

# Exhibit No. 156

Staff – Exhibit 156  
Testimony of Claire M. Eubanks, PE  
Surrebuttal/True-Up Direct  
File No. ER-2024-0261

*Exhibit:*  
*Issue(s):* Net Metering  
*Witness:* Claire M. Eubanks, PE  
*Sponsoring Party:* MoPSC Staff  
*Type of Exhibit:* Surrebuttal / True-Up Direct  
Testimony  
*Case No.:* ER-2024-0261  
*Date Testimony Prepared:* September 17, 2025

**MISSOURI PUBLIC SERVICE COMMISSION**

**INDUSTRY ANALYSIS DIVISION**

**ENGINEERING ANALYSIS DEPARTMENT**

**SURREBUTTAL / TRUE-UP DIRECT TESTIMONY**

**OF**

**CLAIRE M. EUBANKS, PE**

**THE EMPIRE DISTRICT ELECTRIC COMPANY,  
d/b/a Liberty**

**CASE NO. ER-2024-0261**

*Jefferson City, Missouri  
September 2025*

**\*\* Denotes Confidential Information \*\***

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**CLAIRE M. EUBANKS, PE**  
**THE EMPIRE DISTRICT ELECTRIC COMPANY,**  
**d/b/a Liberty**  
**CASE NO. ER-2024-0261**

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1 **NET METERING**

2 Q. What billing issues does Ms. Sentell raise with regards to  
3 net-metered customers?

4 A. On page 13, lines 17 – 22 and on page 14 lines 1-2, Ms. Sentell describes  
5 four issues:

- 6 • Certain customers noted the absence of excess energy credits;
- 7 • Certain customers noted bills reflecting only a “partial offset”;
- 8 • Conflicting or confusing responses from Liberty on billing; and,
- 9 • Issues that persist for more than one billing cycle.

10 Q. Are any of the issues described above similar to issues Staff noted in  
11 informal complaints?

12 A. Yes. Staff is aware an error occurred when new purchase rates for excess  
13 generation credits went into effect on February 14, 2025.<sup>1</sup> Because the purchase rates changed  
14 in the middle of a billing period, Empire prorated customers’ bills to reflect the approved  
15 purchase rates before and after the February 14, 2025, effective date. Rather than applying a  
16 credit to bills for both time periods before and after February 14, a credit and a charge was  
17 applied, resulting in customers receiving less credit for their excess generation than intended.  
18 Related to the proration of excess generation credits, Empire noted the impact was to 298  
19 customers with a total value of \$731.55.<sup>2</sup> Empire anticipated that the correction to customer  
20 balances related to this proration issue to occur no later than late summer 2025.<sup>3</sup>

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<sup>1</sup> JE-2025-0111 and JE-2025-0112.

<sup>2</sup> OO-2025-0233 Liberty response to DR 0096.

<sup>3</sup> OO-2025-0233 Liberty response to DR 0096.

1 Another issue is related to the winter excess generation rate being applied to summer  
2 usage. Empire noted the impact was to six customers and the value of credits was \$56.82.<sup>4</sup>

3 Q. Describe Staff's approach to investigating billing issues for  
4 net-metered customers.

5 A. During the town halls for OO-2025-0233, at least ten different customers  
6 questioned their billing and mentioned having solar. Staff requested additional details based  
7 on the town hall transcripts for each of these customers. Generally, the Data Requests ("DR")  
8 sought the approved interconnection application/agreement, bills, historical usage<sup>5</sup> before and  
9 after the customer's solar system was operational, and a description of actions taken by Empire  
10 after the town hall. Additionally, Staff requested details on phone call scripts, call escalation,  
11 and a sampling of calls from net-metered customers. Staff is reviewing this information in the  
12 context of the investigatory docket<sup>6</sup> and will make recommendations based on its review.

13 **TRANSMISSION & DISTRIBUTION SYSTEM PROJECTS - RELIABILITY**

14 Q. On page 16, line 24-25, OPC witness Jordan Seaver recommends a 2%  
15 disallowance on T&D projects. What does he point to in support of his  
16 recommended disallowance?

