

**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) **Case No. ER-2024-0261**
Rates for Electric Service Provided to)
Customers In its Missouri Service Area)

STAFF’S REPORT

COMES NOW the Staff of the Missouri Public Service Commission (“Staff”), by and through the undersigned counsel, and respectfully states as follows:

PROCEDURAL HISTORY

1. On March 9, 2026, in its *Order Directing Staff Recommendation*, the Missouri Public Service Commission (“Commission”) directed Staff to file the report referenced in Paragraph 4 of the Supplemental Stipulation regarding customer service and billing metrics, or a request for an extension of time, no later than April 24, 2026.

2. On April 16, 2026, Staff filed its *Initial Report*, stating its conclusion that The Empire District Electric Company, d/b/a Liberty (“Empire,” “Liberty,” or the “Company”) did not meet the metrics in January 2026. On April 27, 2026, Staff filed a *Status Report* requesting that the Commission set June 8, 2026, as the file date for its full report and recommendation covering the months of January, February, and March 2026. On May 4, 2026, the Commission ordered Staff file its recommendation no later than June 8, 2026.¹

METRICS

The six metrics in the Supplemental Stipulation and Agreement are as follows:

¹ *Order Granting Staff’s Requested Extension and Further Suspending Tariff Sheets.*

- a. Eliminate initial and final estimated bills for service in compliance with Commission Rule. To the extent that the Company was unable to obtain a read for reasons beyond the control of the Company, the Company shall provide the reason that the inability was beyond the Company's control. ("Metric 3a").
- b. For all accounts associated with a metered service, the Company shall confirm that each meter associated with that account is attached to the account in SAP for billing purposes. In conjunction, customers on rate schedules that proscribe usage-based billing shall not receive bills without usage or beginning or end meter reads. ("Metric 3b").
- c. If a customer's initial or final bill covers a "normal" billing period (26-35 days), the Company shall not prorate the customer charge. Instead, the customer should be charged the full monthly customer charge, just like any other regular bill. ("Metric 3c").
- d. The Company shall not issue a customer bill with fewer than 21 days between the bill rendition date and the bill due date, except where (1) tariff provisions explicitly allow a shorter interval, (2) the customer has selected a Preferred Payment Date Plan, or (3) the customer is subject to collective or joint account billing. ("Metric 3d").
- e. The Company shall eliminate instances where bills are issued with a usage period of less than 26 or more than 35 days, with the exception of initial bills, final bills, or corrected bills. This metric will exclude only joint and collective accounts that were actively being realigned during the month in question (as per the meter read alignment process detailed in Case No. EE-2026-0065). ("Metric 3e").
- f. The Signatories acknowledge the variance granted in Case No. EE-2026-0065 concerning joint and collective account realignment. Except for those instances covered by the variance granted in Case No. EE-2026-0065 in the month of realignment, or prior to realignment, the Company shall demonstrate progress in reducing delayed billing by invoicing a bill nine or less days after the customer's cyclical bill date for no less than 99.7% of billing contracts in a given billing cycle. ("Metric 3f").

Recommended Standard for Permissible Deviations

The Supplemental Stipulation allows for the possibility, but not the guarantee, of deviations from the metrics. In deciding whether an instance of noncompliance may qualify as a permissible deviation, the Commission should consider whether the instance falls within one of four categories:

- 1) It represents an exception that is allowed for in Commission rules and/or reflected in the language of the metrics.
- 2) The bill was printed by the billing system but was then caught and reversed by Empire before being sent to the customer. Thus, the customer was not presented with a bill that did not comply with the metric.
- 3) Similar to the “normalized” language for the Customer First Performance Metrics in the Non-Unanimous Global Stipulation and Agreement, Staff is willing to exclude “certain extraordinary events that occur from time to time, which (1) are beyond the control of the utility such as an act of nature, and (2) may affect the utility’s ability to meet the performance metrics.” This is contingent upon Empire providing evidence documenting both the event and its impact.
- 4) The scheduled bill date on the bill was outside of the reporting month.²

Further, Staff understands that the term “deviation,” within the Supplemental Stipulation, could be read to concern quantity deviations alone. Staff concluded, however, that this interpretation is too narrow given other language in the Supplemental Stipulation

² This fourth category did not exist within Staff’s April 16 report.

and the regulation-based nature of the metrics. Staff therefore determined that compliance turns on the conduct underlying the deviations, not merely their number.

REPORT

3. Staff requested and reviewed raw data for all bills issued by Empire during each month by document date. Separately, Staff requested and reviewed raw data for all bills scheduled to be sent between nine days before the end of the prior month and the end of each month.³

4. As part of Staff's review process, Staff reviewed informal complaints filed with the Commission against Empire from January 1, 2026, to May 20, 2026. During this period there were 117 informal complaints filed against Empire, which represents an increase in the number of informal complaints compared to prior months.⁴

Staff's review found that many of the complaints were related to high bills, the ongoing collective and joint account realignment process approved by the Commission in Case No. EE-2026-0065, and Autopay issues related to Preferred Pay Date program.⁵ Through its review Staff identified several complaints it believed were pertinent to the metrics, particularly in relation to joint/collective accounts and delayed bills. Staff posed additional questions to Empire related to these complaints and has incorporated any findings that pertain to the metrics in this report.

³ For the purposes of Metric 3f, a "month" is considered to start nine days before the end of the prior month and end nine days before the end of the reporting month, per agreement between Staff and Empire. This is to ensure that bills with a scheduled bill date at the end of the reporting month have time to become nine or more days delayed before the month's metrics are reported.

⁴ From August 1, 2025, to December 31, 2025, there were 68 informal complaints filed against Empire.

⁵ See OO-2025-0233, *Staff Investigation Report*, pages 86-87.

5. Across all six metrics, Staff’s review found that there were 7-10 instances of non-compliance that it did not classify as permissible deviations and 2,015 instances of non-compliance that it classified as permissible deviations.

Metric 3a	Non-Compliance	Permittable Deviations
January	0	2
February	0	2
March	0	2

Metric 3b	Non-Compliance	Permittable Deviations
January	0-1 ⁶	0
February	0-1 ⁷	0
March	1-2 ⁸	0

Metric 3c	Non-Compliance	Permittable Deviations
January	0	2
February	0	0
March	0	0

Metric 3d	Non-Compliance	Permittable Deviations
January	2	0
February	0	0
March	0	0

Metric 3e	Non-Compliance	Permittable Deviations
January	0	8
February	0	49
March	0	1950

⁶ Staff reviewed an informal complaint filed as CI202601513 and based on the facts shown concluded that Empire violated Commission Rules 20 CSR 4240-13.020(1) and (2). Staff cannot definitively state that this instance counts as non-compliance with Metric 3b, Staff submits this incident and the circumstances surrounding it for the Commission’s determination.

⁷ *Id.*

⁸ *Id.*

Metric 3f	Non-Compliance	Permittable Deviations
January	0	n/a
February	1	n/a
March	3	n/a

6. Attached hereto and incorporated herein by reference is *Staff's Report*. Based on the results of its review, Staff recommends that the Commission not issue, at this time, an order allowing Empire's suspended rate and FAC tariff sheets to take effect as soon as possible unless and until Empire complies with the metrics set forth in the Supplemental Stipulation and Agreement, and until Empire submits necessary substitute tariff sheets as discussed in *Staff's Report*.

WHEREFORE, Staff respectfully submits its *Report* for the Commission's information and consideration, and recommends, for the reasons stated therein, that the Commission not issue, at this time, an order allowing Empire's suspended rate and FAC tariff sheets to take effect as soon as possible.

Respectfully submitted,

/s/ Eric Vandergriff

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Public Service Commission

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed or hand-delivered, transmitted by facsimile or electronically mailed to all parties and/or counsel of record on this 8th day of June 2026.

/s/ Eric Vandergriff

The Supplemental Stipulation, which was developed and agreed to by The Empire District Electric Company, d/b/a Liberty (“Empire” or “the Company”), Missouri Public Service Commission Staff (“Staff”), Midwest Energy Consumers Group (“MECG”) and Renew Missouri Advocates, d/b/a Renew Missouri, establishes specific billing and customer service metrics that Empire is required to meet for three consecutive months, starting on January 1, 2026, prior to implementing any changes to customer rates. Those metrics are outlined in paragraph three of the Supplemental Stipulation, and are referred to in this report as Metrics 3a through 3f. Paragraph four of the Supplemental Stipulation states: “When 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.”

Empire filed its metrics in this docket on February 14, 2026 (“January Metrics Filing”),¹ March 13, 2026 (“February Metrics Filing”),² and April 9, 2026 (“March Metrics Filing”),³ with each filing presenting the results of the prior month. Despite noting instances of deviations in each month reported, Empire indicated that it had satisfied the metrics for each of the three reporting months.

