -- when it was closed. I'm sure someone in
3 customer service could get that answer for you today
4 though.

5 Q. Was that closure done at your direction?

6 A. No.

7 Q. Whose direction was it done?

8 A. I believe at the time it might have been
9 Jody Allison, whoever's over the customer at that
10 point in time.

11 Q. Okay.

12 A. She's no longer here.

13 Q. During the local public hearings, there
14 were at least two cities that mentioned problems with
15 Liberty restoring street lights that were out. I
16 think particularly in Bolivar, but I also think I
17 recall another city mentioning it as an issue. I
18 can't immediately recall which one.

19 I noticed in the stipulation and
20 agreement there is a reliability provision, but I'm
21 not sure if the two are related. What action does
22 Liberty plan to take to improve street light outages
23 in the -- in the territory?

24 A. Right. We're actually working with the
25 City of Bolivar for an extension to their MESA right

1 now. And we're hyperfocused on ensuring that they
2 continue to have street lights and adequate street
3 lighting.

4 Q. Okay.

5 A. Absolutely.

6 Q. All right. I think that's all I have.

7 Thank you.

8 A. Thank you, Chair.

9 JUDGE HATCHER: Thank you. Are there any
10 other Commissioner questions for Mr. Wilson?

11 Commissioners, if you're on your phone,
12 that is *6 to unmute. The Bench does have a couple
13 questions. We'll go ahead and get to those.

14 QUESTIONS

15 BY JUDGE HATCHER:

16 Q. Mr. Wilson, can you tell me why it was
17 essential for Algonquin to install Customer First
18 billing at Liberty?

19 A. So every single utility was on their own
20 billing platform. They needed to get everyone on the
21 same platform. Plus, we had different systems that
22 were no longer going to be supported. And so they
23 wanted to get everything on one system.

24 Q. What would have happened if you further
25 delayed the implementation of Customer First in

1 April of 2024?

2 A. We would have just delayed the amount
3 of -- of issues we had for customers on billing.

4 Q. Are you testifying that it -- it needed
5 to go live in order to get the problems addressed?

6 A. Certainly not. I'm just saying that had
7 we delayed it, I don't know that anything would have
8 been different.

9 Q. And why has it taken Liberty so long to
10 respond to problems with the new billing system once
11 it became evident?

12 A. That's a very good question. I think it
13 was just the enormity of the amount of exceptions that
14 were occurring that we just could not get to. And
15 over time, as you improve people, as you improve
16 processes, that -- it had just taken longer than we'd
17 like.

18 Q. An OPC witness testified that there was
19 an allocation of 7.84 percent of business IT and
20 corporate IT at the same percentage that was allocated
21 to an entity called Liberty Power. And their
22 testimony indicates that Liberty Power may not be in
23 existence anymore. Do you know if that's true?

24 A. That is true.

25 Q. And Liberty Power, was it allocated part

1 of the cost of Customer First?

2 A. I do not know the answer to that.

3 Q. Okay. And I think the last question I
4 have is the monthly average billing that -- for the
5 average customer -- you know, when utilities give that
6 average customer statement using 1,000 --

7 A. Uh-huh.

8 Q. -- kilowatts?

9 Do you know what the average customer
10 using 1,000 kilowatts, what their monthly bill would
11 be?

12 A. In -- in year one of the phase-in?

13 Q. Curre- -- no. Currently.

14 A. I don't have that with me.

15 Q. Okay.

16 A. Ms. -- Ms. Emery has all that information
17 on -- on the average bills.

18 Q. But it sounded like you were ready with
19 year one?

20 A. I have year one right here.

21 Q. Please go ahead.

22 A. I was going to let Ms. Emery do this,
23 so -- she can do a better job than I can. Year one
24 for -- this is a residential time-choice plus, is
25 going from \$167.75 to \$176.66, which is an \$8.91

1 difference with 5.31 percent delta.

2 Q. Okay. Thank you.

3 JUDGE HATCHER: And I'll ask again if
4 there are any Commissioner questions for Mr. Wilson?
5 Okay. That will circle us back into recross
6 examination and now we do include the signatories to
7 the Non-Unanimous Stipulation. We'll start with
8 Mr. Opitz.

9 MR. OPITZ: No, thank you, Your Honor.

10 JUDGE HATCHER: Mr. Vandergriff?

11 MR. VANDERGRIFF: Yes, Your Honor.

12 RECROSS-EXAMINATION

13 BY MR. VANDERGRIFF:

14 Q. Earlier -- I don't remember if it was the
15 Chair or if it was the Judge -- asked you about the
16 monthly talks you had with Staff --

17 A. Uh-huh.

18 Q. -- regarding the issues with Customer
19 First. You testified that you had monthly talks with
20 Staff; is that correct?

21 A. Correct.

22 Q. When did those monthly talks begin?

23 A. I do not know off the top of my head when
24 those commenced.

25 Q. Do you know --

1 A. I want to say February -- I -- I don't
2 want to guess.

3 Q. No further questions.

4 JUDGE HATCHER: Thank you.

5 And Consumers Council.

6 MR. COFFMAN: Yes, thank you.

7 RE CROSS-EXAMINATION

8 BY MR. COFFMAN:

9 Q. I -- I just want to follow-up on the
10 Judge's question regarding the -- I think you said
11 typical bill and -- and you gave a -- a number for the
12 year one, I guess meaning that -- what the
13 non-unanimous stip would have the first year increase
14 to be?

15 A. Correct.

16 Q. That was -- it was \$176.66?

17 A. Yes. For the residential time-choice
18 plan, the scheduled TCRG.

19 Q. And my -- my question is to what -- what
20 is the usage amount? Is it -- is that a 1,000 per
21 kilowatt hour usage bill or is it a different?

22 A. I believe that it is. I'll let -- it's
23 actually Ms. Whitt -- Ms. Emery's --

24 Q. Okay.

25 A. -- document.

1 Q. And we -- what I'm looking for is, is
2 that the average bill? Is that the median bill? Is
3 that just a typical bill that was picked for some
4 other reason? And -- and exactly how much?

5 A. I'll let Ms. Emery handle the main
6 questions.

7 Q. Okay. Thank you.

8 JUDGE HATCHER: No further questions,
9 Mr. Coffman?

10 MR. COFFMAN: That's right.

11 JUDGE HATCHER: Thank you.

12 And Public Counsel.

13 MR. WILLIAMS: Thank you, Judge.

14 RECROSS-EXAMINATION

15 BY MR. WILLIAMS:

16 Q. I want to follow-up on Chair Hahn's
17 questions about Bolivar and street lights. You said
18 something about ongoing negotiations. What were you
19 referring to?

20 A. So they let their MESA agreement expire.

21 Q. Their what agreement?

22 A. MESA agreement.

23 Q. What is MESA?

24 A. Municipal Electric Supply Agreement,
25 something along those lines.

1 Q. So it's a contract with the City and
2 Empire for electric service to the municipality?

3 A. Yeah, for the lights.

4 Q. And that con- -- the current -- is there
5 currently a contract in place?

6 A. Technically, I'm not sure. They let it
7 expire. We're trying to extend it.

8 Q. And how are those negotiations going?

9 A. I wasn't there, so I couldn't tell you.

10 Q. Thank you. No further questions.

11 JUDGE HATCHER: Thank you. And redirect?

12 MR. COOPER: No redirect, Your Honor.

13 JUDGE HATCHER: Thank you.

14 Mr. Wilson, you are excused from the
15 stand for today.

16 THE WITNESS: Thank you.

17 JUDGE HATCHER: Ms. Emery, please relax.
18 I'm going to send you to lunch. We are at 11:40. And
19 I am anticipating that we will come back from lunch
20 today, we have one Customer First witness remaining
21 and then we will move to Income Statements and
22 Miscellaneous issues, which would start with
23 Commissioner questions. Those two issues might move
24 fairly fast.

25 Okay. Here's the plan for this

1 afternoon. We have one witness remaining on Customer
2 Experience. Mr. Reed is coming in Thursday. So we
3 only have Charlotte Emery, if somebody can nod but
4 yeah.

5 MR. WILLIAMS: Well, that's true for the
6 Company. There are other witne- --

7 JUDGE HATCHER: Oh, dang it. That's
8 right. That's right. You've got me. Okay. We have
9 several customers for Customer First.

10 MR. WILLIAMS: I know one who wants to
11 testify.

12 JUDGE HATCHER: Yes, yes, yes. I'm
13 sorry. I don't -- Ms. Emery, you're still going to
14 lunch.

15 Okay. Let's take lunch. We will come
16 back at 1:00. What my announcement was going to be is
17 we are not -- we are not going to mush any of day two
18 into any of the remaining time of today. We might do
19 that later on this week, but for now, I want to make
20 sure that the Commissioners have some time to go
21 over all of the issues to determine if they have
22 questions.

23 We will take lunch. Let's come back at
24 12:45. That will be right at an hour for lunch.
25 12:45. We are on recess. Thank you all.

1 (A recess was taken.)

2 JUDGE HATCHER: Let's go back on the
3 record. And we are midway through the issue of
4 Customer Experience. Our next witness is Company
5 witness, Charlotte Emery.

6 As Ms. Emery makes her way to the stand,
7 the Bench would like to discuss the issue -- MPPM
8 issue, which was raised in opening statements and also
9 discussed in the parties via e-mail. I just wanted to
10 make sure to let all the parties know that that order
11 has officially been issued today separating that issue
12 from this case.

13 It has established its own case and that
14 Case Number is EO-2026-0101. Again, that is
15 EO-2026-0101. The Commission has designated that case
16 to be the -- the case that addresses Liberty's market
17 price protection mechanism. Okay. I think that takes
18 care of that announcement.

19 Let's move on to our witness. Ms. Emery,
20 please raise your right hand.

21 (Witness sworn.)

