

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

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

**LIBERTY’S REPLY TO OPC’S RESPONSE TO STAFF AND LIBERTY
AND REQUEST FOR RULING**

COMES NOW The Empire District Electric Company d/b/a Liberty (“Liberty” or the “Company”), and, in response to *The Office of the Public Counsel’s Response to Staff and Liberty* (“OPC’s Response”) and for its Request for Ruling, respectfully states as follows to the Missouri Public Service Commission (the “Commission”):

Introduction

1. On April 16, 2026, Staff filed an *Initial Report* with the Commission in this docket setting forth its assessment of the Company’s compliance with the agreed to customer billing metrics for the month of January 2026. Liberty filed its *Response to Staff’s Initial Report* (“Liberty’s response”) on April 21, 2026. Subsequently, on April 23, 2026, the Office of the Public Counsel (“OPC”) filed a response to both the Staff Initial Report and Liberty’s Response. On April 27, 2026, Staff filed a *Status Report*, requesting that the Commission set June 8, 2026, as the date for Staff to file a further report or recommendation regarding Liberty’s February and March metrics.

2. In addition to supporting Staff’s position that the two instances of the use of a 20-day due date, rather than a 21-day due date, do not qualify as limited deviations, OPC’s Response also argues that a third matter related to the labeling of an actual meter read as an estimated read also should be considered by the Commission to be a violation of the metrics. For context,

collectively, the three matters identified by OPC represent 0.00166% of the 179,932 bills sent to Liberty's Missouri electric customers in the month of January.¹

3. Liberty previously addressed in detail in its Response the interpretation of limited deviations and the two due date issues. Liberty will briefly revisit the deviations issue here and will also provide additional information regarding the third matter raised by OPC.

Discussion of Permitted Deviations

4. In its Response, Liberty agreed with Staff's statement that "(u)ltimately, the decision of whether Empire has satisfied the metrics is up to the Commission." (Memorandum, p. 5 of 11.) OPC indicates its agreement with both Staff and Liberty similarly stating "that what the Commission intended by the language in the *Supplemental Stipulation and Agreement* it adopted and ordered controls whether Liberty sufficiently has satisfied the metrics for the month of January 2026."²

5. OPC further supposes that "the Commission should have intended that permissible limited deviations from metric compliance be rare."³ Liberty agrees that, while not determinative, the "limited" nature of deviations should be a part of the Commission's considerations.

6. However, OPC alleges in its Response that "Liberty does not dispute that it failed to meet the metrics, but argues that those failures are permissible limited deviations. . . ."⁴ This is not the substance of Liberty's Response and is a misstatement. Liberty argues that the "plain language of the Supplemental Stipulation does not require flawless performance or zero exceptions. To the contrary, the Supplemental Stipulation expressly contemplates 'limited

¹ $3 \div 179,932 = 0.0000166$

² OPC's Response, p. 2.

³ OPC's response, p. 2.

⁴ OPC's Response, p. 1.

deviations,”⁵ Liberty, therefore, asserts that “its January 2026 billing performance reflects compliance with the metrics approved by the Commission, with only limited, documented deviations expressly contemplated under the Supplemental Stipulation.”⁶

7. OPC ultimately expresses support for Staff’s proposed criteria for evaluating limited deviations. Liberty has addressed those Staff-proposed criteria in its Response and explained that, in determining what constitutes a limited deviation under the Supplemental Stipulation, the Commission should appropriately consider factors such as the number of circumstances identified, whether those instances reflect a systemic issue, and whether they are related to the Company’s SAP billing system. Liberty continues to believe that this approach most accurately follows the language in the Supplemental Stipulation, as well as the Commission’s statements and reasoning set forth in the *Report and Order* in this case.

Third Event

8. What OPC refers to as the “third event” was discussed both in Liberty’s First Metric Filing on February 14, 2026, and in Staff’s Initial Report.