On March 9, 2026, the Commission issued its *Order Directing Staff Recommendation*, which stated: “Staff shall file the report referenced in Paragraph 4 of the Supplemental Stipulation regarding customer service and billing metrics, or a request for an extension of time, no later than April 24, 2026.” On April 16, 2026, Staff filed its *Initial Report*, stating its conclusion that Empire did not meet the metrics in January 2026. On April 27, 2026, Staff filed a *Status Report* requesting that the Commission set June 8, 2026, as the file date for its full

¹ *Response to Commission Order (First Metrics Filing)*.

² *Response to Commission Order (Second Metrics Filing)*.

³ *Response to Commission Order (Third Metrics Filing)*.

report and recommendation covering the months of January, February, and March 2026. On May 4, 2026, the Commission ordered Staff file its recommendation no later than June 8, 2026.⁴

THE METRICS

The six metrics spelled out in the Supplemental Stipulation and Agreement are as follows:

- a. Eliminate initial and final estimated bills for service in compliance with Commission Rule. To the extent that the Company was unable to obtain a read for reasons beyond the control of the Company, the Company shall provide the reason that the inability was beyond the Company's control. ("Metric 3a").
- b. For all accounts associated with a metered service, the Company shall confirm that each meter associated with that account is attached to the account in SAP for billing purposes. In conjunction, customers on rate schedules that proscribe usage-based billing shall not receive bills without usage or beginning or end meter reads. ("Metric 3b").
- c. If a customer's initial or final bill covers a "normal" billing period (26-35 days), the Company shall not prorate the customer charge. Instead, the customer should be charged the full monthly customer charge, just like any other regular bill. ("Metric 3c").
- d. The Company shall not issue a customer bill with fewer than 21 days between the bill rendition date and the bill due date, except where (1) tariff provisions explicitly allow a shorter interval, (2) the customer has selected a Preferred Payment Date Plan, or (3) the customer is subject to collective or joint account billing. ("Metric 3d").

⁴ Order Granting Staff's Requested Extension and Further Suspending Tariff Sheets.

e. The Company shall eliminate instances where bills are issued with a usage period of less than 26 or more than 35 days, with the exception of initial bills, final bills, or corrected bills. This metric will exclude only joint and collective accounts that were actively being realigned during the month in question (as per the meter read alignment process detailed in Case No. EE-2026-0065). (“Metric 3e”).

f. The Signatories acknowledge the variance granted in Case No. EE-2026-0065 concerning joint and collective account realignment. Except for those instances covered by the variance granted in Case No. EE-2026-0065 in the month of realignment, or prior to realignment, the Company shall demonstrate progress in reducing delayed billing by invoicing a bill nine or less days after the customer’s cyclical bill date for no less than 99.7% of billing contracts in a given billing cycle. (“Metric 3f”).

Staff has revisited the wording of Metric 3f in the Supplemental Stipulation and believes that it erred in its initial analysis of Empire’s compliance with Metric 3f by accepting Empire’s interpretation of the metric. The interpretation used by Empire has been that the metric requires 99.7% of all bills in a given month to be issued eight or less days after the scheduled billing date. However, another way this metric can be read is that it requires Empire to issue 99.7% of all bills *within each of Empire’s 21 billing cycles* eight or less days after the scheduled billing date. Staff believes the latter interpretation more accurately reflects the language of the metric. This report presents Staff’s analysis of Metric 3f utilizing both interpretations for the Commission’s consideration but bases its recommendation on its interpretation of the metric language.

At Staff’s request, Empire began reporting compliance with Metric 3f at the parent account level, excluding child accounts that are combined into a parent account bill,

in February 2026.⁵ Staff's reasoning at the time was that child accounts do not generate separate billing documents, thus the child account should not contribute to the denominator when calculating the percentage of on-time bills provided to customers. Empire had previously stated that, in cases where a child account is delayed, the parent account can still receive a bill with the remaining child accounts. From a customer experience perspective, this means that the customer did receive a bill within the required time period, albeit one without all the accounts included.

However, based on its reexamination of the language of Metric 3f, Staff is uncertain whether this approach accurately reflects the metric. The metric requires on-time billing for 99.7% of "billing contracts," which includes both parent and child accounts based on the definition provided by Empire. Rather than combining separate billing contracts into one billing contract, collective and joint billing is more accurately described as combining individual contract accounts onto one invoice. Thus, the "billing contracts" language of Metric 3f would include child accounts. In this report, Staff presents its conclusions based on the inclusion of both parent and child accounts to conform with this interpretation of the metric. As with all the metrics, Staff can revise its methodology should the Commission determine an alternative approach is preferable.

METHODOLOGY

Staff has made several requests of Empire for additional information to analyze Empire's performance in meeting the metrics.

⁵ See Attachment 1, slide 9 for definitions. "A Collective Account is created when the Customer asks for a summary bill of their various accounts. The Collective Contract Account is often referred to as the "parent" account, and the individual contract accounts of the parent account are referred to as the "child" accounts. For example, for an apartment complex that pays one bill, each individual unit will have their own invoice (child account), and these will roll up into one collective invoice (the parent account) which will be sent to the customer."

- Staff requested and reviewed raw data for all bills issued by Empire during each month by document date. Data categories for each bill include: Bill document number, invoice document number, account number, contract number, installation number, collective account number, billing cycle number, meter number, scheduled print date, actual print date, document date, due date, whether the customer had a preferred pay date, whether the account is a collective or joint account, account type (residential, commercial, etc.), whether the account has been realigned per the variance granted in Case No. EE-2026-0065, meter read document number, whether the bill is an initial or final bill, whether the bill is estimated, the beginning and end meter read dates, whether the bill was a zero-consumption bill, whether the bill added no new charges or had a credit, net terms, whether the bill was for a flat rate customer, rate category, and whether the customer charge was prorated.⁶
- Separately, Staff requested and reviewed raw data for all bills scheduled to be sent between nine days before the end of the prior month through the end of each month. This data was used to assist Staff in its review of Metric 3f compliance, to determine what occurred with each bill that should have been sent for the month.⁷ Data categories for each bill include: Bill document number, invoice document number, parent account number, account number, contract number, installation number, collective account number, billing cycle number, meter number, scheduled print date, actual print date, document date, whether the account is a collective or joint account, account type (residential, commercial, etc.) whether the account has been realigned per the variance granted in Case No. EE-2026-0065, and rate category.

⁶ See Schedule 1, slides 16-18 for a glossary of terminology.

⁷ For the purposes of Metric 3f, a “month” is considered to start nine days before the end of the prior month and end nine days before the end of the reporting month, per agreement between Staff and Empire. This is to ensure that bills with a scheduled bill date at the end of the reporting month have time to become nine or more days delayed before the month’s metrics are reported.

- Each month, Staff identified additional questions based on its review of the raw data, to which Empire has responded. Staff also met with Empire to discuss potential issues Staff found in each month's data on March 5, 2026, April 2, 2026, May 7, 2026, and May 22, 2026.
- For each month, Staff requested a random sample of 50 bills per billing cycle for each of Empire's 21 billing cycles. Staff also took a random selection of the sample bills and compared them to the raw data to see if they matched.
- Staff requested and reviewed copies of certain bills identified in its review of the raw data as potential items of concern.
- Staff reviewed informal complaints and public comments filed with the Commission from January 1, 2026, to May 20, 2026, and requested further information (e.g., bill copies, clarification responses) based on the review.
- After the conclusion of the third month, Staff requested the number of customers who had not received a bill in one, two, three, and four or more months.

LIMITATIONS OF STAFF'S REVIEW

Staff relies heavily upon the raw billing data to conduct its review of Empire's compliance with the metrics. The raw data allows Staff to review data points from all bills generated by the billing system to flag potential issues that require further investigation. Staff is very appreciative of Empire's provision of the raw data in the format requested since the beginning of this process. Staff's understanding is that this process of providing data for over 200,000 invoices per month involves the manual population of some of the data fields, requiring both time and effort. It has been very helpful in Staff's efforts to validate the metrics.

However, there were instances where Staff's review of the raw data found instances of errors that have ramifications for metric compliance. In these cases, Staff has asked

additional questions and, when possible, conducted additional analysis to corroborate Empire's responses. Staff notes all such instances in this report for Commission review.

Staff also cannot entirely rule out the possibility of additional undiscovered instances of metric non-compliance that were not accurately recorded in the raw data.

In addition, Staff's review of 2026 informal complaints noted two instances where the customer's account had been terminated by Empire for several months because of human error.⁸ In both instances, the customer did not receive a bill for several months. This would not be represented in the raw data because, at the time, they did not have an active service account to bill. In one instance, the customer's account did not receive a bill in January and February 2026 because the account was erroneously closed. In the other instance, the customer's account did not receive a bill January-March 2026 because the account was erroneously closed. Staff did not include these accounts in either the numerator or denominator of the Metric 3f calculations because the accounts did not exist during the month in question, but brings these cases to the Commission's attention in the event the Commission wishes to treat these instances as delayed bills.