22 JUDGE HATCHER: Thank you. Would you
23 please state and spell your name for our court
24 reporter.

25 THE WITNESS: Sure. It's Charlotte

1 Emery, spelled C-h-a-r-l-o-t-t-e E-m-e-r-y.

2 JUDGE HATCHER: Thank you. Empire, your
3 witness.

4 MR. COOPER: Thank you, Your Honor.

5 CHARLOTTE EMERY,
6 being first duly sworn, testified as follows:

7 DIRECT EXAMINATION

8 BY MR. COOPER:

9 Q. Would you state your title?

10 A. Sure. Senior Director of Rates and
11 Regulatory Affairs.

12 Q. Is it your understanding that your
13 testimony has been mit- -- admitted as Exhibits 17,
14 18, 19 and 20?

15 A. Yes.

16 Q. And is it accurate to say that
17 recommendations found in that testimony would be
18 modified as necessary to support the Non-Unanimous
19 Global Stipulation and Agreement?

20 A. Yes.

21 MR. COOPER: That's all I have, Your
22 Honor. And we would tender Ms. Emery for
23 cross-examination.

24 JUDGE HATCHER: Thank you. And just to
25 reiterate for our listeners, we do have a pending --

1 I'm sorry, not a pending. We have a Non-Unanimous
2 Stipulation and Agreement. The signatories to that
3 agreed not to cross-examine the other signatories'
4 witnesses except for after Commissioner questions.

5 So we will be skipping over MECG, as well
6 as Staff, and going to Mr. Coffman with Consumers
7 Council.

8 MR. COFFMAN: And I have no questions for
9 Ms. Emery. Thank you.

10 JUDGE HATCHER: Thank you.

11 And Mr. Williams with Public Counsel.

12 MR. WILLIAMS: No questions, Thank you.

13 JUDGE HATCHER: Thank you. That will
14 take us to Commissioner questions. And to remind our
15 listeners, three of our four Commissioners are on our
16 WebEx. And the Chair has retired for lunch and is on
17 her way back.

18 Are there any Commissioner questions for
19 Witness Emery? Commissioners, if you called in on a
20 phone, it is *6 to unmute.

21 COMMISSIONER MITCHELL: Judge, it's
22 Commissioner Mitchell.

23 JUDGE HATCHER: Yes, Commissioner
24 Mitchell, go ahead.

25 QUESTIONS

1 BY COMMISSIONER MITCHELL:

2 Q. And you may not be the best person to
3 answer this; and if you're not, please let me know.
4 But is it your thought that the Customer First
5 software application and all of its accompanying
6 attributes were, in fact, used and useful as of the
7 test year?

8 A. As of the test year, I would say no.
9 Mostly because the system did not go into service
10 until April of 2024 and our test year ended
11 September 30th of 2023. But we did have an update
12 period and a true-up period ordered in the case. And
13 so I would say by the time those periods lapsed,
14 this -- the -- the software and the various components
15 of that would be deemed used and useful.

16 Q. Thank you. That's my only question.

17 JUDGE HATCHER: Thank you, Commissioner.
18 I appreciate that.

19 Are there any other Commissioner
20 questions for Ms. Emery? Thank you. And that will --
21 even though it was one question, that will take us
22 back through recross-examination.

23 We'll go to MCEG. I'm seeing no
24 questions. No questions from Staff is being
25 indicated. Consumers Council, you're up.

1 MR. COFFMAN: No questions.

2 JUDGE HATCHER: And Public Counsel.

3 MR. WILLIAMS: No, thank you.

4 JUDGE HATCHER: And redirect from the
5 Company?

6 MR. COOPER: No redirect.

7 JUDGE HATCHER: Ms. Emery, thank you very
8 much. I appreciate you being here today.

9 THE WITNESS: Thank you.

10 JUDGE HATCHER: And for -- to note for
11 the parties and for those listening, I'm just
12 confirming my understanding that witness -- Company
13 witness John Reed, who would be testifying on this
14 issue, will be in attendance on Thursday.

15 MR. COOPER: That is correct.

16 JUDGE HATCHER: Then we will move on to
17 Staff witnesses. Staff, go ahead and call your first
18 witness.

19 MR. VANDERGRIFF: Staff calls to the
20 stand Matthew Young.

21 JUDGE HATCHER: Thank you, Mr. Young.
22 Please raise your right hand.

23 (Witness sworn.)

24 JUDGE HATCHER: Thank you. Please have a
25 seat. Would you state and spell your name for our

1 court reporter, please.

2 THE WITNESS: Matthew Young,
3 M-a-t-t-h-e-w Y-o-u-n-g.

4 JUDGE HATCHER: Mr. Vandergriff, your
5 witness.

6 MATTHEW YOUNG,
7 being first duly sworn, testified as follows:

8 DIRECT EXAMINATION

9 BY MR. VANDERGRIFF:

10 Q. Mr. Young, how are you employed?

11 A. Good, thank you. Oh, the wrong question.
12 I'm a Regulatory Auditing Supervisor with
13 the Missouri Public Service Commission.

14 Q. Are you the same Matthew Young that
15 prepared Directs 122 -- Exhibits 122, 122-C, rebuttal;
16 150, surrebuttal; true-up direct, 174; and true-up
17 rebuttal, 179?

18 A. Yes.

19 Q. Do you have the understanding that you've
20 modified your positions to reflect the Non-Global
21 Stipulation and Agreement?

22 A. Yes.

23 MR. VANDERGRIFF: I tender Mr. Young for
24 cross-examination.

25 JUDGE HATCHER: Thank you. Let's check

1 my cheat sheet. Again, we -- this is going to be
2 involving signatories to the Non-Unanimous Global
3 Stipulation. We'll be skipping MEGG. We'll go to
4 Consumers Council.

5 MR. COFFMAN: No questions, Your Honor.

6 JUDGE HATCHER: Thank you. Then we'll be
7 skipping the Company as a signatory. And then we'll
8 be going to Public Counsel.

9 MR. WILLIAMS: No questions, Thank you.

10 JUDGE HATCHER: Thank you. That leads us
11 to Commissioner questions. So are there any
12 Commissioner questions for witness -- Staff Witness
13 Young? And that's *6 to unmute if you're on a phone.

14 Okay. Hearing none, thank you,
15 Mr. Young. I appreciate you being here today.

16 Mr. Vandergriff, go ahead and call your
17 next witness.

18 MR. VANDERGRIFF: Staff calls to the
19 stand Mr. Tyrone Thomason.

20 JUDGE HATCHER: Mr. Thomason, if you
21 would please raise your right hand.

22 (Witness sworn.)

23 JUDGE HATCHER: Thank you. Please state
24 and spell your name for the our court reporter.

25 THE WITNESS: My name is Charles Tyrone

1 Thomason, C-h-a-r-l-e-s T-y-r-o-n-e T-h-o-m-a-s-o-n.

2 JUDGE HATCHER: Thank you. And,
3 Mr. Vandergriff, your witness.

4 CHARLES TYRONE THOMASON,
5 being first duly sworn, testified as follows:

6 DIRECT EXAMINATION

7 BY MR. VANDERGRIFF:

8 Q. How are you employed?

9 A. I am a Senior Research Data Analyst in
10 the Customer Experience Department as part of
11 Commission Staff.

12 Q. Are you the same Tyrone Thomason that
13 prepared Directs [as said] 123; 123-C, rebuttal; 148,
14 surrebuttal; true-up direct, 172?

15 A. Yes.

16 Q. Do you have the understanding that you've
17 modified your positions to reflect the Non-Global
18 Stipulation and Agreement?

19 A. Yes.

20 MR. VANDERGRIFF: I tender Mr. Thomason
21 for cross-examination.

22 JUDGE HATCHER: Thank you. And again, we
23 will skip MECG and go to Consumers Council.

24 MR. COFFMAN: No questions for
25 Mr. Thomason. Thank you.

1 JUDGE HATCHER: Thank you. We'll skip
2 Empire and go to Public Counsel.

3 MR. WILLIAMS: Thank you, Judge. Just a
4 couple.

5 CROSS-EXAMINATION

6 BY MR. WILLIAMS:

7 Q. Good afternoon, Mr. Thomason.

8 A. Good afternoon.

9 Q. Do you recall hearing earlier testimony
10 about Empire having meetings with the Commission Staff
11 regarding customer service issues?

12 A. Yes, I do.

13 Q. Do you know when those meetings started?

14 A. Yes. I have that information.

15 Q. If you would be so kind as to indicate
16 when Staff started meeting with Empire regarding that
17 topic.

18 A. So I have to correct Mr. Wilson's
19 statements a little bit. The very first meeting took
20 place on August 14th and that was actually called by
21 the Consumer Services Department because they were
22 hearing complaints from customers. Sorry, August 14th
23 of 2024.

24 The next meeting took place on
25 September 5th, and that was -- that was not a Customer

1 First-specific meeting. That was our regularly
2 scheduled quarterly meeting, during which topics were
3 discussed -- follow-up topics from that August
4 meeting.

5 The next meeting that took place was in
6 December -- was on December 5th of 2024. That was,
7 again, our regularly scheduled quarter -- quarterly
8 meeting.

9 The first Customer First-specific meeting
10 after that was on December 13th of 2024.

11 After that, the -- the next meeting was
12 on February 6th of 2025. And then after that, that is
13 when those meetings -- those meetings became monthly.

14 Q. Thank you. Staff's currently undertaking
15 an investigation of Empire's billing issues that the
16 Commission ordered, is it not?

17 A. That is correct.

18 Q. Does Staff have any timeline in mind for
19 when it anticipates having a report in that case?

20 A. My understanding as of now is that we are
21 anticipating getting it out before the end of the
22 year.

23 Q. Had Staff anticipated having the report
24 out earlier than that?

25 A. Yes, we did.

1 Q. And why had -- has the date slipped?

2 A. Multiple reasons. One of which being
3 simply Staff workload. We have I think five or six
4 different departments working on this case. So
5 coordinating all that, getting it onto one report, in
6 addition to all the other rate cases going on, it's a
7 bit difficult to schedule that all in.

8 The second thing is that we keep finding
9 new issues that require further follow-up.

10 Q. No further questions at this time. Thank
11 you.

12 JUDGE HATCHER: Thank you. I believe
13 that takes us to Commissioner questions. Are there
14 any Commissioner questions for Staff Witness Thomason?