17 A. Mr. Seaver argues for a disallowance based on Empire's reliability metrics,  
18 customer comments, and Empire's "aggressive transition to renewable generation".<sup>7</sup>

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<sup>4</sup> OO-2025-0233 Liberty response to DR 0097.

<sup>5</sup> Staff requested delivered and received usage and hourly interval reads as available.

<sup>6</sup> Based on information reviewed to date, Staff will seek additional information from Empire.

<sup>7</sup> Jordan Seaver rebuttal testimony, page 16, lines 5-14.

1 Q. On page 5, lines 21- 27 of his rebuttal testimony, Mr. Seaver questions Empire's  
2 T&D projects and the lack of meaningful improvement to Empire's reliability metrics. Do you  
3 recommend evaluating Empire's T&D projects in this case by its reliability metrics?

4 A. No, not across the board. \*\* [REDACTED]

5 [REDACTED] .<sup>8</sup> [REDACTED]  
6 [REDACTED] .<sup>9</sup> \*\*  
7 The reliability reporting the Commission receives lags Empire's data and is through  
8 December 2024. Staff expects measurable reliability improvements to lag behind project  
9 completion. Further, if a project targeted reliability improvement in a certain geographical area  
10 it would be more appropriate to review whether or not measurable reliability improvements  
11 were observed in the targeted area.

12 However, utilizing reliability metrics for future evaluation of T&D projects is worth  
13 further exploration by the parties to this case. It is certainly reasonable for the Commission to  
14 set expectations regarding measurable reliability improvements given Empire's planned capital  
15 budget plan in the coming years. As an alternative to Mr. Seaver's disallowance,  
16 Staff recommends the Commission order Empire, Staff, and OPC to collaborate on  
17 recommended actions for Empire to take to reduce the duration of outages and to improve the  
18 reliability of its worst-performing circuits.

19 Q. Does Staff expect reliability related data to be considered in the cost benefit  
20 analyses required by the stipulation and agreement in ER-2021-0312?

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8 \*\* [REDACTED]

[REDACTED] \*\*

<sup>9</sup> Staff DR 0267

1           A.     Yes. For reliability projects, Empire plans to utilize customer interruption and  
2 customer interruption minutes in its future benefit/cost ratio calculations.<sup>10</sup> Other utilities in  
3 the state, specifically Evergy, utilized reliability metrics in an effort to justify its T&D capital  
4 plan.<sup>11</sup> Mr. Seaver points out that “[t]he cost benefit analysis procedure detailed by  
5 Mr. Balashov has not been put into practice”.<sup>12</sup> However, Empire’s 2025 PISA Report  
6 provided a benefit/cost ratio, description of its analysis, and performance metrics for a number  
7 of projects or budgetary categories in its 2025 capital budget. The delay Mr. Seaver points to  
8 is related to the implementation of a new tool specifically for reliability projects.

9           Q.     Related to the cost benefit analysis required by 393.1400.4 RSMo., Dr. Marke  
10 implies<sup>13</sup> that Empire, Staff, and OPC agreed to postpone such justification until results of the  
11 value of lost load study is complete. Do you agree?

12           A.     No, I am not aware of any such agreement. The Commission approved the  
13 Empire stipulation and agreement related to cost benefit analyses prior to the statutory  
14 requirement.<sup>14</sup> The statutory requirement for a cost benefit analysis of projects estimated to  
15 cost over \$20 million came from Senate Bill 745, effective August 28, 2022. Staff’s expectation  
16 was that Empire, to comply with the statute, would provide its cost-benefit analysis annually  
17 for projects over \$20 million and where construction commences after January 1.<sup>15</sup> The first  
18 report that required an analysis was the 2023 PISA report filed February 28, 2023.

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<sup>10</sup> 2025 PISA Report, Exhibit 4, page 14-15.

<sup>11</sup> ER-2022-0129 and ER-2022-0130 direct testimony of Bruce Akin, page 20, lines 8-11.

<sup>12</sup> Jordan Seaver rebuttal testimony, page 12 lines 10-11.