DEVIATIONS

The Supplemental Stipulation allows for the possibility, but not the guarantee, of deviations from the metrics. To quote: "Limited deviations may be permitted with documented justification for Staff review. Any deviations must be thoroughly documented and such documentation provided to Staff for its review."

Generally, Staff's conception of a permissible deviation is that the instance of metric noncompliance must meet one of the below qualifications:

⁸ CI202601243 and CI202601513. See Confidential Attachment 10.

- 1) It represents an exception that is allowed for in Commission rules and/or reflected in the language of the metrics.
- 2) The bill was generated by the billing system but was then caught and reversed by Empire before being sent to the customer. Thus, the customer was not presented with a bill that did not comply with the metric.⁹
- 3) Similar to the “normalized” language for the Customer First Performance Metrics in the Non-Unanimous Global Stipulation and Agreement, Staff is willing to exclude “certain extraordinary events that occur from time to time, which (1) are beyond the control of the utility such as an act of nature, and (2) may affect the utility’s ability to meet the performance metrics.” This is contingent upon Empire providing evidence documenting both the event and its impact.
- 4) The scheduled bill date on the bill was outside of the reporting month.

Staff uses the scheduled bill date, instead of the print date or the document date, to determine the month in which a bill will count for purposes of the metrics. Although Staff contemplated alternative options, such as using various combinations of print date, document date, and scheduled bill date, Staff believes these alternatives would serve both to overly complicate the data and to disincentivize corrective actions on customer accounts. Staff saw little benefit for these trade-offs beyond increasing the difficulty in meeting the metrics for three consecutive months. Below are two example scenarios which demonstrate Staff’s concerns with using both dates:

- Example 1: An invoice that is non-compliant with Metric 3a has a scheduled bill date of January 31, 2026, but has a print date of February 1, 2026, or later. The bill may or may not warrant classification as a delayed bill, but in either case the bill would be counted twice as Metric 3a non-compliance; in January and in whichever month

⁹ Note that the language of Metrics 3a and 3c does not necessarily imply that the customer must receive the generated bill for the bill to count against the metric.

the bill was printed. This would disincentivize the Company from issuing that bill or any further bills to the customer until after new rates have gone into effect because one delayed bill is less impactful to metric compliance than one estimated initial or final bill.

- Example 2: A customer who has a scheduled bill date of the 15th of each month has not received a bill since January 15, 2025. The Company reviews the customer's account on January 31, 2026, and has the ability to fix the issue and resume billing for the customer. If the Company chooses to fix the issue, the customer will receive all 12 bills that have been delayed since 2025, including the delayed January 2026 invoice. Those bills will have scheduled bill dates of when the bill ordinarily would have been issued, but a print date of January 31, 2026, and a document date on January 31, 2026, or later. If Staff were to count both the scheduled bill date and the print date (or the document date), then the Company's decision to fix the issue would result in twelve delayed bills counted against it in January or February 2026. If the Company chose not to fix the issue until after new rates have gone into effect, then this account would count as one delayed bill each in January, February, and March 2026. As such, using the print date or document date would serve as a disincentive to fixing issues that have resulted in customers not receiving bills for multiple months.

Staff recognizes that there is an argument that the date the invoice is produced should determine the month in which it counts in the metrics. Therefore, this report details all non-compliance issues, regardless of scheduled bill date, as potential deviations for the Commission's consideration. Staff's recommendation, however, is to use the scheduled bill date.

Staff also made certain allowances for instances of non-compliance with Metrics 3e in relation to collective and joint accounts. When the metrics were drafted, insufficient

consideration was given to scenarios where accounts transition on or off collective or joint billing during the realignment process from Case No. EE-2026-0065, as well as during standard operations. There were also instances where the realignment process produced bills outside of the billing period two months after the actual alignment took place. Staff treated such instances of non-compliance with Metrics 3e as permissible deviations for the duration of the temporary variance Empire was granted from the source Commission rules for collective and joint accounts in Case No. EE-2026-0065. That variance expired on March 31, 2026. All deviations and exclusions made by Staff are outlined below for the Commission's consideration.

ACTIONS TAKEN BY EMPIRE TO MEET METRICS

During its discussions with Staff, Empire has presented the efforts it has made to bring itself into compliance with the six metrics. The information provided can be found in greater detail in Attachment 1. A brief summary of the changes made is as follows:

- Exceptions: Empire utilized existing exceptions, and created new exceptions, in SAP to monitor meter-to-cash events that could lead to metric non-compliance.
- Change to Net Terms: To ensure compliance with Metric 3d, Empire changed customer accounts with Net Terms of 21 days to 25 days from document date to due date.
- Programming fix: In August 2025, Empire implemented a programming fix to resolve the Metric 3c issue of prorating initial and final bills within a 26-35 day billing period.
- Daily reports: Empire generates several manual and SAP reports for daily review, including reports for open meter read orders for initial/final bills, meter sets, unbilled meters, and delayed bills. Empire also utilizes multiple cross-functional teams with daily discussions and meetings.
- New work order processes: Empire implemented a new work order process to streamline the meter set process to assist in compliance with Metric 3b.

- Control report: Empire uses a daily control report that reviews bills after they are generated by SAP, but before they are printed and sent to customers, for potential non-compliance issues with the metrics. This review process includes a cross-functional team, detailed account reviews by Subject Matter Experts, and two meetings (morning and afternoon).¹⁰
 - Any bills that are caught and reversed at the control report stage appear in the raw data. These are bills that were produced despite existing system and process controls and were caught because of this additional manual process outside of SAP.

Staff believes this approach has assisted in working towards the primary objective of the revenue requirement metrics: to improve customer experience by reducing instances of non-compliance with Commission rules. As of March 2026, Empire had only 14 parent accounts that had not received a bill in more than 30 days. In April 2026, that number declined to 7. Only two accounts had not received a bill since metrics reporting began in January 2026.

However, Staff cautions against drawing broader conclusions based on any success Empire has in meeting the metrics by using the processes described above for two reasons. First, the processes are very specific to meeting the six metrics. Although Empire has identified and resolved some related issues in the pursuit of meeting the metrics, this should not be seen as an all-encompassing resolution to Customer First issues. Second, some of the processes Empire has described to Staff rely heavily on manual labor, including a control report that is essentially an additional layer of manual intervention to prevent issues that have passed through the standard exception and review process from reaching customers.

¹⁰ See Attachment 2. Staff requested the control reports after learning of them, but as of this report Empire has not provided them.

Thus, while Empire's ability to meet the metrics for three consecutive months will indicate that Empire has taken effective action to improve the customer experience by screening improper bills, it should not be used as an argument that all the underlying issues with the Customer First implementation have been resolved. Although Staff understands the vital role quality control measures, manual or otherwise, play in preventing issues from reaching customers, it also notes the inefficiency of having to implement additional manual controls as a result of implementing a costly billing system.

INFORMAL COMPLAINTS

As part of Staff's review process, Staff reviewed informal complaints filed with the Commission against Empire from January 1, 2026, to May 20, 2026. During this period there were 117 informal complaints filed against Empire, which represents an increase in the number of informal complaints compared to prior months.¹¹

Staff's review found that many of the complaints were related to high bills, the ongoing collective and joint account realignment process approved by the Commission in Case No. EE-2026-0065, and Autopay issues related to Preferred Pay Date program.¹² Through its review Staff identified several complaints it believed were pertinent to the metrics, particularly in relation to joint/collective accounts and delayed bills. Staff posed additional questions to Empire related to these complaints and has incorporated any findings that pertain to the metrics in this report.

Staff concluded that the majority of the complaints were unrelated to the revenue requirement metrics, although some complaints touched on areas of concern addressed by Staff in its Investigation Report submitted in Case No. OO-2025-0233. Staff anticipates addressing some of those remaining areas of concern with the Customer First Asset Metrics.

¹¹ From August 1, 2025, to December 31, 2025, there were 68 informal complaints filed against Empire.

¹² See OO-2025-0233, *Staff Investigation Report*, pages 86-87.

COMPLIANCE TARIFF REVIEW

On March 6, 2026, Empire submitted tariff submission JE-2026-0123, which was suspended by the Commission on May 4, 2026, to July 4, 2026. Paragraph 4 of the *Supplemental Stipulation* includes, “When 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.” While, as described below, Staff is not of the opinion that the suspended tariff sheets should take effect at this time, Staff notes here concerns with the suspended tariff sheets that Empire needs to address through appropriate substitutions prior to any Commission order that the suspended tariffs take effect.

Staff has reviewed tariff submission JE-2026-0123, and notes the following issues requiring correction:

- 1.) The estimation procedures for Smart Charge customers have not been included in the tariff submission. As of June 1, 2026, the draft procedures have not been provided to Staff for review and input. Staff has repeatedly requested this information.
- 2.) On FAC sheet 17q, there is a date placeholder, “For service on and after XX-XX-XX.” That placeholder date should be replaced with, “Applicable to Service Provided on and after the Effective Date of Rates in ER-2024-0261,” or comparable language.
- 3.) On sheets 4, 5, 6, 7, and 9, “Determination” is misspelled “Determnation,” which should be corrected.