15 Okay. Hearing none, the Bench also has
16 no questions. Thank you, Mr. Thomason. I --

17 MR. VANDERGRIFF: Staff doesn't have
18 redirect.

19 JUDGE HATCHER: I was going to -- yeah,
20 are -- are we doing that with -- we haven't crossed
21 that bridge yet. Thank you. No redirect from Staff.

22 Thank you, Mr. Thomason. I appreciate
23 you being here today.

24 Mr. Vandergriff, go ahead and call your
25 next witness.

1 MR. VANDERGRIFF: Staff calls to the
2 stand Kim Bolin.

3 JUDGE HATCHER: Ms. Bolin, please raise
4 your right hand.

5 (Witness sworn.)

6 JUDGE HATCHER: Thank you. Please state
7 and spell your name for our court reporter.

8 THE WITNESS: My name is Kimberly Bolin.
9 And Bolin is spelled B-o-l-i-n.

10 JUDGE HATCHER: Thank you.

11 Mr. Vandergriff, your witness.

12 BY MR. VANDERGRIFF:

13 Q. Good morning, Ms. Bolin.

14 A. Good morning -- afternoon.

15 Q. Afternoon. Whoo.

16 How are you employed?

17 A. I am Division Director with the Missouri
18 Public Service Commission.

19 Q. Do you adopt Jim -- James A. Busch's
20 direct testimony 104, 126; surrebuttal 154 as your own
21 and affirm that the statements and opinions therein
22 are true and correct, to the best of your knowledge?

23 A. I do.

24 Q. Do you have the understanding that you've
25 modified your positions to reflect the Non-Global

1 Stipulation and Agreement?

2 A. Yes, I do.

3 MR. VANDERGRIFF: I tender Ms. Bolin for
4 cross-examination.

5 JUDGE HATCHER: Thank you. And we will
6 just go directly to Consumers Council.

7 MR. COFFMAN: I have no questions for
8 Ms. Bolin. Thank you.

9 JUDGE HATCHER: And Mr. Williams, Public
10 Counsel.

11 MR. WILLIAMS: Thank you.

12 CROSS-EXAMINATION

13 BY MR. WILLIAMS:

14 Q. Ms. Bolin, does Staff have any issues
15 with billing determinants in this case?

16 A. Yes, we do.

17 Q. And what are those issues?

18 A. J Luebbert, who's a witness on this -- on
19 this same matter will be up here to testify on that.

20 Q. You don't know what the issues are?

21 A. Well, we do have -- we don't know that
22 they're accurate.

23 Q. And why is it that you don't know that
24 they're accurate?

25 A. There was some estimations and the data

1 is just -- we don't feel that it's accurate.

2 Q. And if I wanted to delve deeper into the
3 issue, J Luebbert is who I should ask?

4 A. Yes, it is.

5 Q. Thank you. No further questions at this
6 time.

7 JUDGE HATCHER: Thank you. And that will
8 move to Commissioner questions. Are there any
9 Commissioner questions for Staff witness Kim Bolin,
10 adopting the testimony of James Busch? If you're on
11 the phone, it's *6 to unmute.

12 QUESTIONS

13 BY JUDGE HATCHER:

14 I don't hear any questions, but I will
15 come back and ask in just a second. The Bench does
16 have just a couple.

17 A. Okay.

18 Q. I want to discuss this 100 basis point
19 reduction. I might refer to it as a 100 basis point
20 reduction, but I'm aware that is -- it is an effective
21 100 basis point reduction.

22 With that mouthful said, if the
23 Commission authorizes a return on equity, whatever
24 that number may be, will the Company have the
25 opportunity to still earn that authorized return on

1 equity?

2 So if we need some numbers, Staff
3 recommended an effective 100 basis point reduction to
4 the return on equity. So let's say that the
5 Commission approves Staff's disallowance and approves
6 the ROE of 9.5. Will the Company have the opportunity
7 to earn 9.5?

8 A. The Company always has the opportunity to
9 earn any rate of return. Granted, what our rates would
10 reflect would be lower, but there's always the
11 opportunity. It's not a guarantee.

12 Q. How would that work in the context of the
13 recommended reduction?

14 A. I'm not sure I unders- -- there's always
15 things we allow and disallow in determining a revenue
16 requirement.

17 Q. I'm trying to wrap my head around and
18 also make sure it's clear on the record. Staff is
19 proposing the effect of a 100 basis point reduction.
20 Can you summarize how Staff is envisioning that that
21 works?

22 A. We used our 9.5 ROE to determine an ROR
23 and applied it to rate base and did our expenses --
24 our revenues minus our expenses and came up with a
25 revenue requirement. And then substitute -- then

1 subtracted what we calculated as hundred basis point
2 reduction to that number, the total revenue
3 requirement.

4 Q. So the Company would be -- would have the
5 opportunity to earn the 9.5, but on a lower number?

6 A. The revenue requirement that we would
7 recommend in this case would be a lower number, but
8 the Company always has an opportunity to earn any rate
9 of return. It's not a guarantee that they will earn a
10 rate of return in any case.

11 Q. Thank you. I appreciate that.

12 My second question and I think this is
13 my -- my last question. The second one, I want to
14 talk about the stipulation, the Non-Unanimous Global
15 Stipulation that was filed. Does that stipulation
16 reflect Staff's equivalent disallowance?

17 A. It more than does, because Staff's case
18 is 128.8 million dollars. That includes all of our
19 removal of Customer First assets from rate base and it
20 includes the 100-point reduction we did. And this
21 97 million is basically 30 million less.

22 Q. All right. Thank you. I do have a
23 couple more questions.

24 A. Okay.

25 Q. I want to return to the 100 basis point

1 effective disallowance. Will that disallowance be
2 lifted if the Company meets the quality standards set
3 out in the stipulation?

4 A. They will get an opportunity to defer to
5 a asset 13 million dollars a year and they'll be
6 broken up by month. So if they hit the metrics one
7 month, they'll get -- 1/12th of that 13 million will
8 go to a deferred asset that we will look at in a
9 future rate case to determine how it is recovered, if
10 it is recovered. Recovery will be determined in a
11 future case.

12 Q. If the disallowance continues, so if they
13 are I guess missing some of those months or miss some
14 of the months out of that year, is that effectively
15 setting the Company up to operate under two different
16 ROEs?

17 A. No, I don't believe so. Because the
18 deferred asset is based on what we believe is in rate
19 base for Customer First times a rate of return they
20 would have earned if it was in rates. It has nothing
21 to do with the 17.8 million dollar, 100 basis point
22 reduction.

23 Q. Okay. And on the stipulation, this
24 allows a phase-in of the allowed increase. Do you
25 know if this is a consistent, steady increase or is it

1 back- or front-loaded in any one more -- any one year
2 more than -- more so than another?

3 A. No. It's a steady increase. It goes
4 orig- -- goes to 32.3 million would be in this -- the
5 decision for this year. Then you would add another
6 third the second year. And then the final third,
7 which would get you to 97 million, the third year.

8 So it's a steady one-third. Every year
9 the same amount that's being in -- the increase.

10 Q. What happens in the month if the Company
11 would not meet the metrics?

12 A. We have actually two deferrals. One is
13 the phase-in, which has nothing to do with the
14 metrics; and then we have the other deferral that does
15 do the metrics. If they do not meet the metrics, they
16 do not get a deferral for that month.

17 Q. Does that mean that the Company never
18 gets to recover whatever costs were allocated for that
19 month's worth of recovery?

20 A. That is correct.

21 JUDGE HATCHER: Okay. I'll ask the
22 Commissioners once again if there's any Commissioner
23 questions for Staff Witness Bolin? If you're on a
24 phone, it's *6.

25 Okay. Hearing none, that takes us back

1 to recross-examination and we will start with MECG.

2 MR. OPITZ: No, thank you.

3 JUDGE HATCHER: And then we go to
4 Consumers Council.

5 MR. COFFMAN: Yes, thank you. I've got a
6 couple questions.

7 RECROSS-EXAMINATION

8 BY MR. COFFMAN:

9 Q. Now, building off of the question from
10 the Bench regarding the rate of return and this -- to
11 make sure I understand this as well, is the Staff --
12 the Staff is asking the Commission to adopt the terms
13 of the Non-Unanimous Stipulation, which doesn't
14 necessarily include a specific rate of return; is that
15 right?

16 A. That is correct.

17 Q. And so if the Commission adopts what you
18 want, which is this Non-Unanimous Stipulation in
19 total, there will not be a rate -- an official rate of
20 return ordered in this case; is that correct?

21 A. That is correct. It will not be a term
22 outlined in the stip.

23 Q. And I would note that even the
24 7.01 percent ROR that is in paragraph five of the
25 Non-Unanimous Stipulation is merely a number that

1 would be plugged into mechanisms that require it; is
2 that right? Such as PISA or -- or -- or tell me, what
3 mechanisms do you believe that would be plugged --
4 that 7.01 percent would be plugged into?

5 A. You're correct. It's mechanisms like
6 PISA. I'm not sure on other mechanisms they have out
7 right now, but PISA is the main one.

8 Q. So is your understanding of
9 cost-of-service regulation that the Commission doesn't
10 necessarily have to pick a rate of return -- a return
11 on equity number, provided that the rates are
12 currently sufficient to allow a reasonable opportunity
13 to earn --

14 A. Yes.

15 Q. -- a return?

16 A. We always -- a reasonable opportunity.
17 There is no guarantee of a return.

18 Q. And so that -- that requirement, legal or
19 otherwise, would be based on just earning a reasonable
20 return, not necessarily reaching a specific number?

21 A. That's correct.

22 Q. Right. Okay. Okay. And then just a
23 clarifying question on the Customer First deferral.
24 The Non-Unanimous Stipulation includes a 20 million
25 dollar reduction associated with Customer First,

1 20 million and some change. But that -- that won't
2 necessarily be a denial of those costs in the future
3 provided that Liberty Empire meets certain metrics,
4 correct?

