

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

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

**LIBERTY’S OBJECTION TO 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 Empire District Electric Company d/b/a Liberty (“Liberty” or the “Company”), and objects to the Public Counsel’s Motion for Expedited Treatment for Order Further Suspending Tariff Sheets, Establishing a Procedural Schedule, and Setting and Evidentiary Hearing (the “Motion”). In support hereof, Liberty states as follows:

1. On June 25, 2026, the Office of the Public Counsel (“OPC”) filed its Motion asking that the Commission act immediately and delay by an additional seven months new rates that would otherwise take effect on July 4, 2026. After a lengthy process, the OPC now seeks to convince the Commission that an evidentiary hearing is necessary when the record has already been established through the Commission Staff’s significant due diligence that the Company *correctly issued 99.998% bills* from January to March of 2026 based on the agreed upon metrics. This is well within the scope of permissible “limited deviations” provided for in the Supplemental Stipulation. The Staff report provides a credible basis for the Commission to determine that the necessary performance improvements have been achieved and that any harm to customers as a result of the prior billing issues associated with the metrics no longer exists. Of the ten items that were identified, 4 were related to a last-minute change in definition of one of the metrics, 3 are related to one incident related to an emergency event, 2 allowed customers 20 versus 21 days to

pay and 1 impacted by and compliant with a long term agreement with a customer. None of which are systemic issues.

2. OPC's request that the Commission further delay the implementation of new rates until the Company achieves a state of flawless execution is patently unreasonable and flies in the face of the plain language of the Supplemental Stipulation which recognized that "limited deviations" would be permissible. The Commission should deny OPC's request and allow new rates to take effect on July 4, 2026, in recognition that the purpose of the rate delay – to see sustained, significant improved billing performance – has been achieved. To do otherwise is highly punitive and fails to take into account the totality of the settlement provisions approved by the Commission.

3. The Commission should also deny OPC's request to delay new rates because of allegedly "new evidence" about sales tax and franchise fees. As explained in Liberty's Reply to OPC's Response to Staff's Report, filed on June 23, 2026, this "new evidence" is not new, and in fact is a matter that bears no relation to the required performance under the Supplemental Stipulation and has no place here because it is being considered as part of the second set of metrics that is yet to come before the Commission in this docket.

4. What the Commission should focus on is the oft cited precedent that "[i]n determining whether the rates proposed are just and reasonable, the Commission must balance the interest of the investor and the consumer." *Federal Power Commission v. Hope Natural Gas Co.*, 320 U.S. 591, 603, (1944). Allowing new rates to take effect now would reflect an appropriate balancing of both interests. On the customer interest side of the equation, the Commission must take into account the following factors, each of which has demonstrably benefitted customers, or will benefit, customers:

- The benefit of \$702 million in investments¹ in the system over the past five years without having to pay for them until July 2026;
- A rate increase of \$97 million even though Staff supported a \$128 million increase;
- Phase in of new rates over three years, such that the full \$97 million would not be reflected in customer bills until the third year;
- No rate increase for the past four months, when rates were originally scheduled to take effect in February 2026;
- Significantly improved customer billing performance;
- A two year rate case stayout, meaning Liberty may not file to recover investments that continue to be made to improve reliability and service for another two years;
- \$8.5 million in forgiveness of customer arrears paid for by shareholders for those customers most impacted, and;
- \$900,000 of funding for a low-income assistance pilot program with a 50% match from shareholders.

5. What is more challenging is to determine how investor interests have been balanced to date in this case. Simply put, without the implementation of new rates by July 4, it is hard to see that that interest has been balanced at all.

6. The U.S. Supreme Court has recognized the importance of the investor interest, which goes to the financial integrity of the utility:

...the investor interest has a legitimate concern with the financial integrity of the company whose rates are being regulated. From the investor or company point of view it is important that there be enough revenue not only for operating expenses but also for the capital costs of the business. These include service on the debt and dividends on the stock. By that standard the return to the equity owner should be commensurate with returns on investments in other enterprises having corresponding risks. That return, moreover, should be sufficient to assure confidence in the financial integrity of the enterprise, so as to maintain its credit and to attract capital.

Federal Power Commission v. Hope Natural Gas Co., 320 U.S. 591, 603 (1944) (citations omitted). The Commission must take into account this interest as it considers OPC's Motion and

¹ These investments include upgrades to 18 substations, rebuilds of 5 substations, reconductoring approximately 80 miles of transmission lines, constructing approximately 30 miles of new transmission lines, sectionalizing 7 distribution circuits, reinforcing or replacing 2,296 poles, adding wildlife guards to 5,100 devices and 14 substations, and strengthening cybersecurity protections to protect against wrongdoers trying to illegally access the Company's systems.

its untimely request to further delay new rates in exchange for a performance standard that was not agreed to nor is reasonable by any measure.

7. For these reasons, the Company respectfully submits that there is more than ample basis for the Commission's decision to support immediate implementation of new rates appropriately balanced by all of the above-stated reflection of customers' interests.

WHEREFORE, Liberty respectfully requests that the Commission:

- A. Deny OPC's Motion, and;
- B. Grant such other relief as is just and equitable.

Respectfully submitted,

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

/s/ Dean L. Cooper

Dean L. Cooper MBE #36592
BRYDON, SWEARENGEN & ENGLAND, P.C.
312 East Capital Avenue; P.O. Box 456
Jefferson City, Missouri 65702
Phone: (573) 635-7166
E-Mail: dcooper@brydonlaw.com

Sarah Knowlton, MBE #71361
116 North Main Street
Concord, NH 03301
Phone: (603) 327-9857
E-Mail: sarah.knowlton@libertyutilities.com

CERTIFICATE OF SERVICE

I hereby certify that the above document was filed in EFIS on this 26th day of June 2026, with notification of the same being sent to all counsel of record; and I further certify that the above document was sent by electronic transmission to all counsel of record.

/s/ Dean L. Cooper