At this time, Staff does not recommend promulgation of the suspended tariff sheets due to the issues above, regardless of status of compliance with the metrics discussed elsewhere in this Report.

STAFF'S REVIEW AND FINDINGS

January

Empire's January Metrics Filing indicated there was one instance of non-compliance with Metric 3a and two instances of noncompliance with Metric 3d in January 2026. Empire's January Metrics Filing for Metric 3f covered a reporting period of December 23, 2025, to January 22, 2026. Empire indicated that there was a total of 60 invoices with a print date nine or more days after the scheduled bill date in January. Empire used a denominator of 179,932 accounts to calculate that 99.97% of invoices were billed eight or less days after the scheduled bill date.

Metric 3a – Estimated Initial/Final Bills

Staff's review found that there was one (1) instance of non-compliance with Metric 3a. Staff recommends treating this instance as a permissible deviation. Staff discovered an additional potential instance of non-compliance with Metric 3a, which is discussed under Metric 3e for January. Staff recommends also treating this instance as a permissible deviation.

To evaluate compliance with this metric, Staff used the raw data to review all invoices with a document date during the month in question. Staff singled out initial and final bills and looked to see if any of those bills were designated as estimated in the raw data.

The bill¹³ in question was an estimated final bill for a billing period of November 6-24, 2025, for Meter EEF07195502. The bill date (also referred to as document date) on the bill was January 9, 2026, and the bill was invoiced to the customer. According to Empire, the end meter reading on the bill represents the actual final reading on the meter when it was

¹³ See Confidential Attachment 3.

removed. However, the meter was removed prior to the system attempting to obtain a final read for billing purposes. When the billing system failed to locate the meter, it defaulted to an estimated read marking on the bill even though the reading used was the last actual read.

Staff reviewed both a copy of the bill itself as well as the raw data from the bill. Staff 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. Staff does not have reason to dispute Empire's description of this bill. Instead of being a final bill using an estimated read, the bill is incorrectly marked as estimated.

Staff did note that the bill is not labeled as an estimated bill in the raw data despite the bill itself being marked as estimated. As such, Staff's review of the raw data would not have flagged this bill as an instance of non-compliance with Metric 3a if Empire had not called attention to it in its January Metrics Filing.

Staff does not believe that the cause of this estimated final bill is an appropriate application of the Commission rule language that excludes conditions beyond the control of the utility.¹⁴ Staff also does not believe that the cause qualifies as an "extraordinary event." The bill was presented to the customer instead of being caught and reversed prior to being sent out, ultimately due to the billing system mistakenly defaulting to an actual read and a failure to catch that error prior to the invoice being sent to the customer.

However, Staff's recommendation is to treat this instance of non-compliance as a permissible deviation, on the grounds that the bill in question had a scheduled bill date of November 24, 2025. As such, Staff is treating it as a November 2025 bill instead of a January 2026 bill.

¹⁴ 20 CSR 4240-13.020(2)(C)3 - Billing and Payment Standards states: "A utility shall not estimate a customer's initial or final bill for service, unless conditions beyond the control of the utility prevent an actual meter reading."

Metric 3b – Bills Without Usage

Staff’s review found that there was one (1) potential instance of non-compliance with Metric 3b. Although the language of Metric 3b may exclude it from the metric, Staff submits the instance to the Commission for its determination.

To evaluate compliance with this metric, Staff used the raw data to review all invoices with a document date during the month in question. Staff singled out invoices with “0” beginning and end meter reads and invoices without meters for further review. Staff looked specifically for invoices from rate categories that require metered billing in the tariff and excluded flat-rate accounts and rate codes.

During its review of informal complaint CI202601513, Staff identified an instance where a customer received electricity service January-March 2026 without receiving charges for electricity usage. The customer was a joint account customer with his residence and lighting accounts on a single bill. His residence account was temporarily disconnected due to a safety issue related to a neighbor’s house fire in December 2025. However, the customer service representative incorrectly closed the customer’s residence account completely and had the meter removed, generating a final bill. Empire subsequently reversed the disconnection and reinstalled the meter but did not reverse the move-out. As a result, the customer’s January, February, and March bills included charges for his lighting account but not for the closed residence account.¹⁵ Although the customer first notified Empire of this oversight on his billing on February 9, 2026, Empire did not correct his account until May 5, 2026, after the customer filed his informal complaint.¹⁶ As the meter was registering usage for the intervening months, Empire was able to rebill the customer for January-March usage.

¹⁵ See Confidential Attachment 4 for the original bills.

¹⁶ See Confidential Attachment 5 for the corrected bills.

Metric 3b states:

For all accounts associated with a metered service, the Company shall confirm that each meter associated with that account is attached to the account in SAP for billing purposes. In conjunction, customers on rate schedules that proscribe usage-based billing shall not receive bills without usage or beginning or end meter reads.

The language “all accounts associated with a metered service” and “customers on rate schedules that proscribe usage-based billing” arguably excludes this incident from the metric on the grounds that, at the time, the customer did not have an open account for his residence with a rate schedule. However, the customer’s preexisting account should not have been terminated during the months he was using electricity with a meter attached to his residence. Empire was also notified of this issue in February but failed to address it in a timely manner. This instance constitutes a violation of Commission Rules 20 CSR 4240-13.020(1)¹⁷ and (2).¹⁸

Although Staff cannot definitively state that this instance counts as non-compliance with Metric 3b, Staff submits this incident and the circumstances surrounding it for the Commission’s determination. If the Commission determines that this is an instance of noncompliance, it would count against Empire in January, February, and March 2026 because Empire rendered bills for the customer without his residential usage for all three months.

Metric 3c – Prorated Customer Charge

Staff’s review of the raw data found that there were two (2) instances of non-compliance with Metric 3c. Staff recommends treating both instances as permissible deviations.

¹⁷ “A utility shall render a bill for each billing period to every residential customer in accordance with commission rules and its approved tariff.”

¹⁸ “Each billing statement rendered by a utility shall be computed on the actual usage during the billing period...”

To evaluate compliance with this metric, Staff used the raw data to review all invoices with a document date during the month in question. Staff singled out initial and final bills with a billing period within 26-35 days. Staff then looked to see if any of those bills were designated as having a prorated customer charge.

Both invoices were for the same municipal account customer for two different meters (EEF07086232 and EEF07155620). In both instances, the bills were initial bills with a billing period of 27 days and a prorated customer charge. The scheduled bill date for both bills was on September 3, 2024, however the document date for both bills was January 21, 2026.

Staff requested further information on the two bills. According to Empire, both bills were rebills related to account cleanup activities, and neither bill was presented to the customer. The customer charge was prorated because the programming fix Empire implemented to resolve the issue is not retroactive, meaning that any new bill that Empire generates that was originally scheduled for a date prior to the programming fix may still have an incorrectly prorated customer charge.

Based on the scheduled bill dates of the non-compliant bills, Staff is treating these two bills as September 2024 bills. For this reason, and because the bills were not presented to the customer, Staff recommends treating these two instances as permissible deviations from the metric.

Metric 3d – Due Date Less than 21 Days

Staff's review of the raw data found that there were nine (9) potential instances of non-compliance with Metric 3d. Of that total, Staff believes seven (7) are exempt from Metric 3d. Staff recommends treating the remaining two bills as instances of non-compliance with Metric 3d.

To evaluate compliance with this metric, Staff used the raw data to review all invoices with a document date during the month in question. Staff removed invoices designated as having a Preferred Pay Date, invoices designated as joint or collective accounts, and any invoices with a rate code that indicated that the customer should receive a different amount of time to pay based on Empire's tariff. Staff also excluded bills designated as having a credit after current charges were applied, because those bills have a due date on the same day as the bill date. Staff then used the bill due date subtracted from the document date to determine the number of days the customer was given to pay.

For seven of the instances, Empire responded to Staff's questions by indicating that those customers had a Preferred Pay Date at the time of invoicing but had unenrolled prior to the generation of the raw data. Empire provided the unenrollment dates for all seven customers, which were all several days after the bill was rendered. Staff excluded these seven bills from its evaluation of Metric 3d on the grounds that they were for accounts with a Preferred Pay Date.

In its January Metrics filing, Empire identified two instances of noncompliance with Metric 3d. The two instances involved residential customers who were issued a bill with 20 days to pay before the due date instead of the 21 or more days required by the metric. According to Empire, this occurred because both customers were incorrectly coded in the system as Oklahoma customers instead of Missouri customers, which meant they were billed under Oklahoma net terms. For the customer with meter EEF07031817, Empire further explained that the mistake was made because the customer requested an Oklahoma mailing address.¹⁹

¹⁹ These bills were previously provided as attachments to *Staff's Initial Report*, filed April 21, 2026, in Case No. ER-2024-0261.