5 A. That is correct. If they meet the
6 metrics in between this rate case and their next one,
7 they have an opportunity to defer the assets. And in
8 the next rate case, if everything is corrected, they
9 can then get the 20 million in rate base.

10 Q. So is it possible that at the end of the
11 day, the utility winds up with being made whole as if
12 they never received a reduction at all?

13 A. Well, this case has 20 million as a
14 revenue reduction associated with Customer First and
15 the deferral is only up to 13.7 million.

16 Q. Okay. But is it possible that the
17 utility will ultimately get the value of that
18 13 million with interest if they meet certain metrics?

19 A. They'll get that. I don't know if it
20 will be with interest.

21 Q. Okay.

22 A. But if they would meet all the metrics
23 every month after the rates go into effect, then yes.

24 Q. And is the ques- -- the question I have
25 is does -- do those deferrals include interest or is

1 that interest on the deferrals an issue that you would
2 see the Commission making later down the road?

3 A. That would be something the Commission
4 would make a determination later on.

5 Q. Okay. I think I understand. Thank you.

6 JUDGE HATCHER: Thank you, Mr. Coffman.
7 Mr. Williams.

8 MR. WILLIAMS: Thank you.

9 RECROSS-EXAMINATION

10 BY MR. WILLIAMS:

11 Q. I'm going to start with the Customer
12 First regulatory asset. You referenced some
13 performance metrics. What are those performance
14 metrics?

15 A. We have not defined them yet. I think we
16 have a date of May 2026 to reach an agreement on the
17 metrics --

18 Q. So --

19 A. -- or --

20 Q. -- it's an agreement to agreement?

21 A. This is an agreement to develop metrics.

22 Q. Well, you don't have them now, right?

23 A. We do not have them now.

24 Q. And I'm unclear about something on the
25 Customer First regulatory asset. This 1,145,863, is

1 that the -- are you -- are the parties saying that's
2 what return would have been on the asset balance had
3 it been included in a rate base? The return is the
4 one million?

5 A. It's the monthly return. The -- if you
6 go to paragraph four, it will say: Furthermore, the
7 Customer First reduction is comprised of a rate base
8 amount of 149,287,965 earning a zero rate of return,
9 and then in parenthesis it has 13,750,356 and that is
10 your number. It's as if they were earning a return on
11 that 149 million.

12 Q. Okay. So the 1.1 million represents a
13 return?

14 A. Yes. A monthly.

15 Q. Oh, and the -- the phase-in. There's a
16 deferral of 97 million, correct?

17 A. Yes, there will be.

18 Q. And at the end of the three years, then
19 that 97 million is to be rate based; is that correct?

20 A. That is correct.

21 Q. And --

22 A. There are no carrying costs until it goes
23 into the next rate case then it will be rate based.

24 Q. So it will return -- it will earn a
25 return until it's amortized out at some point or taken

1 out of rate base?

2 A. Correct.

3 Q. Whereas, had it been a or- -- carrying
4 costs, it would have been a -- an amount presumably
5 for some period of time? Normally those are amortized
6 out, correct?

7 A. Carrying costs -- and those carrying
8 costs could have gotten rate base treatment also.

9 Q. Does the Commission typically give
10 rate-base treatment for that kind of an item?

11 A. I have seen in some cases they have give
12 things rate-base treatment I wouldn't agree with, but
13 yes, they can.

14 Q. Well, it's something Staff's agreed to
15 though, right?

16 A. It is -- we agreed to that as a total
17 package of this settlement.

18 Q. It's not something Staff normally agrees
19 to, is it?

20 A. I don't know that we would normally agree
21 to it or I can say that, but it is -- we felt that was
22 appropriate for this settlement.

23 Q. Thank you. No further questions.

24 JUDGE HATCHER: Thank you, Mr. Williams.

25 Redirect?

1 MR. COOPER: I think I'm --

2 JUDGE HATCHER: No, no. We still have
3 recross. Okay.

4 MR. COOPER: Given the Bench questions.

5 JUDGE HATCHER: Company, go ahead.

6 RECROSS-EXAMINATION

7 BY MR. COOPER:

8 Q. Ms. Bolin, just a couple things kind of
9 on mechanics that you got into in regard to the --
10 sort of the metrics, the Customer First regulatory
11 asset.

12 First, just to confirm, nothing about
13 that proposal is intended or would result in a change
14 in rates between this rate case and the next rate
15 case, correct?

16 A. That is correct. The asset would be
17 looked at at the next rate case.

18 Q. And you made a comment that perhaps all
19 of that -- all of the foregone 13 million could make
20 its way back to the Company. However, as a practical
21 matter, if we're not agreeing to metrics until May of
22 2026, there's not really a way it could all go back to
23 the Company, is there?

24 A. That is true, since the metrics won't be
25 in until May 2026.

1 Q. And even after that point, it's still a
2 monthly test, correct?

3 A. It is.

4 Q. One month the Company could qualify and
5 the next month they might not. And that will
6 differ -- make a difference on the amounts that
7 they're able to book to the regulatory asset?

8 A. That is correct.

9 Q. And as to billing determinants, Staff
10 is -- or in the Non-Unanimous Stipulation and
11 Agreement, the parties have agreed to Staff's billing
12 determinants, correct?

13 A. That is correct.

14 MR. COOPER: That's all I have, Your
15 Honor.

16 JUDGE HATCHER: Thank you, Mr. Cooper.
17 And now we will go back to redirect.

18 MR. VANDERGRIFF: One question.

19 REDIRECT EXAMINATION

20 BY MR. VANDERGRIFF:

21 Q. Ms. Bolin, you were asked questions
22 about the Company's opportunity to earn -- for an
23 opportunity for earnings, correct?

24 A. Yes.

25 Q. All right. Do you believe that with

1 aggressive cost control in revenue growth, that the
2 Company could increase its opportunities for earnings?

3 A. Always.

4 MR. VANDERGRIFF: No further questions.

5 JUDGE HATCHER: Thank you. I appreciate
6 you being here, Ms. Bolin. You are excused from our
7 witness stand.

8 And the next witness I have is
9 J Luebbert. Is that correct, Mr. Vandergriff?

10 MR. VANDERGRIFF: Yes, Your Honor.

11 JUDGE HATCHER: All right. Please raise
12 your right hand.

13 (Witness sworn.)

14 JUDGE HATCHER: Thank you. Please have a
15 seat and state and spell your name for our court
16 reporter.

17 THE WITNESS: Okay. My name is
18 J Luebbert. It's the letter J, Luebbert,
19 L-u-e-b-b-e-r-t.

20 JUDGE HATCHER: Thank you. And your
21 witness, Mr. Vandergriff.

22 J LUEBBERT,
23 being first duly sworn, testified as follows:

24 DIRECT EXAMINATION

25 BY MR. VANDERGRIFF:

1 Q. Well, good afternoon, Mr. Luebbert.

2 A. Good afternoon.

3 Q. Are you the same Mr. Luebbert that filed
4 Exhibits direct, 131; surrebuttal true-up direct, 162
5 and 162-C?

6 A. I think my direct testimony got stricken.

7 Q. Oh, that's right.

8 A. But I did file surrebuttal.

9 Q. All right. Do you have the understanding
10 that you've modified your positions to reflect the
11 Non-Global Stipulation and Agreement?

12 A. Yes.

13 MR. VANDERGRIFF: I tender Mr. Luebbert
14 for cross-examination.

15 JUDGE HATCHER: Thank you. And that goes
16 to Consumers Council, Mr. Coffman.

17 MR. COFFMAN: No questions.

18 JUDGE HATCHER: And Mr. Williams.

19 MR. WILLIAMS: Thank you, Judge.

20 CROSS-EXAMINATION

21 BY MR. WILLIAMS:

22 Q. Good afternoon, Mr. Luebbert.

23 A. Good afternoon.

24 Q. Did you hear my questions to the prior
25 witness about billing determinants?

1 A. I did.

2 Q. And did Staff -- did you have issues with
3 the billing determinants in this case?

4 A. So my -- members of my department deal
5 primarily with billing determinants as part of the
6 rate case process. And we certainly had issues
7 with -- with accuracy throughout the course of the
8 case.

9 I know that my testimony in -- in
10 surrebuttal touches on a little bit of some of the
11 issues that could arise if there are -- there's
12 missing information or missing interval data,
13 especially whenever it relates to having time-of-use
14 rates.

15 Q. Well, what's the nature of the data
16 issues that you're referring to?

17 A. As -- as we went through the case --
18 sorry, my voice is a little bit shot.

19 As we went through the case, there were
20 multiple iterations of fixes to data from the Company.
21 Ultimately, you know, Staff doesn't have --
22 necessarily have direct access into any of their --
23 their billing systems. And so we are reliant on them
24 to get us accurate information.

25 There -- there were multiple iterations

1 of fixes based upon rebills throughout the course of
2 the case that had to get incorporated.

3 Q. And when you say rebills, you're talking
4 about changes to customer bills?

5 A. Yeah. And ultimately billing
6 determinants that we -- we utilized.

7 Q. And those billing determinants are based
8 on billed revenues in part; is that correct?

9 A. The -- the determinants themselves would
10 be based off of the components that are utilized to
11 develop a customer bill. So if -- if you're missing
12 kWh from one customer, that's going to impact the
13 billing determinants. If you're -- if you've got that
14 same usage indicated in the wrong month, that would
15 also impact those billing determinants. And so if you
16 fix those, sometimes there are changes.

17 Q. Is it unusual for companies to have some
18 issues that affect billing determinants?

19 A. No, it's fairly regular to have changes
20 in billing determinants based upon when a report might
21 get pulled. Now, I will say this case was -- was an
22 outlier as far as what I've been involved in with the
23 number of changes to the billing determinants over
24 time.

25 Q. Would that apply to the magnitude as

1 well?