9. Liberty explains in its First Metric Filing that a temporary meter was installed at a specific residence in May 2023. In November 2025, a demolition order was issued for the residence, after which the temporary meter was removed. The actual meter read was recorded at noon on the date of the meter removal and it was confirmed there had been no usage since May 2024. However, when the system attempted to obtain the “midnight” move-out read, the meter was no longer in place and, thus, the read defaulted to an “estimate.” What is described on the bill as an “estimate” matches the actual read taken at noon on the same day and continues to reflect that no usage had occurred since May 2024.

⁵ Liberty’s Response. p. 4.

⁶ Liberty’s Response, p. 8.

10. Staff indicated that it had “verified that 1) the bill is a final bill, 2) the bill is marked as estimated, 3) the estimation was for zero usage, and 4) the final meter read appears to match the last recorded usage from May 2024.”⁷ However, Staff’s position was ultimately “that although this bill should not be considered a permissible deviation from the metrics, it is a November 2025 bill instead of a January 2026 bill and thus should not count against Empire for the January Metrics.”⁸

11. Liberty agrees that the referenced bill should not be included in the January Metrics as any mistake occurred in November 2025. However, even if the bill were considered part of Liberty’s January Metrics period, it represents a single instance, does not represent a systemic problem, nor does it indicate any issue with the SAP billing system. Accordingly, if deemed a January event, this matter should qualify as a limited deviation within the meaning of the Supplemental Stipulation.

Conclusion and Request for Ruling

12. Under the plain language of the Supplemental Stipulation, the settlement does not require flawless performance or the absence of any exceptions, as suggested by Staff. Rather, the Supplemental Stipulation expressly contemplates the occurrence of limited deviations. Those limited deviations include the two Missouri customer accounts that were inadvertently entered into the billing system as Oklahoma customers resulting in invoices reflecting a 20 day due date under the Oklahoma rules rather than a 21 day due date under Missouri rules, as well as a single instance, if considered part of the January metric period, in which a final midnight read was labeled as estimated even though an actual read was obtained earlier that day and the meter was subsequently removed from a location that had experienced no usage for approximately 18 months.

⁷ Staff Memorandum, p. 8 of 11.

⁸ Staff Memorandum, p. 10 of 11.

13. Accordingly, for the reasons stated above and in Liberty's Response, the Company submits that its report and the supporting data demonstrate that the Company satisfied the metrics established by the Supplemental Stipulation and approved by the Commission for the period of the First Metrics Filing (January 1-31, 2026).

14. The October 6, 2025, Non-Unanimous Global Stipulation and Agreement provided that the initial rates agreed to by the signatories would take effect on February 1, 2026. The Supplemental Stipulation varied that timing by establishing the customer billing metrics and providing that "(w)hen Staff has concluded its review of a third consecutive month of satisfactory performance of the metrics, Staff shall file a report describing its conclusions concerning the metrics and recommending that the Commission issue an order that the suspended rate and FAC tariff sheets take effect as soon as is practicable."

15. Liberty made its third metrics filing on April 9, 2026, stating: "Liberty submits that it has successfully satisfied the terms of the Supplemental Stipulation for three consecutive months, warranting implementation of a change in rates pursuant to the terms of the Global Agreement and the *Report and Order*. There were limited deviations each month, as contemplated and allowed by the Supplemental Stipulation. These were minor exceptions, with agreed upon detailed and documented justification for each provided to Staff for review."

16. At this time, Liberty requests a ruling from the Commission regarding the Company's compliance with the customer billing metrics for the month of January 2026. If the Commission finds that Liberty met the requirements for January, Liberty requests that the Commission direct Staff to file its report regarding the February and March metrics by May 15, 2026.

WHEREFORE, Liberty respectfully submits this *Reply to the OPC's Response to Staff and Liberty and Request for Ruling* and requests such relief as is just and proper under the circumstances.

Respectfully submitted,

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d/b/a LIBERTY

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CERTIFICATE OF SERVICE

I hereby certify that the above document was filed in EFIS on this 28th day of April, 2026, with notification of the same being sent to all counsel of record; and I further certify that the above document was sent by electronic transmission to all counsel of record.

/s/ Diana C. Carter