

**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)

RESPONSE TO OPC’S REQUEST FOR EXPEDITED RULINGS

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 (“OPC”) *Request for Expedited Rulings on Liberty’s Objections to Data Requests* (“OPC’s Request”), Liberty respectfully states as follows to the Missouri Public Service Commission (the “Commission”):

1. On May 20 and 21, 2026, OPC served data requests 1317-1338 and 1339-1359 herein. OPC served identical sets, with the exception of the data request numbers, in Case No. OO-2025-0233 (the investigation docket). Liberty is not objecting to those data requests propounded in Case No. OO-2025-0233.

2. As admitted in OPC’s Request, the Commission last spoke to data requests and response times in this general rate case on April 10, 2025, when it ordered a discovery cutoff date of September 25, 2025. OPC’s Request seeks to both ignore that discovery cut off date and still adopt the expedited timing aspect of the referenced order requiring that “the response time for data requests shall be five calendar days to provide the requested information, and two business days to object or notify that more than five calendar days will be needed to provide the requested information.”¹

3. OPC suggests that these data requests, which concern sales tax and franchise fees, are driven by its review of Liberty’s May 8, 2026, response to Staff’s investigation report in Case

¹ OPC Request, para. 12.

No. OO-2025-0233.² OPC also suggests that these data requests are relevant to “Customer First Performance Metrics and when Liberty’s base rates are to increase.”³

4. The Global Stipulation, as approved by the Commission, established the Customer First Performance Metrics and stated, in part, that “[t]he Parties will confer on the appropriate and reasonably achievable monthly normalized performance metrics and targets in the separate investigation and reach agreement by May 31, 2026.”⁴ That “separate investigation” is Case No. OO-2025-0233. Moreover, even when approved, the result of the Customer First Performance Metrics process will potentially be a regulatory asset and not an immediate base rate increase.⁵

5. The only thing currently at issue in this case is the question of reporting and compliance with the metrics found in the Supplemental Stipulation filed on December 12, 2025, as approved by the Commission’s Report and Order. Those metrics do not address Liberty’s sales tax and franchise fee charges, the purported subject of the more than 40 data requests issued by OPC in this rate case and in the investigation docket.

6. Given that OPC claims its data requests resulted from Liberty’s responsive filing in Case No. OO-2025-0233 and concern the metrics being developed in Case No. OO-2025-0233, and are unrelated to the metrics being examined in this rate case, Case No. OO-2025-0233 is the only appropriate location for the OPC data requests at issue.

7. It appears OPC filed the subject data requests in this case to somehow argue for a faster response time than otherwise would be the case. As stated above, this is in spite of the fact that the same order that provides for a faster response time, also indicates that discovery was to cease as of September 25, 2025.

² OPC Request, para. 10.

³ OPC Request, para. 8.

⁴ Global Stipulation, para. 6 (emphasis added).

⁵ Global Stipulation, para. 7.

8. OPC suggests that its issuance of these data requests on May 20 and 21, 2026, was done “as soon as it practicably could” after review of Liberty’s May 8, 2026 response to the Staff Report in Case No. OO-2025-0233.⁶ An earlier issuance of the data requests would have necessarily meant responses would have been received earlier. OPC’s failure to serve its data requests earlier does not justify their inclusion in a case where they are not relevant and would be unduly burdensome under an expedited response time. This is especially so where OPC otherwise will receive responses in Case No. OO-2025-0233.

WHEREFORE, Liberty respectfully requests that the Commission:

- (a) deny OPC’s Request for Expedited Rulings on Liberty’s Objections to Data Requests;
- (b) alternatively, if the Commission were to grant OPC’s Request and require that responses be provided in this rate case docket, provide significantly more time for the Company to respond to the requests given the magnitude of effort required to respond; and
- (c) grant such other relief as is just and proper under the circumstances.

Respectfully submitted,

ATTORNEYS FOR THE EMPIRE DISTRICT ELECTRIC
COMPANY d/b/a LIBERTY

/s/

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⁶ OPC Request, para. 10.

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CERTIFICATE OF SERVICE

I hereby certify that the above document was filed in EFIS on this 28th day of May, 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