2 A. I would say so based off of the number
3 of -- the number of revisions, yeah.

4 Q. And has Staff had issues with Liberty in
5 the past over billing determinants?

6 A. I don't think that I was involved in
7 billing determinant processes in the last rate case,
8 for Liberty at least.

9 Q. So you don't know is your answer?

10 A. I don't.

11 Q. Thank you.

12 JUDGE HATCHER: Thank you, Mr. Williams.

13 That will bring us to Commissioner
14 questions. Are there any Commissioner questions for
15 Staff Witness Luebbert?

16 COMMISSIONER MITCHELL: If I may, Judge.
17 Commissioner Mitchell.

18 JUDGE HATCHER: Yes, please go ahead
19 Commissioner Mitchell. Go ahead, Commissioner.

20 QUESTIONS

21 BY MR. MITCHELL:

22 Q. Thank you for your testimony. And
23 what -- what I'm wondering is we've heard about
24 problems with billing determinants, about problems
25 with metering, about problems with communication from

1 the meters to the central data system to the billing
2 system.

3 And my question is, do you -- do you
4 think that, in general, the data set that Staff is
5 working with to do their audits and all of their
6 analyses, is the integrity of that data adequate for
7 you to do your work?

8 A. That's a good question. I think through
9 the -- the course of settlement, obviously we -- we
10 got comfortable enough as the Staff to be able to come
11 to an agreement with the other signatory parties.

12 Part of that agreement is looking at
13 providing information that can -- that can give us
14 some of those answers to make sure that as -- as we go
15 forward, having some assurances on -- on the integrity
16 of the -- of the data that we're going to be utilizing
17 I think is going to be important.

18 I think we -- at least I also recognize
19 that we've got an ongoing investigatory docket and
20 will be providing the Commission with our report in
21 that in -- in the not-so-distant future. And I would
22 expect that there may be some -- some recommendations
23 that come out of that case as well that would
24 hopefully improve that -- that data set and the
25 process going forward.

1 Does that answer your question?

2 Q. Thank you. That helps me. It does. And
3 I think -- I think it gives me some comfort that your
4 analyses of the data set -- or revenue requirement in
5 the range of 127 million is being reduced to 97 or in
6 that ballpark, so I think that will make up the gap.
7 So thank you. It does answer my question.

8 JUDGE HATCHER: Thank you, Commissioner.

9 Are there any other Commissioner
10 questions for Staff Witness Luebbert? Thank you.

11 The Bench has no questions. But hold on,
12 we're going to go to recross-examination and we'll
13 start with Mr. Opitz. He indicates no questions.
14 Consumers Council.

15 MR. COFFMAN: No questions.

16 JUDGE HATCHER: And the Company. I did
17 it out of order the first time. Sorry.

18 MR. COOPER: I'm willing to go last if
19 you want to leave me there in that spot.

20 I do not have any questions. Thank you.

21 JUDGE HATCHER: Thank you.

22 Public Counsel.

23 MR. WILLIAMS: Thank you. No questions.

24 JUDGE HATCHER: Thank you. Redirect?

25 MR. VANDERGRIFF: No direct -- redirect.

1 JUDGE HATCHER: Thank you.

2 Mr. Luebbert, you are excused for today.

3 THE WITNESS: Thank you.

4 JUDGE HATCHER: I appreciate you being
5 here.

6 I just want to confirm that was the last
7 Staff witness on the Customer Experience issue. And
8 we're now going to the Office of Public Counsel. We
9 will swear in Dr. Marke. Dr. Geoff Marke, please
10 raise your right hand.

11 (Witness sworn.)

12 JUDGE HATCHER: Please take a seat and
13 state and spell your name for our court reporter,
14 please.

15 THE WITNESS: My name's Geoff Marke, and
16 that's G-e-o-f-f M-a-r-k-e.

17 JUDGE HATCHER: Mr. Williams, your
18 witness.

19 MR. WILLIAMS: Thank you, Judge.

20 GEOFF MARKE,
21 being first duly sworn, testified as follows:

22 DIRECT EXAMINATION

23 BY MR. WILLIAMS:

24 Q. Mr. Marke, did you prepare and cause to
25 be filed direct testimony that's been marked as

1 Exhibit Number 202 that includes H -- highly
2 confidential and confidential information; testimony
3 that's been marked as Exhibit 203, which is rate
4 design direct; Exhibit Number 204 that's been marked
5 as rebuttal testimony; Exhibit Number 205 that has
6 confidential and public information that's surrebuttal
7 testimony?

8 A. Yes.

9 Q. Do you have any changes to any of that
10 testimony for it to be your testimony here today?

11 A. Just one change.

12 Q. And what is that change?

13 A. In my surrebuttal testimony on page 13,
14 line 19, I wrote: Ms. Amy Black. And that should
15 read: Ms. Amy Walt.

16 Q. Since the pre-filed testimony is already
17 in evidence, with that change of -- this is all your
18 testimony, of course, right?

19 A. Correct.

20 MR. WILLIAMS: I tender the witness for
21 questions.

22 JUDGE HATCHER: I'm -- I'm thinking about
23 the -- the name change. As a precaution, Counsel,
24 would you please file an errata for your witness
25 indicating that name change? Only because I don't

1 have his rebuttal with me to make that change and that
2 might be coming necessary to cite it at some time.

3 MR. WILLIAMS: Sure. We -- sure. We can
4 file a rebuttal -- or errata, I mean.

5 THE WITNESS: Errata.

6 JUDGE HATCHER: Yeah, thank you. I
7 appreciate it. I'm sorry. I know that's a little
8 extra work.

9 Okay. Let's go to our cross-examination
10 for OPC witnesses. Consumers Council.

11 MR. COFFMAN: No questions at this point.
12 Thank you.

13 JUDGE HATCHER: MEGG.

14 MR. OPITZ: No, thank you.

15 JUDGE HATCHER: Staff.

16 MR. VANDERGRIFF: No, thank you.

17 JUDGE HATCHER: Empire?

18 MR. COOPER: No questions.

19 JUDGE HATCHER: Thank you. That will
20 bring us to Bench and Commissioner questions. Are
21 there any Commissioner questions for Dr. Marke? The
22 chair has questions. Go ahead.

23 QUESTIONS

24 BY CHAIR HAHN:

25 Q. Good afternoon, Dr. Marke.

1 A. Good afternoon, Chair.

2 Q. Let's walk out what happens if the
3 Commission were to order the OPC/Consumers Council
4 position.

5 So if the Commission were to take the OPC
6 position and order zero dollar rate increase over the
7 next two years, they do make improvements -- let's
8 assume the improvements that they make come to
9 fruition and that they have a properly operating
10 Customer First system and they're responsive to
11 customers at the right level with metrics in line with
12 our other investor-owned utilities.

13 What happens in the next rate case as far
14 as a rate impact? So would they be able then to
15 recover amounts from this rate case moving forward or
16 the entire Customer First rate case moving forward,
17 plus expenses incurred over the next couple of years
18 before that next filing? How -- how would it work?

19 A. Well, that's a great question, Chair. I
20 think like a lot of things, it depends.

21 So at a minimum, what would happen is
22 that those investments that are being used would
23 depreciate. So the numbers would change over time.
24 That would be one thing right off the bat. Obviously
25 what takes place in that test year is going to include

1 costs and expenses that will be relevant to that test
2 year.

3 What would happen? If the Company -- if
4 the -- if the Commission adopts OPC's position, my
5 understanding is nothing would prevent the Company
6 from filing a case as soon as possible. They wouldn't
7 need to wait the additional 24 months to bring things
8 up to -- to speed.

9 They'd effectively -- we -- the message
10 the Commission would effectively be sending is that,
11 you know, rates -- a rate increase isn't warranted if
12 the Company can't properly bill customers today. And
13 I think that's a motivating message to send to the
14 Company. They have every incentive from there on out
15 to move forward and basically get their act together.

16 Q. From your perspective, what would happen
17 if the Commission were to order that to their ability
18 to access capital?

19 A. That's -- that's a great question too.
20 So this was -- this was a topic of concern internally.
21 We wrestled a lot with it. We took a lot of comfort
22 in looking at other states.

23 In particular, you had -- need to
24 appreciate -- and I think you do -- Liberty Missouri
25 is one affiliate in, you know, a host of other

1 affiliates, you know, across the country. It is the
2 largest one, but it's one.

3 Now, their Customer First billing program
4 has been implemented in other states. And if you look
5 at other states, they've had the same problems. New
6 Hampshire comes to mind. In New Hampshire, they filed
7 a DE/19/064 docket where they sought a -- I want to
8 say it was like a 25 million dollar rate increase.
9 Much smaller utility. They sought a 25 million dollar
10 rate increase.

11 The Company came in and effectively what
12 happened was their -- their numbers were wrong. The
13 Customer First, the billing determinants, everything
14 associated with it was in such a problem where they
15 had to effectively refile the case. And even then,
16 the Commission ordered PWC, as a third party, to come
17 in and do an independent audit of their books.

18 That delayed things another year out into
19 the -- the future and ultimately that case was settled
20 last year -- at the end of last year in December.

21 So the Company came in for a 20 million
22 dollar rate increase. They agreed to a \$300,000
23 settlement. So a .1 percent increase from what they
24 asked for. The Company initially asked for a
25 10.3 ROE. They stipulated to a 9.1 ROE.

1 Now, the credit metrics, the regulatory
2 environment did not change in New Hampshire. It
3 stayed exactly where it was. And as Mr. Williams, you
4 know, spoke about in his opening, today Algonquin had
5 better credit metrics than two of our larger -- much
6 larger utilities here in Missouri.

7 So from that perspective, if New
8 Hampshire Commission can -- can move forward with
9 something like that and it didn't upset the issues, at
10 least that gives us a degree of comfort that Liberty
11 Missouri would be in the same position.

12 Q. So if we were to order OPC's position,
13 the Company, after the disposition of this case, could
14 just turn around and file another rate case changing
15 the test year?

16 A. In --

17 Q. Or any -- yeah.

18 A. Sure. They -- they absolutely could. I
19 mean, they can -- if -- if -- if the Commission orders
20 what is stipulated, then I -- my understanding is that
21 they would be stipulating for a two-year moratorium.

22 Q. I'm also going to ask you -- I'm going to
23 borrow Commissioner Kolkmeyer's chart because I left
24 mine upstairs.

