

**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 for     )  
Electric Service Provided to Customers In its     )  
Missouri Service Area                                 )

**Case No. ER-2024-0261**  
Tracking No. JE-2026-0123

**ORDER DENYING DISCOVERY MOTION**

Issue Date: May 29, 2026

Effective Date: May 29, 2026

**Background**

The Commission issued its *Report and Order* in this case on January 14, 2026.<sup>1</sup> That *Report and Order* approved the *Non-Unanimous Global Stipulation and Agreement* (Global Stipulation) and the *Supplemental Stipulation and Agreement* (Supplemental Stipulation). As directed by the Global Stipulation, the parties are to file their agreed-upon Customer First Performance Metrics no later than May 31.<sup>2</sup>

Furthermore, as directed by the Supplemental Stipulation, the tariff sheets implementing a rate increase are currently suspended until July 4 pending Liberty being able to meet a list of customer service and billing metrics (which are separate from the Customer First Performance Metrics).<sup>3</sup>

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<sup>1</sup> All dates refer to 2026 unless otherwise stated.  
<sup>2</sup> Global Stipulation, para. 6.  
<sup>3</sup> Supplemental Stipulation, paras. 3 and 4.

## **Motion**

The Office of the Public Counsel (OPC) filed *Public Counsel's Request for Expedited Rulings on Liberty's Objections to Data Requests* (Motion). The Motion explains that OPC first became aware of concerns with sales tax/franchise fee calculations on May 8, from a Liberty filing in a separate case, Case No. OO-2025-0233.<sup>4</sup> On May 20 and May 21 OPC submitted 43 data requests to The Empire District Electric Company d/b/a Liberty regarding the accuracy of Liberty's sales tax and franchise fee charges to its retail customers. OPC also submitted the same data requests in Case No. OO-2025-0233. The Motion states that on May 22 Liberty objected on numerous grounds, including that the data requests were served after the discovery cutoff date.<sup>5</sup>

In sum, the Motion requests that the Commission expeditiously overrule Liberty's objections and direct it to answer the data requests; extend the May 31 deadline for the parties to submit the Customer First Performance Metrics; and also extend the suspension of the tariff sheets beyond the current date of July 4. The Motion states that if not granted OPC will be prohibited from the opportunity to offer meaningful input into the Customer First Performance Metrics and also opines that it likely would be prohibited from the opportunity to offer meaningful input into whether Liberty's tariff sheets should be further suspended.

On May 28, Liberty filed its *Response to OPC's Request for Expedited Rulings* (Response).

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<sup>4</sup> Case No. OO-2025-0233 is an investigation into the customer service and billing practices of Liberty Utilities, which includes Liberty's gas, electric, and water utilities.

<sup>5</sup> Because of the Commission's decision, this order does not address the validity of Liberty's other objections.

## Discussion

It is undisputed that the Commission's order setting forth the procedural schedule set a discovery cutoff date of September 25, 2025,<sup>6</sup> and the Motion acknowledges that date as the Commission-ordered discovery cutoff date. The Motion seems to imply that this cutoff date should be disregarded because the *Report and Order* that was issued January 14 was "unprecedented", but OPC does not develop this line of argument any further.<sup>7</sup>

The Commission finds that the cutoff date for discovery in this case has passed. Therefore, the Commission will deny the Motion.

OPC is not prohibited from filing a motion to compel in Case No. OO-2025-0233 in accordance with the procedures applicable to that case. Notably, Liberty's Response indicates that it is not objecting to the data requests issued in Case No. OO-2025-0233, which, again, are identical to those data requests issued in the present case. Likewise, it is also not prohibited from using the Commission's normal procedures governing complaints regarding the accuracy of Liberty's sales tax and franchise fee charges.

Lastly, the Commission notes that the Staff recommendation regarding the customer service and billing metrics (which relate to the tariff sheets currently suspended until July 4) is not due until June 18. If appropriate, the Commission may, in response to a subsequent motion or on its own motion, suspend the tariff sheets past the current July 4<sup>th</sup> effective date. To be clear, this order makes no determination regarding those tariff sheets.

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<sup>6</sup> *Order Setting Updated Procedural Schedule and Assignment of Exhibit Numbers*, issued April 10, 2025.

<sup>7</sup> Motion, para. 12.

**THE COMMISSION ORDERS THAT:**

1. OPC's Motion is denied.
2. This order shall be effective when issued.



**BY THE COMMISSION**

*Nancy Dippell*

Nancy Dippell  
Secretary

Charles Hatcher, Senior Regulatory  
Law Judge, by delegation of authority  
pursuant to Section 386.240, RSMo 2016.

Dated at Jefferson City, Missouri,  
on this 29th day of May, 2026.

**STATE OF MISSOURI**

**OFFICE OF THE PUBLIC SERVICE COMMISSION**

Pursuant to 386.290, RSMo., I have compared the preceding copy with the original on file in this office and I do hereby certify the same to be a true copy therefrom and the whole thereof.

WITNESS my hand and seal of the Public Service Commission, at Jefferson City, Missouri, this 29<sup>th</sup> day of May, 2026.



*Nancy Dippell*

Nancy Dippell  
Secretary

# MISSOURI PUBLIC SERVICE COMMISSION

May 29, 2026

**Case No: ER-2024-0261**

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Enclosed find a certified copy of an Order or Notice issued in the above-referenced matter(s).<sup>1</sup>

Sincerely,

A handwritten signature in black ink that reads "Nancy Dippell". The signature is written in a cursive, flowing style.

Nancy Dippell  
Secretary

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Recipients listed above with a valid e-mail address will receive electronic service. Recipients without a valid e-mail address will receive paper service.