Staff reviewed all prior bills for each customer. For the EEF07031817 meter, it found that the customer started service on March 27, 2025, and has had an Oklahoma mailing address on all bills. All of the bills gave the customer 20 days to pay unless the due date would have fallen on a Sunday. For the EEF07034613 meter, Staff found that the customer initiated service on October 7, 2025. All of the customer's bills gave the customer 20 days until the bill was due, unless the due date would have fallen on a Sunday or a holiday. However, none of the bills indicate that the customer ever had an Oklahoma mailing address. It is therefore unclear why the customer was incorrectly coded as an Oklahoma customer. Staff's review of bills from both customers did not find any indications that the customers were charged incorrectly for their service.

As previously discussed in Staff's *Initial Report*, Staff does not believe that these instances should qualify as permissible deviations. Neither the language of Metric 3d, the language of Commission Rule 20 CSR 4240-13.015(1)(J), nor the language of Empire's tariff allow for these Missouri residential customers to be given less than 21 days to pay the bill. The noncompliant bills were presented to the customers, and the issue that caused the noncompliance was not a situation outside of Empire's control. Ultimately, the root cause of both instances of noncompliance was a Company error not directly tied to Customer First but which persisted for several months.

Staff has reviewed Empire's response to Staff's *Initial Report* and did not find cause to modify its opinion. Empire points out, for example, that the Oklahoma instances do not suggest any issue with the SAP billing system or represent a systemic problem. Staff believes this analysis is insufficient. Empire's prior position in this rate case was that the billing system itself was not the root cause of Empire's billing issues; the cause was a misalignment of people, processes, and technology.²⁰ Staff has agreed with that

²⁰ For example, see ER-2024-0261, Amy M. Walt's Rebuttal Testimony, page 28, lines 11-18.

assessment both in testimony in this case and in its Investigation Report in the OO-2025-0233 docket. It would be inconsistent with that argument to summarily exclude from its compliance review any instances that are not directly rooted in billing system issues.

Staff also disagrees with the assertion that this was not a systemic issue. The root cause of non-compliance with the metric was an issue that impacted 133 accounts. Staff also notes that Empire's solution to this human error issue was to implement a system fix to prevent customer service representatives from causing further issues. This solution further demonstrates the interconnected nature of the people-process-technology trifecta that permeates Customer First.

Metric 3e – Outside 26-35 Day Billing Period

Staff's review of the raw data found that there were eight instances of non-compliance with Metric 3e using its methodology of excluding all "Not-Aligned" accounts.²¹ Staff recommends treating all eight instances as permissible deviations.

To evaluate compliance with this metric, Staff used the raw data to review all invoices with a document date during the month in question. Staff removed initial and final bills and bills and collective and joint account bills designated as "Not-Aligned" in the raw data, then subtracted the end meter read date from the beginning meter read date to determine the bill period length of the remaining bills. According to Empire, system limitations prevent the Company from being able to identify joint and collective accounts that are in the process of being aligned. Given the late stage of Empire's efforts to realign collective and joint accounts

²¹ One Not-Aligned account was excluded from the total. Of the eight remaining instances, one had a bill period of 16 days, one had a bill period of 25 days, and six had a bill period of 36 days.

per its variance in Case No. EE-2026-0065,²² Staff made the decision to exclude all accounts marked as “Not-Aligned” under the assumption that most if not all of the accounts were mid-alignment.

All of the eight bills were marked as non-Joint/Collective accounts in the raw data. Seven of the eight bills had a scheduled bill date in 2025.²³ Three of the bills had a scheduled bill date and a print date in December 2025. All bills had a document date in January 2026. According to Empire, all eight bills were flagged by internal controls and were cancelled before being sent to the customer. The customers instead received corrected bills that complied with Metric 3e. Staff was able to locate both sets of bills for all but one customer in the raw data and reviewed the cancelled bills and the corrected bills.

In one case, Staff’s review found that the account (Meter EEF07039339) with an original scheduled bill date of December 30, 2025, was rebilled on February 2, 2026. This was almost a month after the original bill’s document date of January 6, 2026. Staff found it odd that Empire cancelled the bill prior to the customer receiving it but then did not issue the rebill for 27 days. This cancel-rebill also did not appear as a delayed bill in either the January or February raw data because the cancelled bill was printed “on time” even though it never reached the customer. Staff takes Empire at its word that the first bill was not sent to the customer. As such, Staff added this bill to its count of delayed bills to the January metrics in bill cycle EM20 for its evaluation of Metric 3f. Staff’s recommendation for Metric 3e is to treat this instance as a permissible deviation on the grounds that 1) the scheduled bill date is prior to January 2026, and 2) the bill was not presented to the customer.

In a second case (Meter EEF07208852), it does not appear that the customer was rebilled. The “rebill” provided to Staff was for is for a different billing period with different beginning

²² The realignment process takes multiple months, and Empire was scheduled to complete realignment for all customers by March 31, 2026.

²³ One in September 2025, one in November 2025, and five in December 2025.

and end reads. However, both the original bill and the rebill appear to be initial bills, even though neither are marked as initial bills in the raw data.²⁴ If it is in fact an initial bill, then the bill would be non-compliant with Metric 3a, because it is an estimated initial bill. If the bill is not an initial bill, then it is non-compliant with Metric 3e, because it is outside of the 26-35 day billing period. However, Staff's recommendation is to treat this instance of non-compliance as a permissible deviation, on the grounds that 1) the bill in question had a scheduled bill date of September 3, 2025. As such, Staff is treating it as a September 2025 bill instead of a January 2026 bill.

In a third case, Empire generated a total of six bills for Meter EE49402992 in January 2026 for November 2025-January 2026 usage.²⁵ Two of the original bills, for a scheduled bill date of November 14, 2025, and December 11, 2025, were for a billing period of 36 and 25 days, respectively.²⁶ According to Empire, the customer has a non-AMI meter that it was unable to read in November, resulting in the customer not being billed. Because the November read was missing, the December and January bills were delayed even though the meter was read normally for those months. According to Empire, the two bills outside of the 26-35 day billing period were cancelled and reissued before being sent to the customer. Staff reviewed the raw data as well as the bills themselves and found that Empire resolved the billing period issue on the rebills by changing the beginning read date on the first bill and the end read date on the subsequent bill, but without making changes to the meter reads themselves. Neither bill was marked as estimated. Empire explained that a human error had been made in adjusting the November read date, causing \$1.04 to be billed in December instead of November.

²⁴ See Confidential Attachment 6.

²⁵ This account was the subject of an informal complaint: CI202601001. See Confidential Attachment 10.

²⁶ See Confidential Attachment 7.

Staff considers these two bills to be non-compliant with Metric 3e because the meter reads on the bills sent to the customer were for billing periods outside of 26-35 days regardless of what the bill itself said regarding the dates the meters were read. However, Staff's recommendation is to treat these instances of non-compliance as permissible deviations, on the grounds that the bills in question had scheduled bill dates of November 14, 2025, and December 11, 2025. As such, Staff is treating them as November and December 2025 bills instead of January 2026 bills.

Staff did not find any anomalies with the remaining four instances and recommends treating them as permissible deviations from the metric as well, on the grounds that the bills were not sent to customers. Three of the four bills were also for a scheduled bill date prior to January 2026. However, those bills all had a scheduled bill date of December 30, 2025, which would qualify them for the Metric 3f analysis. Three of the four rebills were sent more than nine days after the original scheduled bill date and were not originally reflected in the delayed bills.²⁷ Thus, Staff adds those three bills to the delayed bills counts, all in billing cycle EM20.

Metric 3f - Delayed Bills (Per Billing Cycle)

Staff's review of the raw data found that there were 73 delayed bills as defined by Metric 3f across a total of 22 billing cycles. Staff removed one delayed bill from its initial total after further discussion with Empire clarified that the account is for an internal-use meter that does not generate monthly customer bills. As mentioned during the January Metric 3e discussion, Staff added four delayed bills to bill cycle EM20 because Empire indicated that the customer did not receive the original bill.

²⁷ Meters EEA1823001, EEA1924335, and EE79701302.

To evaluate compliance with this metric, Staff used the raw data to review all invoices with a scheduled bill date during the “month” in question (December 23, 2025-January 22, 2026). Staff excluded collective and joint invoices designated as “Not-Aligned.” Staff then used the print date and subtracted the scheduled bill date to determine whether the bill was sent nine or more days after the scheduled bill date. Separately, Staff used the document date and subtracted the scheduled bill date to determine whether the bill was sent nine or more days after the scheduled bill date, excluding bills that were delayed based on the print date analysis.