25 A. Sure.

1 Q. But is this a chart that OPC provided?

2 A. It is.

3 Q. Okay. It did have JD Power's score. And
4 had the lowest JD Power ranking, but it didn't have,
5 like, the average or, like, where our other
6 investor-owned are. Clearly this side does have
7 our --

8 A. Uh-huh.

9 Q. Where do you speculate that the average
10 may be? Where do you think our other investor-owned
11 are in this rankings?

12 A. It is a great question. We -- you know,
13 we spent a lot of time thinking about that design.
14 Ultimately we -- we elected just to put Liberty up
15 there, you know, for simplicity sake.

16 But our other utilities rank higher. In
17 2024 -- and I included this in my direct testimony.
18 I've got a breakdown of -- of what the highest scored
19 utility was, Sawnee Cooperative; what the average
20 score was; where Ameren Missouri ranked, which is a
21 little bit of average; where Evergy ranked, which
22 was -- I want to say like bottom 30 percent; and then
23 where Empire ranked, which was the seventh worst
24 utility in the country by JD Power scores. Those
25 numbers are included.

1 If -- if the Commission is so inclined,
2 you know, it -- it was a fairly simple google search.
3 It was just, you know, 2020 JD Power residential
4 scores. And it -- we went back as far as -- as what's
5 publicly available, and that's 15 years' worth of
6 data.

7 But the average scores are a bit
8 misleading insofar as that over that 15-year period,
9 they added additional categories, so the overall
10 numbers changed over that time. But the one
11 consistent factor is -- is this utility has
12 effectively ranked in that bottom, you know, 5 percent
13 now for -- for as long as we've been tracking that.

14 Q. Okay. In the stipulation, there's
15 8.5 million dollars in arrearage forgiveness,
16 currently 15-million-something in arrears. Not
17 knowing the split of the residential versus commercial
18 ratepayers that are in that arrearage, do you think
19 that is a fair dollar amount in that program?

20 A. That's a great question too. What we do
21 know is this: We do know, because of the
22 disconnection rule, that the utilities are required
23 to -- to record what the arrearage amount is on a
24 monthly basis.

25 Based on the most recently filed data

1 that I've seen, it's a -- it's just south of
2 18 million dollars. And that's just for residential
3 customers.

4 Now, the -- the key number where I think
5 there's a disconnect is -- and I can't remember if it
6 was Ms. Walt or Mr. Wilson that said this about
7 15 million dollars. But they're -- they're referring
8 to bills that are over 90 days in -- in arrearages.

9 So there's -- there's a -- any -- you
10 know, those numbers that are below 90 days are
11 obviously, you know, a number too that they're going
12 to need to collect. And the concern is moving
13 forward, you're going to have customers -- they're not
14 going to be disconnecting customers any time soon.

15 I think -- I think the 8.5 million is --
16 is a nice start moving forward. I do have a lot of
17 fears that those numbers are going to increase moving
18 forward. I've got concerns, especially in light if --
19 if we get the rate increases and other exogenous
20 factors, that it's going to be very difficult for
21 customers to -- to pay that.

22 But I do agree that there are customers
23 today that will definitely benefit from that, at least
24 for a peace of mind.

25 Q. Another item that was kind of brought up

1 in the local public hearings, folks would say things
2 like, you know, 30 or 40 percent is just way too much,
3 we'd really like sort of, you know, smaller increases.

4 The stipulation does have, you know,
5 basically 5 or 6 percent a year. How does the OPC
6 view that phase-in approach to the stipulation as a
7 resolution?

8 A. So on the one hand, the phased-in
9 approach has the ability of keeping it in a
10 single-digit annual increase. So each year's not
11 going to hit that double digit. Now, collectively as
12 an aggregate, I think it's about 19.5 percent, which
13 is more difficult to -- to obviously absorb than a
14 single digit, which is more like 7 percent.

15 The -- how do we view it? I mean, we
16 view it as -- as too -- too high. Especially in light
17 of all the evidence that we've seen.

18 And I would say this: This is a 2024
19 docket. I mean we're -- we're about to hit 2026.
20 The -- the test year is I think for 2023. We're
21 talking about rolling up -- you know, none of this
22 information is particularly accurate.

23 I think it would be more than reasonable
24 just to sit back and say, you know, this rate case
25 itself is not a good, clear picture or indicative of

1 what rates are going to look like in the future,
2 because we're operating with very stale data and
3 highly questionable data at that in terms of the
4 billing determinants and what has come in.

5 So for -- for all of those reasons, I'm
6 very skeptical of -- of -- or the office is -- has
7 taken the position that we're very skeptical of that.
8 And I think that's -- that's well warranted.

9 If you think about what this case was
10 initially filed under, I don't remember the exact
11 number, but it was significantly less than what that
12 179 million ended up being. And that -- that's only
13 because our office pointed out that, yeah, you didn't
14 include the FAC fuel cost. And that again had to jump
15 up, you know, the dollar amount associated with this.

16 And you're starting to see these
17 reoccurring themes, you know. If -- you know, when --
18 when we sent out mailers to -- to customers to notify
19 them about, you know, public hearings, well, we missed
20 that. I mean, it's -- it's just one thing after
21 another.

22 And, you know, if -- if I would point to
23 any evidence, I mean, I think Mr. Thomason, you know,
24 articulated it well. It's like Staff's not in a
25 position to file their report yet. We're almost a

1 year into it and, you know, maybe we'll be ready at
2 the end of the year, but we're still finding issues.

3 And that's -- that's the big concern that
4 I would caution the Commission is at the end of the
5 day, you clearly don't want to be in a position where
6 you're being inundated with phone calls again come
7 February, after -- after rates have been ordered.

8 I don't have the comfort sitting here
9 today that things are better. I'm optimistic that we
10 can move towards that and I think the Company has
11 taken at least, you know, on paper the right
12 direction. Directionally, you know, have gotten
13 creative in terms of their settlement. I'd absolutely
14 agree with that. But yeah, it gives me a lot of
15 pause.

16 Q. Clearly you're sort of an expert on the
17 low-income programs. This stipulation includes a lot
18 of -- a lot in low-income programs --

19 A. Uh-huh.

20 Q. -- which may be an improvement over the
21 status quo over the next year or two or whenever the
22 next rate case is. How do you view those particular
23 programs in the stipulation?

24 A. Honest -- not well is -- is the short
25 answer. And we -- we've got a number of programs.

1 And you need to look at it just historically. The --
2 the -- the low-income programs that we've had for
3 Empire have been some of the worst across our
4 utilities.

5 So the fact that parties have stipulated
6 to meeting, you know, once a quarter, great. I mean,
7 we've been doing that with other utilities for years
8 now. Maybe that will help things move -- move things
9 forward a little bit.

10 But -- but you can look at it
11 historically -- and I think this will come out with
12 the workshop docket that you've seen. The -- the
13 low-income programs haven't performed very well. We
14 haven't spent that money.

15 I'm optimistic about the Critical Medical
16 Needs program. It is a different demographic. It's a
17 largely rural demographic. I think that there's --
18 I'll -- I could speculate on -- on other reasons, but
19 it -- it is a more difficult demographic to go ahead
20 and -- and find committed funding in a program that
21 works.

22 Now, one of the live issues is still the
23 low-income rate design, the -- the customer charge
24 waiver that -- that I recommended. And that's -- I'm
25 not necessarily married to that idea. But to me, from

1 an administrative ease, from the ability to go ahead
2 and -- and implement that in -- in a way, I feel like
3 that's -- that's a much more direct and -- and
4 seamless process than what we've -- are currently
5 contemplating in this stipulation or what we've done
6 to date.

7 Q. Thank you.

8 JUDGE HATCHER: Thank you, Chair.

9 Are there any other Commissioner
10 questions for Dr. Marke? *6 to unmute if you're on a
11 phone.

12 Okay. Hearing none, we will go back to
13 recross-examination. Mr. Coffman.

14 MR. COFFMAN: No recross. Thanks.

15 JUDGE HATCHER: Thank you. Mr. Opitz.

16 MR. OPITZ: No, thank you.

17 JUDGE HATCHER: Mr. Vandergriff.

18 MR. VANDERGRIF: No, thank you.

19 JUDGE HATCHER: Mr. Cooper.

20 MR. COOPER: Thank you.

21 RECROSS-EXAMINATION

22 BY MR. COOPER:

23 Q. Dr. Marke, going back to one of Chair
24 Hahn's questions about what if the Company [as said]
25 orders OPC's position of no rate case in this case,

1 correct? And I think the -- the question was, you
2 know, what would happen in the next rate case
3 essentially.

4 Would you agree that -- that it's your
5 proposal that in that next rate case, there would be
6 no recognition of any return or costs or anything else
7 that the Company might have incurred between now and
8 the next rate case?

9 Now, some of those -- and -- and I'll
10 finish this up. Certainly there would be a test year,
11 right? But the purpose of the test year is to set
12 rates on a going-forward basis; not to go back and
13 pick up past dollars, correct?

14 A. Correct.

15 Q. And so circling around, there really
16 would be no -- no recovery, no return, no anything for
17 that period between rate cases under your
18 recommendation, correct?

19 A. Well, you have rates in effect now that
20 are -- that are recovering expenses for your assets.
21 You know, moving forward, again, the -- what the test
22 year is, what that's including, whether or not
23 something is used and useful and, again, our -- our
24 position is that it's not at the moment.

25 Q. But again, that's just Customer First,

1 right? There's plenty of other assets that are in
2 service today and -- and even you would agree are used
3 and useful today, correct?

4 A. That is true. I will say collectively --
5 I'm second guessing myself here, but I'm -- I'm fairly
6 confident at the moment that if you took all of OPC's
7 issues that are effectively still out there, that
8 would bring it down to -- to zero.

9 Q. Well, we can look at it I guess in a
10 different context. I don't -- I don't know --

11 A. Okay.

12 Q. -- that there would be agreement on that.

13 A. Well --

14 Q. But regardless certainly, you know,
15 there -- Staff, for example, has a revenue requirement
16 that's -- that's well above zero even after its
17 adjustments for Commi- -- Customer First, correct?