<sup>13</sup> Geoff Marke rebuttal testimony, page 15, lines 24-25.

<sup>14</sup> ER-2021-0312 Fourth Partial Stipulation and Agreement.

<sup>15</sup> 393.1400.4 states in part: “For each project in the specific capital investment plan on which construction commences on or after January first of the year in which the plan is submitted, and where the cost of the project is estimated to exceed twenty million dollars,…”



1           According to Empire’s 2023 and 2024 PISA filings, four projects potentially meet the  
2 threshold: a new substation build in Arkansas,<sup>16</sup> Customer First,<sup>17</sup> Riverton 10/11  
3 replacement,<sup>18</sup> and the Rebuild of Substation #292.<sup>19</sup> Empire did not provide a cost benefit  
4 analysis of the new Arkansas substation or Customer First. Empire represented the new  
5 Arkansas substation is mostly designated to Arkansas.<sup>20</sup> Staff notes that it is unclear whether a  
6 cost benefit analysis is required for Customer First as it is not a construction project. For the  
7 Riverton 10/11 replacement project, Empire cites to its IRP which is concerning for Staff.  
8 However, the Commission granted Empire a CCN for the Riverton 10/11 replacement project  
9 in EA-2023-0131 and it is not included in this case.<sup>21</sup> Empire included a benefit/cost ratio for  
10 the Rebuild of Substation #292.<sup>22</sup>

11           Q.       Returning to Mr. Seaver’s recommended disallowance, he notes a conversation  
12 with a customer, Mr. Barker, regarding outages and voltage issues.<sup>23</sup> Are you familiar with this  
13 customer’s complaint?

14           A.       I have not spoken personally with Mr. Barker. However, I reviewed the  
15 transcript from the June 12, 2025, town hall held in the investigatory docket, Mr. Barker’s two  
16 public comments in this case, and \*\* [REDACTED]

17 [REDACTED]  
18 [REDACTED]

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<sup>16</sup> Page 1, 2023 PISA Exhibit 3. Empire represents it anticipates most of this project will be designated to Arkansas.  
<sup>17</sup> 393.1400.4  
<sup>18</sup> Page 1, 2024 PISA Exhibit 3. Empire notes the expected completion date for Riverton 10/11 is in June 2026.  
<sup>19</sup> Page 1, 2024 PISA Exhibit 3. Empire notes the expected completion date for Sub #292 is April 2026.  
<sup>20</sup> Page 1, 2023 PISA Exhibit 3.  
<sup>21</sup> Empire included Riverton 10 repairs in this case. The replacement of Riverton 10/11 as approved in  
EA-2023-0131 is not yet complete. See also Staff witness Brodrick Niemeier’s testimony.  
<sup>22</sup> 2025 PISA Report, Exhibit 4, page 16-17.  
<sup>23</sup> Jordan Seaver rebuttal testimony Page 12, lines 17-19.

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Q. Does the Engineering Analysis Department work on informal complaints related to frequent outages and power quality issues?

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A. Yes. The Consumer Service Department intakes calls from the hotline. After review of the information provided by the customer and the relevant company, if additional technical assistance is needed they contact me either for guidance or to route the complaint for assignment. My department tends to get involved in electric informal complaints related to topics such as reliability, vegetation management, infrastructure/construction issues, net-metering/metering issues, and electrical safety.

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Q. On page 13, line 1-2, Mr. Seaver goes on to claim “[m]any customer comments in this case describe their experience with this exact same set of issues” followed by a list of public comments. Do all of the public comments presented by Mr. Seaver relate to T&D reliability?

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A. No. Mr. Seaver includes comments related to Empire’s rate increase request, customer choice, and customer service reliability. As a correction to my rebuttal testimony,<sup>24</sup> I reviewed the public comments in this case through August 11, 2025. Of the 612 comments, at least eight individuals across Empire’s system used phrases such as “outage”, “unreliable”, “reliability”, “surge”, and “brown out”.<sup>25</sup> As I discussed in rebuttal testimony, Empire’s reliability metrics and concerns raised by customers suggest that Empire should focus attention

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<sup>24</sup> Claire M. Eubanks rebuttal testimony, page 5, line 11.