Empire’s rationale for using the print date alone is that using the print date would anchor child accounts to parent accounts.²⁸ The document date for child accounts may vary based on when the child account meter was read. However, Staff’s review of the relationship between print dates and document dates found several instances where the document date resulted in the bill becoming delayed, even though the invoice would not be delayed based on the print date. Although in most cases the print date and document date differed by one day, Staff also observed a substantial number of instances where the difference was three or more days, including for accounts that were not joint or collective accounts. As joint and collective accounts with unaligned child accounts are already excluded from the metric, and both the print date and the document date indicate that the customer has not yet seen the bill, Staff’s analysis uses both the print date and the document date to determine whether the bill was delayed. The inclusion of delayed bills based on document date added 10 bills to the delayed bills count in January.

In order to calculate the percentage of delayed bills per billing cycle, Staff derived the total amount of scheduled bills in each bill cycle between December 23, 2025-January 22, 2026, by using the raw data. Staff excluded bills with a scheduled bill date outside

²⁸ See Attachment 1, slide 8.

December 23, 2025-January 22, 2026. Staff then removed rebills from each bill cycle by isolating accounts with the same account number, installation number and scheduled bill date. Staff did not distinguish between child account and parent accounts in its analysis. The results of Staff’s analysis are below:

Cycle	Total Number of Bills Scheduled in the Cycle	Number of Delayed Bills	Percent on Time
EM01	9,863	2	99.98%
EM02	8,690	2	99.98%
EM03	8,660	3	99.97%
EM04	7,599	0	100.00%
EM05	9,077	1	99.99%
EM06	8,183	4	99.95%
EM07	9,942	8	99.92%
EM08	8,572	4	99.95%
EM09	10,186	4	99.96%
EM10	9,310	5	99.95%
EM11	8,279	2	99.98%
EM12	7,671	7	99.91%
EM13	6,948	0	100.00%
EM14	9,020	2	99.98%
EM15	11,137	5	99.96%
EM16	1,562	1	99.94%
EM17	8,508	6	99.93%
EM18	8,921	8	99.91%
EM19	9,443	3	99.97%
EM20	9,008	6	99.93%
EM21	99	0	100.00%
SL21	11	0	100.00%

Staff’s analysis found that Empire met the minimum of 99.7% of not delayed bills for all 22 billing cycles.

In its review of the language of Metric 3f, Staff noted that the language of Metric 3f could be interpreted to mean that bills are not considered delayed until they are invoiced 10 days beyond the scheduled bill date instead of nine days. However, this interpretation does not change the results of the analysis above.

Metric 3f – Delayed Bills (Total Bills)

Staff provides this analysis in the event the Commission determines that the metric should apply to total bills instead of by billing cycle. As discussed, Staff came to a total of 73 delayed bills in January 2026. Staff's total number of scheduled bills using its methodology above came to 170,689. This produced a result that Empire billed 99.96%²⁹ of its customers in nine or less days, which is higher than the 99.7% set by Metric 3f.

Staff's Conclusion Regarding January Metrics

After its review of Empire's January 2026 metrics, Staff is of the opinion that Empire did not meet the metrics in January 2026. Specifically, there were two (2) instances of non-compliance with Metric 3d. There is an additional potential instance of non-compliance with Metric 3b for the Commission's determination.

February

Empire's February Metrics Filing indicated there was one instance of non-compliance with Metric 3a and six instances of non-compliance with Metric 3e. Empire's February Metrics Filing for Metric 3f covered a reporting period of January 23, 2025, to February 19, 2026. Including child accounts, Empire indicated that there was a total of 88 invoices with a print date nine or more days after the scheduled bill date in February. Using a denominator of 179,879 accounts, Empire calculated that 99.95% of invoices were billed eight or less days

²⁹ $1 - (73/170,689) = .9996$.

after the scheduled bill date. Excluding child accounts, Empire indicated that there was a total of 65 invoices with a print date nine or more days after the scheduled bill date in February. Using a denominator of 155,306 accounts, Empire calculated that 99.96% of invoices were billed eight or less days after the scheduled bill date.³⁰

Metric 3a – Estimated Initial/Final Bills

Staff's review of the raw data found that there was one (1) instance of non-compliance with Metric 3a. This instance was discussed by Empire in its February Metrics filing. Staff recommends treating this instance as a permissible deviation. Empire provided a second instance of non-compliance to Staff in the form of a bill (Meter EEF07209075). Staff also recommends treating this instance as a permissible deviation.

According to Empire, the customer (Meter VMEVF07198295) is on the EV Pilot rate. The charging station vendor went out of business and meter reads are no longer available for Empire to bill affected customers for usage. As a result, Empire final-billed the customer with estimated usage.

Staff reviewed the bill in question and found that it is an estimated final bill for a customer on the Residential Smart Charge Pilot Program rate. Staff was previously aware of Empire's difficulties in accessing actual meter reads from third party charging stations³¹ and Staff does not believe an actual read was within Empire's ability to obtain. Staff recommends treating this instance of non-compliance as a permissible deviation on the grounds that the root cause was an extraordinary event outside of Empire's control.

³⁰ After discussions with Staff regarding the appropriateness of including child accounts (which would not generate separate bills) in the counts, Empire provided two sets of numbers for February.

³¹ See ER-2024-0261, Direct Testimony of Sarah L.K. Lange, pages 74-77.

The bill for Meter EEF07209075 was an estimated initial bill with a scheduled bill date of February 26, 2026. Staff's review of the bill found that the read type on the bill is estimated, even though the bill was not marked as estimated in the raw data. However, according to Empire, the bill was not sent to the customer. The customer's account was revised to have a service initiation date of March 16, 2026. Staff reviewed the raw data it has received for April and found that the same customer account was issued an initial bill in April for service with the same meter. Staff recommends treating this bill as a permissible deviation on the grounds that the bill was not sent to the customer.

Metric 3b – Bills Without Usage

Staff's review of the raw data found that there were zero (0) confirmable instances of non-compliance with Metric 3b. However, as discussed in the January Metric 3b section, Staff submits the instance surrounding informal complaint CI202601513 for Commission review regarding non-compliance in February.

During its review of the raw data, Staff noted that there were 235 invoices with a "0" beginning and end read in both January and February and 38 invoices which had a beginning and end read of "0" in February, but a non- "0" end read for the same meter in the January metrics. Staff's concern was that these accounts indicated errors somewhere in the meter read or invoicing process.

For the 38 accounts that went from having a non- "0" end read in January to a "0" beginning read in February, Empire identified an error in the raw data pull that resulted in the wrong data inputted into the spreadsheet. Staff reviewed the actual bills and verified that the customers received bills with non- "0" meter reads.

According to Empire, the remaining zero-usage invoices represented actual reads. Staff requested the meter installation dates for the 235 meters with zero usage in both

January and February.³² The meter installation dates range from 2020 to 2026, with the majority (153) installed prior to the implementation of Customer First. As such, although Staff cannot state with certainty that all of these meters are properly registering actual usage without a more in-depth investigation, it is satisfied that any such issues likely do not have their origin with the Customer First implementation and are not related to the issue that prompted the creation of Metric 3b.³³

Metric 3c – Prorated Customer Charge

Staff’s review found that there were zero (0) instances of non-compliance with Metric 3c.

Metric 3d – Due Date Less than 21 Days

Staff’s review found that there were zero (0) instances of non-compliance with Metric 3d.

Metric 3e – Outside 26-35 Day Billing Period

Staff’s review found that there were 322 potential instances of non-compliance with Metric 3e using its methodology of excluding all “Not-Aligned” accounts.³⁴ Of that total, Staff believes 273 are exempt from Metric 3e and recommends treating the remaining 49 as permissible deviations. However, Staff notes that a count of 49 may exceed the “limited” deviation language set forth in the Supplemental Stipulation.

Six (6) of the 322 were reported by Empire in its February Metrics filing. According to Empire, these were related to account changes during the realignment process (e.g., move-in/move-out, unenrollment from collective/joint billing). In all six instances, the accounts were not categorized as collective or joint accounts at the time of billing in the raw

³² See Attachment 8.

³³ Staff’s primary concern was instances of customer accounts being billed without their meter connected to their account, resulting in bills without usage. See OO-2025-0233, *Staff Investigation Report*, pages 26-28.

³⁴ 3,672 Not-Aligned accounts were excluded from the total.

data. Staff recommends treating these six instances as permissible deviations on the grounds that these were caused by account transitions during the realignment process in scenarios that were unforeseen when the metrics were developed.

For the remaining 316 accounts, according to Empire these were all in the process of collective/joint billing realignment. This is despite the fact Staff flagged the invoices because the accounts were not labeled as joint or collective accounts in the raw data. Upon further review of the January raw data, Staff found that all but 43 accounts had previously been marked as joint or collective in the raw data, suggesting that they may in fact have been impacted by the realignment process. As such, Staff accepted Empire's explanation and excluded them from its Metric 3e compliance evaluation.

For two (2) of the remaining 43 accounts, Empire indicated that one of the customers requested to be removed from collective billing during the realignment process. The other customer was a landlord who was in the process of realignment when a new tenant moved in. As with the six deviations reported by Empire, Staff recommends treating these two instances as permissible deviations on the grounds that these were caused by account transitions during the realignment process in scenarios that were unforeseen when the metrics were developed.