18 A. That is Staff's position, yes.

19 Q. Yeah. You talked about the Company being
20 able to come back for another rate case, correct?

21 A. I did.

22 Q. And in your testimony you talk about
23 that. You say: No increase to rates until the
24 Company, at a minimum, can demonstrate that they are
25 capable of accurately charging for their services,

1 correct?

2 A. Could you direct -- that sounds correct.

3 Q. Yep. Rebuttal testimony, page 12, lines
4 19 to 20.

5 A. Yes.

6 Q. And the key to that is -- in that
7 sentence is demonstration, correct?

8 MR. WILLIAMS: Judge, I'm going to
9 object. This seems to me like it's getting beyond the
10 scope of the Commissioner questioning.

11 MR. COOPER: I think the Commission -- or
12 Chair Hahn had asked about this process for coming
13 back with -- with the next rate case under OPC's
14 proposal. And so I want to explore what -- what that
15 would look like in Dr. Marke's concept.

16 MR. WILLIAMS: Sounds to me like you've
17 already done that.

18 JUDGE HATCHER: Overruled. Go ahead.

19 BY MR. COOPER:

20 Q. Now, you talk about demonstration. Would
21 your vision be that that demonstration be shown by
22 some sort of compliance with metrics related to the
23 customer billing process?

24 A. I don't know. I mean, right now we're --
25 the -- the metrics, as I understand it, are

1 aspirational. I mean, we've agreed to the idea or the
2 concept of a metric, but what that would include...

3 Q. So in your mind, you haven't come to a
4 decision on what the metrics would look like that you
5 would like at to determine whether the Company had
6 adequately demonstrated it was accurately charging on
7 a going-forward basis?

8 A. Well, I don't think it's rocket science.
9 I mean, it's -- we're -- we're talking about just
10 accurately providing a bill in a timely fashion.

11 So, you know, reasonable minds can differ
12 as to some of the minutia around those metrics, but --
13 but I would say that when you don't have -- when you
14 don't have the need -- well, let me restate this.

15 When we stop getting inundated with phone
16 calls from Liberty customers, when the Staff is --
17 where we're getting calls from, you know, down the
18 street from various elected officials and so forth, I
19 mean, I think that would be a directionally good sign
20 that the Company is doing better.

21 Q. But still somewhat ambiguous if we're
22 trying to decide where the line is that they've been
23 able to demonstrate, correct? There's some work to
24 decide that, isn't there?

25 A. That's some work to decide about the

1 metrics itself. As far as whether or not things are
2 operating smoothly or not, I feel like that's less
3 ambiguous at the end of the day.

4 Q. So at least in that context, you think
5 it's doable?

6 A. Absolutely.

7 Q. Yeah. Okay.

8 A. Well, let me rephrase it. Do I think
9 it's doable that they can refile a rate case and show
10 that they've provided evidence to support it? Sure.

11 Q. Do -- do you think it's doable to come up
12 with the metrics that would help demonstrate that?

13 A. In my direct testimony I included four
14 different audits from -- from different states. So
15 the -- the one, you know, common theme in the JD Power
16 scores -- and my direct testimony talks about this --
17 is you look at the worst performing utilities across
18 the country at -- those seven I think is what I
19 picked.

20 60, 70 percent of them are
21 billing-related issues. Where the Commission came
22 down on that company and performed third-party audits,
23 there were specific metrics associated with it.

24 Mr. Cooper, I think what I would do is
25 look to see what's taking place in those other states

1 in the Northeast and see whether or not those metrics
2 and those actions would be appropriate for Liberty.

3 Q. Now, also as to your -- your
4 recommendation of no -- no increase in revenue
5 requirement -- and this is in your surrebuttal on
6 page seven, you say: The purpose of a cost
7 disallowance is not only to remedy past harms, but
8 also to provide a financial incentive for the utility
9 to make prudent management decisions going forward,
10 correct?

11 A. Correct.

12 Q. Now, would you agree that in this case
13 there's not merely the potential for management
14 decisions, but in fact, in this calendar year, 2025,
15 there's been a fairly significant change in management
16 itself for this company?

17 A. What was the first part of that question?
18 I'm sorry.

19 Q. Well, you've talked about the
20 disallowance. One of the reasons is to provide
21 incentive for the Company to make prudent management
22 decisions, correct?

23 A. Correct.

24 Q. And in this situation, we not only have
25 the potential for management decisions generally, but

1 in fact, we have different persons that have taken
2 over the management of this company, haven't we?

3 A. You have.

4 Q. And in your testimony, even you call this
5 group of folks a talented group of industry
6 professionals, correct?

7 A. I did.

8 Q. Okay. And -- and even as to Ms. Walt,
9 you complimented her background as being impressive,
10 that the created position is at least directionally
11 placing a greater emphasis on customer experience and
12 all of that is encouraging, correct?

13 A. Correct.

14 Q. Okay. That's all the questions I have.

15 JUDGE HATCHER: Thank you, Mr. Cooper.
16 That will take us to redirect, Mr. Williams.

17 MR. WILLIAMS: I first have a question.
18 I provided this as a demonstrative exhibit. I did
19 not -- we don't have an exhibit number for it. I know
20 Chair Hahn asked some questions about it. I don't
21 know if the Commission wants to have an exhibit number
22 for it or not.

23 JUDGE HATCHER: I'll let you make that
24 call, Mr. Williams.

25 MR. WILLIAMS: Well, if you want one, it

1 will be Exhibit 228.

2 JUDGE HATCHER: That's a question.

3 THE WITNESS: Yes.

4 MR. WILLIAMS: Sure. I'll offer
5 exhibit -- this exhibit and it would be Exhibit 228,
6 be the handout.

7 JUDGE HATCHER: All right. And I've
8 already got copies, as I'm dropping pens and
9 everything else. Any objections to the admission of
10 Exhibit 228, which was OPC's demonstrative? It is a
11 two-sided table and graph.

12 Hearing no objection, so admitted.

13 (OPC Exhibit 228 was received into
14 evidence.)

15 MR. WILLIAMS: Thank you.

16 REDIRECT EXAMINATION

17 BY MR. WILLIAMS:

18 Q. You recall getting questions from Chair
19 Hahn about the concept of a phase-in with Public
20 Counsel's perception on that?

21 If there's a phase-in of rates, I know
22 the stipulation and agreement contemplates no carrying
23 costs, but it also contemplates putting the balance,
24 which is 97 million, in rate base at the end of the
25 three-year period.

1 So in -- it's a different kind of way of
2 collecting I would call carrying costs. Would you
3 agree with that?

4 A. I would.

5 Q. And what does Public Counsel think
6 about -- if there's carrying costs in some form
7 associated with a phase in, what does that do to the
8 impact of a phase-in?

9 A. It would raise it. It makes more
10 pronounced an otherwise -- I think it minimizes the
11 intent behind that phase-in.

12 Q. Is that another way of saying it makes
13 more -- makes it more difficult to make a phase-in
14 palatable because there are additional costs that are
15 incurred due to the carrying costs or some treatment
16 of the compensation more than just spreading the
17 amount over time?

18 A. Yes.

19 Q. No further questions.

20 JUDGE HATCHER: Thank you, Mr. Williams.

21 We're going to take a slight detour. We
22 have another Commissioner question and then we will
23 circle back around for recross and redirect based on
24 those questions.

25 Chair.

FURTHER QUESTIONS

BY CHAIR HAHN:

Q. Apologies, but it also jogged my memory.
Was the Public Counsel a signatory to the
Liberty Water rate case stipulation?

A. I wasn't involved in the Liberty Water
case.

MR. WILLIAMS: Nor was I, and I do not
know off hand.

THE WITNESS: Yeah, I'm sorry.

CHAIR HAHN: I -- I'm recalling that the
Liberty Water stipulation, which I think OPC was a
signatory to, had a phased-in rate for water with
carrying costs specifically for the city. So I just
couldn't immediately recall.

MR. WILLIAMS: You may very well be
right. And I -- it wouldn't surprise me if there's a
statutory allowance of carrying costs for a phase-in.
I'd have to look at the -- I know there's specific
authority for phase -- phase-ins.

CHAIR HAHN: There -- yeah, I know there
is specific authority for the phase-in, but I just
couldn't recall if -- since you highlighted the
carrying costs in here and this -- there were carrying
cost in that stipulation that was actually going to

1 cost the ratepayers in Bolivar more for the same
2 service; whereas, in this case, the stipulation
3 doesn't have carrying costs. So I was just trying to
4 recall OPC's position in that case.

5 MR. WILLIAMS: Well, I suggest to you
6 this agreement does have carrying costs, they're just
7 in a different form.

8 CHAIR HAHN: Thank you. Sorry.
9 Apologies for the detour.

10 JUDGE HATCHER: Thank you, Chair.
11 And let's go back to our recross.
12 Consumers Council on --

13 MR. COFFMAN: No questions.

14 JUDGE HATCHER: Hearing no questions.
15 MECG.

16 MR. OPITZ: No, thank you.

17 JUDGE HATCHER: Staff.

18 MR. VANDERGRIFF: No, thank you.

19 JUDGE HATCHER: Empire.

20 MR. COOPER: No questions.

21 JUDGE HATCHER: And circle back -- yeah,
22 redirect.

23 MR. WILLIAMS: I thought we'd already
24 done that.

25 JUDGE HATCHER: We did, but the -- the

1 Chair had additional --

2 MR. WILLIAMS: Ah. No further questions.

3 JUDGE HATCHER: Okay. Thank you.

4 Dr. Marke, thank you.

5 THE WITNESS: Thank you.

6 JUDGE HATCHER: Appreciate your being
7 here today. You are excused -- excused from our
8 witness stand.

9 And now let's take a moment as we switch
10 from what I have been calling our live litigated
11 issues, and now we will move to our two next topics.
12 And this is where it's going to get a little dicey.

13 And, Commissioners, this is where I'm
14 going to need you if you have any questions. So
15 Commissioners, just a heads-up, we are changing into
16 those uncontested issues. These issues will be
17 brought up without the benefit of a witness, because
18 we have already accepted all of the pre-filed
19 testimony onto the record.