<sup>25</sup> Staff notes several more commenters used the term “reliable” or “unreliable” in regards to billing and website issues.

1 on reducing the duration of outages and improving the reliability of its  
2 worst-performing circuits.

3 Q. On page 17, lines 3-5 of his rebuttal testimony Mr. Seaver argues that the T&D  
4 projects “have been primarily driven by a desire to transition Liberty’s total, Missouri and  
5 non-Missouri generation fleet to a supermajority renewables”. What does he mean?

6 A. I don’t know. Empire’s 2025 PISA Annual Report discusses the integration of  
7 distributed generation but also notes other efforts such as improving power quality, security and  
8 safety, and resiliency to extreme weather events.<sup>26</sup> \*\* [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED] .\*\*

13 Q. On page 16, line 14-15 of his rebuttal testimony Mr. Seaver argues the T&D  
14 costs “should not be born fully by customers given that they have no choice in their electricity  
15 provider.” Do you agree?

16 A. No. Empire is obligated to provide service to its customers while being subject  
17 to regulation by the Commission to ensure safe and reliable service at just and reasonable rates.  
18 In return for the obligation to provide service, Empire is allowed the opportunity, not guarantee,  
19 to recover its costs and earn a return on its investment. If Mr. Seaver is making the argument  
20 that Empire has broken the regulatory compact in its provision of reliable electric service as it

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<sup>26</sup> 2025 PISA Annual Report, page 5.

1 relates to the transmission and distribution projects in this case, I have not found evidence to  
2 support that.

3 However, there is evidence to support the Commission ordering Empire to:

- 4 • Conduct an internal audit of authorization procedures for capital projects;<sup>27</sup> and
- 5 • Collaborate with Staff and OPC on recommended actions for Empire to take to  
6 reduce the duration of outages and to improve the reliability of its  
7 worst-performing circuits.

8 Additionally, Staff recommends Empire request two variances:

- 9 • To allow for the reporting of its reliability improvement program on the same  
10 day of its capital investment plan filing to ensure the filings are consistent;<sup>28</sup> and
- 11 • To allow its continued use of Institute of Electrical and Electronics Engineers  
12 (“IEEE”) Standard 1366-2022, Guide for Electric Power Distribution  
13 Reliability Indices as opposed to the standard required by Commission rules.<sup>29</sup>

14 Q. Does this conclude your surrebuttal / true-up direct testimony?

15 A. Yes, it does.

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<sup>27</sup> Recommended by Staff witness Matthew R. Young.

<sup>28</sup> Rebuttal testimony of Claire M. Eubanks, page 8, lines 17-19.

<sup>29</sup> Rebuttal testimony of Claire M. Eubanks, page 9, lines 7-9.

**BEFORE THE PUBLIC SERVICE COMMISSION**

**OF THE STATE OF MISSOURI**

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

**AFFIDAVIT OF CLAIRE M. EUBANKS, PE**

STATE OF MISSOURI )  
 ) ss.  
COUNTY OF COLE )

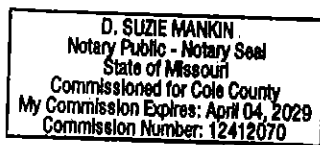
COMES NOW CLAIRE M. EUBANKS, PE and on her oath declares that she is of sound mind and lawful age; that she contributed to the foregoing *Surrebuttal / True-Up Direct Testimony of Claire M. Eubanks, PE*; and that the same is true and correct according to her best knowledge and belief.

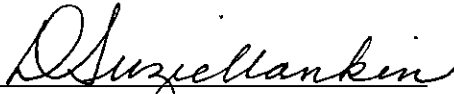
Further the Affiant sayeth not.

  
CLAIRE M. EUBANKS, PE

**JURAT**

Subscribed and sworn before me, a duly constituted and authorized Notary Public, in and for the County of Cole, State of Missouri, at my office in Jefferson City, on this 10<sup>th</sup> day of September 2025.



  
Notary Public