For the remaining 41 accounts, Empire explained that they were joint accounts aligned on January 31, 2026. This process created bills outside of the billing period in February, which was the first bill following the realignment. According to Empire, the bills should have been marked as "Not-Aligned" joint accounts in the February 2026 data but were incorrectly labeled in the manual process of adding these designations to the raw data. Staff reviewed the January, February, and March 2026 bills for the 41 accounts but did not see any

indication that 37 of them were for joint account customers.³⁵ Empire further explained that in cases where some child accounts are ready to be billed but there is a delay in one or more of the other child accounts, the account is temporarily un-joined so that the bill can generate. As such, the 41 bills represent accounts that were un-joined for billing purposes in January, February, and March 2026. Staff reviewed the raw data in April and found that all but one of the accounts are listed as joint accounts in April, though it has not had the opportunity to request or review the bills to see if the accounts were in fact rejoined. The language of Metric 3e excludes joint accounts in mid-alignment but does not exclude accounts that were technically not joint accounts at the time of billing. As such, these bills qualify as instances of non-compliance with Metric 3e. However, Staff recommends treating these 41 instances as permissible deviations on the grounds that they were caused by account transitions during the realignment process in scenarios that were unforeseen when the metrics were developed.

Metric 3f – Delayed Bills (Per Billing Cycle)

Staff’s review found that there were 101 delayed bills as defined by Metric 3f. There were 92 delayed bills based on print date and 9 delayed bills based on document date. Staff removed one delayed bill from its initial total after further discussion with Empire clarified that the account is for an internal-use meter that does not generate monthly customer bills.

In order to calculate the percentage of delayed bills per billing cycle, Staff derived the total amount of scheduled bills in each bill cycle between January 23, 2026 – February 19, 2026, by using the raw data. Staff excluded bills with a scheduled bill date outside January 23, 2026 – February 19, 2026. Staff then removed rebills from each bill cycle by isolating accounts

³⁵ See Confidential Attachment 9 for a sample of the 37 bills that did not appear to be joint accounts from the January, February, and March billing statements.

with the same account number, installation number and scheduled bill date. The results of Staff's analysis are below:

Cycle	Total Number of Bills Scheduled in the Cycle	Number of Delayed Bills	Percent on Time
EM01	9,775	10	99.90%
EM02	8,507	1	99.99%
EM03	8,618	1	99.99%
EM04	7,586	2	99.97%
EM05	9,036	1	99.99%
EM06	8,175	2	99.98%
EM07	12,507	10	99.92%
EM08	9,415	4	99.96%
EM09	9,901	1	99.99%
EM10	9,167	0	100.00%
EM11	8,134	1	99.99%
EM12	6,641	3	99.95%
EM13	7,366	5	99.93%
EM14	8,844	5	99.94%
EM15	1,983	3	99.85%
EM16	10,007	5	99.95%
EM17	8,418	29	99.66%
EM18	8,738	1	99.99%
EM19	9,174	6	99.93%
EM20	8,983	11	99.88%
EM21	106	0	100.00%
SL21	211	0	100.00%

Staff's analysis found that Empire met the minimum of 99.7% of not delayed bills for 21 of its 22 billing cycles. Empire did not meet the metric for billing cycle EM17, because 29 bills in that cycle were delayed.

If Metric 3f is interpreted to define a delayed bill as 10+ days beyond the scheduled bill date, the results above are substantively unchanged. This would subtract 1 bill from EM17, which would produce an on-time billing percentage of 99.67%.³⁶

Metric 3f – Delayed Bills (Total Bills)

Staff provides this analysis in the event the Commission determines that the metric should apply to total bills instead of by billing cycle. As discussed above, Staff came to a total of 101 delayed bills in February 2026. Staff's total number of scheduled bills using its methodology above came to 171,292. This produced a result that Empire billed 99.94%³⁷ of its customers in nine or less days, which is higher than the 99.7% set by Metric 3f.

Staff's Conclusion Regarding February Metrics

After its review of Empire's February 2026 metrics, Staff is of the opinion that Empire did not meet the metrics in February 2026. Specifically, there was one (1) instance of non-compliance with Metric 3f in billing cycle EM17. There is an additional potential instance of non-compliance with Metric 3b for the Commission's determination.

March

Empire's March Metrics Filing indicated there was one (1) instance of non-compliance with Metric 3e in March 2026. Empire's March Metrics Filing for Metric 3f covered a reporting

³⁶ $1 - (28/8,418) = .99667$.

³⁷ $1 - (101/171,292) = .9994$.

period of February 20, 2026, to March 22, 2026. Excluding child accounts, Empire indicated that there was a total of 102 invoices with a print date nine or more days after the scheduled bill date in February. Using a denominator of 155,603 accounts, Empire calculated that 99.93% of invoices were billed eight or less days after the scheduled bill date.

Metric 3a – Estimated Initial/Final Bills

Staff's review of the raw data found that there were two (2) instances of non-compliance with Metric 3a involving meters EEF07206792 and EEF07194350. Staff recommends treating both instances as permissible deviations.

The bill for Meter EEF07194350 was an estimated initial bill with a scheduled bill date of March 18, 2026. Staff's review of the actual bill found that the bill was marked as an estimated bill. According to Empire, this bill was cancelled before it was sent to the customer. Instead, the customer received a different bill reflecting an actual read, which Staff also reviewed. Staff was able to find both bills in the raw data, though it noted that the beginning meter reads for both bills as listed in the raw data did not match the beginning reads on the bills themselves. Staff recommends treating this instance as a permissible deviation on the grounds that the bill was not sent to the customer.

The bill for Meter EEF07206792 was an estimated final bill with a scheduled bill date of March 2, 2025. Staff's review of the actual bill found that one of the three usage lines on the bill is marked as estimated. However, according to Empire the bill was not sent to the customer. Staff recommends treating this bill as a permissible deviation on the grounds that the bill was not sent to the customer and because the scheduled bill date for the bill was in March 2025. Thus, Staff treats the bill as a March 2025 bill instead of a March 2026 bill.

The bill for Meter EEF07209075 was an estimated initial bill with a scheduled bill date of February 26, 2026. Staff's review of the bill found that the read type on the bill is estimated,

even though the bill was not marked as estimated in the raw data. However, according to Empire, the bill was not sent to the customer. The customer's account was revised to have a service initiation date of March 16, 2026. Staff reviewed the raw data it has received for April and found that the same customer account was issued an initial bill in April for service with the same meter. Staff recommends treating this bill as a permissible deviation on the grounds that the bill was not sent to the customer.

Metric 3b – Bills Without Usage

Staff's review of the raw data found that there were two (2) potential instances of non-compliance with Metric 3b. Staff recommends excluding one of the instances from the Metric 3b compliance review. Staff believes the other instance is an instance of metric noncompliance that should not be treated as a permissible deviation. In addition, as discussed in the Metric 3b section for January, Staff submits the instance surrounding informal complaint CI202601513 for Commission review regarding non-compliance in March.

Staff's review of the raw data found a bill document³⁸ without a meter attached to it but under a rate class that requires metered service.³⁹ Staff's review of the actual bill found that it was a final bill without a meter attached, with charges based solely on a customer charge. However, Empire explained that the bill was a bill simulation template that was accidentally final billed, which moved it into the live system. Staff concluded that this bill was included in the raw data in error, both because it is a Kansas bill and because it is a test bill.⁴⁰ As such, Staff recommends not considering the bill as an instance of non-compliance with Metric 3b.

³⁸ Bill Document Number 100036325031.

³⁹ Time Choice General Service Rate Plan.

⁴⁰ The customer name on the bill was "Legacy Bill Correction Simulation Template." Furthermore, although the mailing address was for a location in Missouri, the service address was for an address in Kansas.

Staff's review of the raw data found a second bill document⁴¹ which also did not have a meter attached. According to Empire, although this customer is billed under a rate code that requires metered service,⁴² the customer is only charged the monthly customer charge. This is the result of a negotiated arrangement that was enacted over 20 years ago. Staff was unable to find the customer's account number or installation number in the prior months of raw data. This issue will likely require further investigation by Staff, as it does not appear that the customer is being charged appropriately in accordance with Empire's tariff. At this time, pending further explanation from Empire, Staff does not have sufficient grounds to recommend treating this instance as a permissible deviation. As such, Staff recommends provisionally treating this as an instance of non-compliance with Metric 3b.

Metric 3c – Prorated Customer Charge

Staff's review found that there were zero (0) instances of non-compliance with Metric 3c.

Metric 3d – Due Date Less than 21 Days

Staff's review found that there were zero (0) instances of non-compliance with Metric 3d.⁴³

Metric 3e – Outside 26-35 Day Billing Period

Staff's review of the raw data found there were 1,950 instances of non-compliance with Metric 3e using its methodology of excluding all "Not-Aligned" accounts.⁴⁴ Of that total, Staff recommends treating all 1,950 as permissible deviations. However, Staff notes

⁴¹ Bill Document Number 100035913490.