20 So there will be no direct, there will be
21 no cross-examination. We will proceed directly to
22 finding out if the Commissioners have questions and
23 then we'll call the witnesses from there.

24 Mr. Opitz.

25 MR. OPITZ: Your Honor, at this time I

1 would ask to be excused until tomorrow morning from
2 the hearing.

3 JUDGE HATCHER: Any objections? Hearing
4 none, you're so excused.

5 MR. OPITZ: Thank you.

6 MR. VANDERGRIFF: Your Honor, we have
7 Brooke Mastrogriannis scheduled for this issue, but she
8 did not write testimony so she shouldn't be listed.

9 JUDGE HATCHER: Okay. Understood.

10 All of the witnesses that are listening,
11 I really appreciate your patience. I know that you
12 have been on call and that it is likely that you may
13 not be called up today. The Commission regrets that,
14 but it's unavoidable in this circumstance. And it's
15 not due to the fault of any party or any position,
16 it's just how litigation happens some time.

17 So with that, we will turn first to
18 Income Statement issues. That topic contains a good
19 couple dozen or so issues. I will read those issue
20 numbers, but not the issues themselves; that would get
21 to be fairly lengthy.

22 Income Statement issues. This covers
23 Issues 38, 40, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53,
24 54, 55, 56, 57, 58, 59, 60, 61 -- now we're going to
25 skip a few -- 66, 67, 68, 69, 70, 71 -- we're going to

1 skip a few -- 76 -- we'll skip the one -- 78, 79 --
2 we'll skip one -- and 81.

3 Before I ask for Commissioner questions,
4 are there any questions from the parties about what I
5 am doing and our procedures?

6 Okay. Are there any Commissioner
7 questions on the topic of Income Statement issues, any
8 of the issues that I have listed? Commissioners, if
9 you're on the phone, that's *6 to unmute.

10 COMMISSIONER KOLKMEYER: Judge, I think
11 I'm good. This is Commissioner Kolkmeier.

12 JUDGE HATCHER: Thank you, Commissioner
13 Kolkmeier. Understood. Hearing none --

14 COMMISSIONER MITCHELL: None from me,
15 Judge.

16 JUDGE HATCHER: Thank you, Commissioner
17 Mitchell. I appreciate that.

18 Hearing no questions, that takes care of
19 all of the issues that I listed under the topic
20 heading of Income Statement issues.

21 For those listening, that means that your
22 counsel has submitted the pre-filed testimony, it is
23 already admitted and on the record and there are no
24 further questions for you.

25 That will move us to our second topic.

1 And that topic is labeled Miscellaneous issues. This
2 covers issues 26, 27 -- and we're going to skip a
3 lot -- 139 and 140.

4 Since this is a slightly shorter section,
5 I will briefly summarize each of those issues.

6 Twenty-six is the PAYGO tracker regulatory asset, 27
7 is the PAYGO tracker regulatory asset, 139 is continue
8 to defer the retirement cost of Asbury, 140 is heat
9 rate efficiency testing procedures.

10 Are there any Commissioner questions on
11 any of those four miscellaneous issues; 26, 27, 139 or
12 140?

13 Hearing none, that is the end of my
14 schedule for today, Counselors. I do not want to add
15 anything extra to today. I am looking at the
16 remainder of the schedule and I do see that our
17 afternoon certainly might go as fast as this in some
18 other cases.

19 And, yes, I am tempted to put all of
20 those right up today, but that would not be fair to
21 the Commissioners who are still reviewing and still
22 preparing for any questions that might come. And that
23 is going to make it a little bit difficult on those
24 witnesses.

25 I have -- I stated at the beginning of

1 our hearing and I'll just restate it again. Because
2 this is a little bit of a unique scheduling situation,
3 but one that is unavoidable, I am reluctant to excuse
4 any witness.

5 However, that said, I will bend over
6 backwards trying to make sure that any witness that
7 does need to come testify has that opportunity, can
8 call in through the WebEx, or we will rearrange dates
9 or times as needed.

10 MR. COFFMAN: Yes, Your Honor.

11 JUDGE HATCHER: Mr. Coffman.

12 MR. COFFMAN: I have a question related
13 to that. I have one witness on tomorrow's schedule,
14 Jim Thomas, but he is -- and he's listed number 45 out
15 of 45 witnesses on that day. He's -- he's available
16 all day tomorrow, but not on Thursday.

17 So my concern is if we get -- if we do
18 get bogged down with some of these other issues, would
19 it be possible to take him out of order and just
20 assure him that he would be on the witness stand
21 tomorrow at some time?

22 JUDGE HATCHER: Yes.

23 MR. COFFMAN: Okay. Thank you.

24 JUDGE HATCHER: Before we adjourn, and we
25 are at the point of adjourning, tomorrow's schedule

1 has one live issue, and that is capital structure.
2 My -- that's Capital Structure, Return on Equity, Cost
3 of Debt. That's issue one.

4 My intent is to go to that issue first.
5 We'll go through our litigated issue and then we will
6 return to this procedure that we just had for income
7 statement issues and miscellaneous issues and we will
8 cover the remaining eight or nine or so that are
9 listed for tomorrow.

10 And I'll just run through those real
11 quick. So again, we will cover the litigated issue,
12 which is issue one, Capital Structure, ROE, Cost of
13 Debt.

14 After we finish litigating that issue, we
15 will then move to Billing Determinants and Rate
16 Design, starting with Commissioner questions. Then
17 Cash Working Capital, starting at Commissioner
18 questions. Then Prepayments, the same; Material,
19 Supplies and Inventories; Customer Deposits and
20 Customer Advances; Regulatory Assets and Liabilities;
21 Allocations; Allocators CAM; Regulatory Assets and
22 Liabilities, the remaining issues; and then Customer
23 Programs.

24 Does anybody have any questions?
25 Mr. Williams.

1 MR. WILLIAMS: I don't have a question,
2 but I think I'll make a suggestion perhaps.

3 JUDGE HATCHER: Please.

4 MR. WILLIAMS: If you move Customer
5 Programs up, that would take care of Mr. Coffman's
6 concern, I believe.

7 MR. COFFMAN: And -- and if I might add,
8 there is really only one issue that has been contested
9 among the Customer Programs issues.

10 MS. CARTER: Our witness, however, will
11 be driving in from Joplin so we --

12 MR. WILLIAMS: Okay.

13 MS. CARTER: It is a four-hour drive.

14 MR. COFFMAN: What -- what about taking
15 those first thing after lunch tomorrow?

16 MS. CARTER: That -- that would be
17 perfect.

18 MR. COFFMAN: Just an idea.

19 JUDGE HATCHER: First thing after lunch
20 for Customer Programs? Going once, going twice.
21 Sold.

22 MR. COFFMAN: That's great. Thank you.

23 JUDGE HATCHER: What if we don't finish
24 ROE, Capital Structure, and Cost of Debt?

25 MS. CARTER: We will.

1 JUDGE HATCHER: I like the confidence.

2 MR. WILLIAMS: Judge, I'd point out -- I
3 mean, you said they're not contested issues. Parties
4 have waived cross and I think that's what you meant.

5 MR. COFFMAN: That's right, that's right.

6 JUDGE HATCHER: Yeah, yeah. I -- I don't
7 mean non-contested in the -- yeah, I'm a lawyer. I
8 don't mean it in a legal sense. I -- I meant those
9 issues that -- how do you want to call it? That have
10 been -- that are being submitted without openings and
11 cross-examinations?

12 MR. WILLIAMS: This is where the parties
13 have waived cross.

14 JUDGE HATCHER: Okay. For the issues
15 that the parties have waived cross. Thank you.

16 MR. GRAHAM: And we understood you.

17 MR. WILLIAMS: I did too. I just want to
18 make it abundantly clear.

19 JUDGE HATCHER: I get it. This isn't my
20 first time miscommunicating. That's understandable.

21 MR. WILLIAMS: No, the communication was
22 there. I just want to make it clear on the record.

23 JUDGE HATCHER: Thank you. I appreciate
24 that.

25 Okay. Any last comments, input,

1 questions?

2 Mr. Pringle.

3 MR. PRINGLE: This is just strictly for
4 the record. Just wanted to note that for the Income
5 Statement issues and the Miscellaneous issues, it was
6 Paul Graham and Travis Pringle at the table on behalf
7 of Staff. We were here. We were here.

8 MR. GRAHAM: When they all got settled.

9 JUDGE HATCHER: I see other counsel in
10 the room. Should we start introductions? No. Okay.

11 Okay. We're -- we're delving into humor,
12 which I appreciate, but that means we're probably not
13 doing any business. Folks, it is ten after 2:00 on
14 day one. Last call. We are adjourned for the day.
15 Thank you all. I appreciate it. I'll see you
16 tomorrow at 9:00 a.m. We are off the record.

17 (Whereupon, the proceedings were
18 adjourned at 2:12 p.m., to reconvene on October 15,
19 2025 at 9:00 a.m.)

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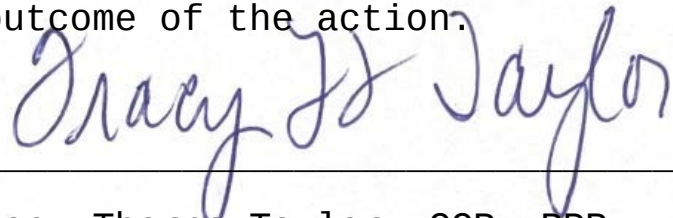
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CERTIFICATE OF REPORTER

I, Tracy Thorpe Taylor, CCR No. 939, within the State of Missouri, do hereby certify that the testimony appearing in the foregoing matter was duly sworn by me; that the testimony of said witnesses was taken by me to the best of my ability and thereafter reduced to typewriting under my direction; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this matter was taken, and further, that I am not a relative or employee of any attorney or counsel employed by the parties thereto, nor financially or otherwise interested in the outcome of the action.



Tracy Thorpe Taylor, CCR, RPR

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