

**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

**PUBLIC COUNSEL’S MOTION FOR EXPEDITED TREATMENT FOR ORDER  
FURTHER SUSPENDING TARIFF SHEETS, ESTABLISHING A  
PROCEDURAL SCHEDULE, AND SETTING AN EVIDENTIARY HEARING**

**COMES NOW** the Office of Public Counsel (“Public Counsel”) and moves the Commission to expeditiously further suspend the tariff sheets Liberty filed on March 6, 2026, to which the Commission assigned Tracking No. JE-2026-0123 for an additional 30 days plus six months beyond July 4, 2026, and order a procedural schedule for and hold an evidentiary hearing on the merits of whether the rate tariff sheets Liberty filed on March 6, 2026, should take effect on the grounds that follow:

1. With its January 14, 2026, *Report and Order* in this case the Commission indicated that if Liberty satisfies for three consecutive months the customer service and billing metrics set out in the “Supplemental Stipulation” the Commission approved, then the Commission would allow new Liberty general rates designed to increase Liberty’s annual rate revenues by \$97 million to take effect (phased-in—about \$32.3 million 1<sup>st</sup> year, about \$64.6 million 2<sup>nd</sup> year, and \$97 million 3<sup>rd</sup> year).

2. On April 9, 2026, Liberty made its Third Metrics Filing in which it asserted, “Liberty submits that it has successfully satisfied the terms of the Supplemental Stipulation for three consecutive months, warranting implementation of a change in rates pursuant to the terms of the Global Agreement and the Report and Order.”

3. On June 8, 2026, the Commission's Staff filed its report and recommendation finding that Liberty has not satisfied those metrics sufficiently for any of the months in the first quarter of 2026 and recommending that the Commission not allow the rate tariff sheets Liberty filed on March 6, 2026, to take effect.

4. On June 18, 2026, Public Counsel filed its response to Staff's report and recommendation in which Public Counsel stated not only that Public Counsel concurred with Staff that Liberty has not satisfied those metrics sufficiently for any of the months in the first quarter of 2026 that Liberty's rates should increase, but also that, even after discovering that it has been applying a franchise fee rate of 2% to its gross sales of electricity in the City of Bolivar since at least sometime in 2022 instead of the correct rate of 1.961%, Liberty still is applying the higher unauthorized incorrect 2% rate.

5. In its May 4, 2026, *Order Granting Staff's Requested Extension and Further Suspending Tariff Sheets* the Commission said:

On April 28, Liberty filed a response to OPC's filing which included a request for a Commission ruling regarding January's metrics. Liberty also requested that should the Commission find in its favor, that it then direct Staff to file its report on the February and March metrics no later than May 15.

The Commission does not find it reasonable to issue a decision on a single month at this time but will take the request under advisement. There are due process considerations – evidence may need to be introduced or parties may request to supply briefs – either of which will entail a procedural schedule that will necessarily overlap the Staff's work on, and deadline to file, its recommendations for the February and March reports. The Commission finds it more reasonable to wait until it has reports and recommendations for three months pursuant to the standard set by the Supplemental Stipulation. In taking Liberty's request for a ruling under advisement and granting Staff's request for an extension, the Commission finds Liberty's request that Staff be ordered to file its recommendation by May 15 to be moot.

6. Commission orders must be written. [§386.280.1](#), RSMo.

7. Public Counsel has the power and duty to “ represent and protect the interests of the public in any proceeding before or appeal from the public service commission.” [§386.710\(2\)](#), RSMo.

8. The Commission must have a record supporting its decisions sufficient for judicial review. [§386.510](#), RSMo.; [Mo. Const. art. V, § 18](#); [State ex rel. Praxair, Inc. v. Mo. PSC, 344 S.W.3d 178 \(Mo. 2011\)](#).

9. The Commission must further suspend the tariff sheets Liberty filed on March 6, 2026, to which the Commission assigned Tracking No. JE-2026-0123 and hold an evidentiary hearing on the merits of them becoming effective because:

- (a) Liberty, Staff and Public Counsel dispute whether Liberty sufficiently has satisfied for three consecutive months the customer service and billing metrics set out in the “Supplemental Stipulation” for its general rates to increase;
- (b) Public Counsel has raised allegations regarding Liberty’s customer service and billings of which the Commission was not aware when it adopted the customer service and billing metrics; and
- (c) The Commission has no evidentiary record before upon which to rule on whether it should allow the rate tariff sheets assigned Tracking No. JE-2026-0123 to become effective.

10. Public Counsel requests the Commission to suspend the tariff sheets Liberty filed on March 6, 2026, to which the Commission assigned Tracking No. JE-2026-0123 by no later than Thursday, July 2, 2026, since those tariff sheets presently will take effect on Saturday, July 4, 2026, and Friday, July 3, 2026, is a federal and state holiday, and set a procedural schedule and evidentiary hearing to be held expeditiously thereafter. If not suspended Liberty’s electric rates in

Missouri will increase automatically without due process and other requirements of law. Public Counsel is filing this motion as soon as practicable after the Commission's only open meeting left for taking up orders is scheduled for July 1, 2026, the presiding officer for this case has not responded to an email query from Public Counsel as to when the Commission might issue an order in this case sent the afternoon of June 24, 2026, and the Commission's Chief Regulatory Law Judge and Secretary has not responded to that same email forwarded to her this afternoon of June 25, 2026.

**Wherefore**, the Office of Public Counsel moves the Commission to expeditiously further suspend the tariff sheets Liberty filed on March 6, 2026, to which the Commission assigned Tracking No. JE-2026-0123 for an additional 30 days plus six months beyond July 4, 2026, and order a procedural schedule for and hold an evidentiary hearing on the merits of whether those rate tariff sheets should take effect.

Respectfully,

/s/ Nathan Williams

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**CERTIFICATE OF SERVICE**

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or electronically mailed to all counsel of record this 25<sup>th</sup> day of June 2026.

/s/ Nathan Williams