⁴² Non-Standard General Service.

⁴³ Staff's initial review of the raw data found that there were two (2) instances of concern, however further review found that the two accounts were child accounts connected to a parent account with a Preferred Payment Date. Thus, Staff concluded that the invoices were mislabeled in the raw data as not having a Preferred Payment Date.

⁴⁴ 1,007 Not-Aligned accounts were excluded from the total.

that a count of 1,950 may exceed the “limited” deviation language set forth in the Supplemental Stipulation.

Of the 1,950 bills flagged in Staff’s review, 1,931 bills were for collective/joint accounts that were already “aligned” per the realignment process from Case No. EE-2026-0065.⁴⁵ All 1,931 had a billing period outside 26-35 days, with 1,617 “long” bills over 35 days and 314 “short” bills less than 26 days. According to Empire, these accounts had undergone realignment in late January.

For the 1,617 “long” bills, the accounts were not billed on their scheduled bill date in February because of Empire’s practice of not issuing bills with a billing period of less than ten (10) days of usage. The March bills, with the extended billing period, were the first post-realignment bills generated for the customer. It is debatable whether the circumstances described by Empire are applicable to the Metric 3e language that excludes “only joint and collective accounts that were actively being realigned during the month in question.” However, Staff recommends treating these instances as permissible deviations on the grounds that the root cause was a consequence of the realignment process that was not contemplated when the language for the metrics was written.

For the 314 “short” bills, Empire explained that the meter read orders were loaded in time to produce a regular February bill despite the ongoing realignment for those accounts. As a result, the February bills were normal⁴⁶ and the short March bills were the first post-alignment bills. It is debatable whether the circumstances described by Empire are applicable to the Metric 3e language that excludes “only joint and collective accounts that were actively being realigned during the month in question.” However, Staff recommends treating these instances as permissible deviations on the grounds that the root cause was a

⁴⁵ Metric 3e only excludes bills undergoing realignment, not pre- or post-realignment bills.

⁴⁶ Meaning with a billing period within 26-35 days.

consequence of the realignment process that was not contemplated when the language for the metrics was written.

Of the remaining 19 bills of the original 1,950 flagged in Staff's review, none of the bills were marked as joint or collective in the raw data for March. However, Staff found that prior bills for the accounts were marked as joint or collective in the January or February raw data. Empire explained that 12 of the bills were misclassified in the March raw data; they were in fact accounts that were realigned at the end of January similar to the instances described above. For the remaining seven (7) bills, the customers were removed from collective or joint billing in the middle of the realignment process, either because of the customer's request or because of a tenant move-in. As such, Staff recommends treating all 19 instances as permissible deviations on the grounds that the root cause was a consequence of the realignment process that was not contemplated when the language for the metrics was written.

Metric 3f – Delayed Bills (Per Billing Cycle)

Staff's review found that there were 314 delayed bills as defined by Metric 3f.⁴⁷ There were 276 delayed bills based on print date and 38 delayed bills based on document date. Staff removed one delayed bill from its initial total after further discussion with Empire clarified that the account is for an internal-use meter that does not generate monthly customer bills.

In order to calculate the percentage of delayed bills per billing cycle, Staff derived the total amount of scheduled bills in each bill cycle between February 20, 2026 – March 22, 2026, by using the raw data. Staff excluded bills with a scheduled bill date outside February 20, 2026 – March 22, 2026. Staff then removed rebills from each bill cycle by isolating accounts with

⁴⁷ Note: Empire's number differs significantly from Staff's because Empire's number reports delayed bills at the parent account level, excluding child accounts.

the same account number, installation number and scheduled bill date. The results of Staff's analysis are below:

Cycle	Total Number of Bills Scheduled in the Cycle	Number of Delayed Bills	Percent on Time
EM01	9,825	20	99.80%
EM02	8,457	7	99.92%
EM03	8,434	5	99.94%
EM04	7,448	11	99.85%
EM05	8,918	3	99.97%
EM06	7,888	8	99.90%
EM07	12,154	12	99.90%
EM08	9,442	17	99.82%
EM09	9,737	29	99.70%
EM10	8,895	6	99.93%
EM11	8,023	2	99.98%
EM12	8,256	5	99.94%
EM13	7,472	6	99.92%
EM14	8,650	7	99.92%
EM15	19,197	16	99.92%
EM16	10,049	33	99.67%
EM17	8,631	7	99.92%
EM18	8,574	12	99.86%
EM19	9,291	32	99.66%
EM20	9,952	19	99.81%
EM21	1,418	57	95.98%

Staff's analysis found that Empire met the minimum of 99.7% of not delayed bills for 18 of its 21 billing cycles. Empire did not meet the metric for billing cycle EM16, because 33 bills in that billing cycle were delayed, billing cycle EM19, because 32 bills in that billing cycle were delayed, and billing cycle EM21, because 57 bills in that cycle were delayed.

If Metric 3f is interpreted to define a delayed bill as 10+ days beyond the scheduled bill date, the results above are substantially unchanged. This would subtract 1 bill from EM16, which would produce an on-time billing percentage of 99.68%,⁴⁸ and 2 bills from EM21, which would produce an on-time billing percentage of 96.12%.⁴⁹

Metric 3f – Delayed Bills (Total Bills)

Staff provides this analysis in the event the Commission determines that the metric should apply to total bills instead of by billing cycle. As discussed above, Staff came to a total of 314 delayed bills in February 2026. Staff's total number of scheduled bills using its methodology above came to 190,711. This produced a result that Empire billed 99.84%⁵⁰ of its customers in 9 or less days, which is higher than the 99.7% set by Metric 3f.

Staff's Conclusion Regarding March Metrics

After its review of Empire's March 2026 metrics, Staff is of the opinion that Empire did not meet the metrics in March 2026. Specifically, there was one (1) instance of noncompliance with Metric 3b and three (3) instances of non-compliance with Metric 3f in billing cycles EM16, EM19 and EM21. There is an additional potential instance of non-compliance with Metric 3b for the Commission's determination.

⁴⁸ $1 - (32/10,049) = .99682$.

⁴⁹ $1 - (55/1,418) = .96121$.

⁵⁰ $1 - (314/190,711) = .99835$.

CONCLUSION

Across all six metrics, Staff's review found that there were 7-10 instances of non-compliance that it did not classify as permissible deviations and 2,015 instances of non-compliance that it classified as permissible deviations.

For Metric 3a, there were zero (0) non-compliance instances and two (2) permissible deviations in January, zero (0) non-compliance instances and two (2) permissible deviations in February, and zero (0) non-compliance instances and two (2) permissible deviations in March.

For Metric 3b, there were 0-1 non-compliance instances and zero (0) permissible deviations in January, 0-1 non-compliance instances and zero (0) permissible deviations in February, and 1-2 non-compliance instances and zero (0) permissible deviations in March. There was one potential instance of non-compliance in January, February and March, recounted in the January Metric 3b section, that Staff submits for the Commission's determination.

For Metric 3c, there were zero (0) non-compliance instances and two (2) permissible deviations in January, zero (0) non-compliance instances and zero (0) permissible deviations in February, and zero (0) non-compliance instances and zero (0) permissible deviations in March.

For Metric 3d, there were two (2) non-compliance instances and zero (0) permissible deviations in January, zero (0) non-compliance instances and zero (0) permissible deviations in February, and zero (0) non-compliance instances and zero (0) permissible deviations in March.

For Metric 3e, there were zero (0) non-compliance instances and eight (8) permissible deviations in January, zero (0) non-compliance instances and 49 permissible deviations in February, and zero (0) non-compliance instances and 1,950 permissible deviations in

March. Staff notes that the February and March counts may exceed the “limited” deviation language set forth in the Supplemental Stipulation.

For Metric 3f, there were zero (0) non-compliance instances in January, one (1) non-compliance instances in February, and three (3) non-compliance instances in March.

Based on the results of its review, Staff does not recommend the Commission issue an order that the suspended rate and FAC tariff sheets take effect as soon as possible at this time.

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)

AFFIDAVIT OF CHARLES TYRONE THOMASON

STATE OF MISSOURI)
) ss.
COUNTY OF COLE)

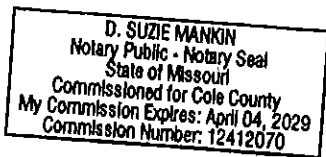
COMES NOW CHARLES TYRONE THOMASON and on his oath declares that he is of sound mind and lawful age; that he contributed to the foregoing *Staff Recommendation, in Memorandum form*; and that the same is true and correct according to his best knowledge and belief.

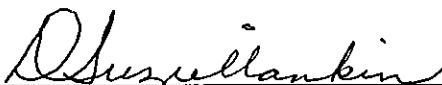
Further the Affiant sayeth not.


CHARLES TYRONE THOMASON

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 8th day of June 2026.




Notary Public

