

**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)	<u>Case No. ER-2024-0261</u>
Authority to File Tariffs Increasing Rates for)	Tracking No. JE-2026-0123
Electric Service Provided to Customers In its)	
Missouri Service Area)	

**ORDER SCHEDULING ON-THE-RECORD PROCEEDING AND
FURTHER SUSPENDING TARIFF SHEETS**

Issue Date: June 26, 2026

Effective Date: June 26, 2026

The Commission issued its *Report and Order* in this case on January 14, 2026.¹ That *Report and Order* approved the *Non-Unanimous Global Stipulation and Agreement* (Global Stipulation) and the *Supplemental Stipulation and Agreement* (Supplemental Stipulation).

The Empire District Electric Company d/b/a Liberty submitted tariff sheets to implement a rate increase which were assigned Tracking No. JE-2026-0123. As directed by the Supplemental Stipulation, Liberty must satisfactorily meet the customer service and billing metrics set forth in the Supplemental Stipulation for three consecutive months before the tariff sheets are authorized to become effective.² The tariff sheets are currently suspended until July 4.

On June 8, the Staff of the Commission (Staff) filed *Staff's Report* concerning the metrics. *Staff's Report* recommends the Commission find that the metrics have not been

¹ All dates refer to 2026 unless otherwise stated.

² Supplemental Stipulation, paras. 3 and 4.

satisfactorily met. The Commission set a time for responses and directed Staff and all responders to also submit suggested next steps.

On June 18, Staff filed *Staff's Response to the Commission's Order* (Staff's Response). As to next steps, Staff's Response suggested that Liberty continue filing monthly reports until Staff concludes that Liberty has achieved three consecutive months of satisfactory performance metrics and no other party opposes Staff's conclusion. Staff suggests that its next metrics report be due September 4 and suggests that the Commission further suspend the tariff sheets an additional 90 days to October 2.

On June 18, the Office of the Public Counsel (OPC) filed *Public Counsel's Response to Staff's Report* (OPC's Response). In the first paragraph, OPC's Response stated that it concurred with Staff's conclusion that Liberty did not satisfactorily meet the metrics. The rest of OPC's Response was dedicated to information about franchise fees and sales taxes. OPC's Response recommended a further suspension of the tariff sheets for an additional 30 days plus six months to allow time for discovery and an evidentiary hearing.

On June 18, Liberty filed *Liberty's Response to Staff's Report and Memorandum* (Liberty's Response). Liberty's Response argues that the metrics have been satisfactorily met, and recommends the Commission approve the pending tariff sheets.

On June 23, Liberty filed *Liberty's Reply to OPC's Response to Staff's Report* (Liberty's Reply to OPC). Liberty's Reply to OPC argues against the introduction of OPC's new information regarding franchise fees and sales taxes.

On June 25, OPC filed *Public Counsel's Motion for Expedited Treatment for Order Further Suspending Tariff Sheets, Establishing a Procedural Schedule, and Setting an*

Evidentiary Hearing (OPC's Expedite Motion), which repeated its arguments regarding franchise fees and sales taxes and restated its request for further suspension of the tariff sheets and the setting of a procedural schedule leading to an evidentiary hearing.

On June 26, Liberty responded to OPC's Expedite Motion by filing *Liberty's Objection to Public Counsel's Motion for Expedited Treatment for Order Further Suspending Tariff Sheets, Establishing a Procedural Schedule, and Setting and Evidentiary Hearing*, which reiterated Liberty's objections to arguments regarding franchise fees and sales taxes.

Franchise Fees and Sales Taxes

Section 386.550 RSMo, states that in all collateral actions or proceedings, Commission orders that are final shall be conclusive. The Commission entered its *Report and Order* on January 14. The *Report and Order* has not been appealed, and the time to appeal has passed. The *Report and Order* is final, and by statute is considered conclusive in all collateral proceedings. The current collateral proceeding is only to determine if the provisions of the Supplemental Stipulation regarding customer service and billing metrics have been satisfactorily met. Franchise fees and sales taxes are not part of the metrics and are more appropriately addressed elsewhere.³

Extension of Tariff Suspension

Section 393.150, RSMo (2016), authorizes the Commission to suspend the effective date of proposed tariffs. The tariff sheets were originally filed on March 6 with an effective

³ For example, franchise fees and sales taxes have already been raised in Case No. OO-2025-0233, a separate case involving Liberty's customer service and billing. Franchise fees and sale taxes may also be raised by filing a complaint case. And a review of franchise fees and sales taxes may be appropriate as part of a prudence review or a general rate case.

date of April 5, which was previously extended to June 4 and then July 4. Due to the on-the-record proceeding scheduled by this order, the Commission will extend its suspension of the tariff sheets for an additional 30 days to August 3.

Conclusion

The Commission will schedule an on-the-record evidentiary proceeding for the parties to provide testimony concerning the question of whether Liberty has satisfactorily met the customer service and billing metrics as set forth by the Supplemental Stipulation. The proceeding will consist of brief opening statements limited to 15 minutes per party followed by parties' witnesses.

THE COMMISSION ORDERS THAT:

1. The parties and their witnesses shall appear at an on-the-record proceeding on July 8, 2026, beginning at 11:30 a.m. The proceeding shall be held in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. The Governor Office Building meets accessibility standards required by the Americans with Disabilities Act. Any person needing an accommodation to participate in the proceeding should call the Public Service Commission's Hotline at 1-800-392-4211 (voice) or Relay Missouri at 711 prior to the hearing.
2. The tariff sheets filed on March 6, 2026, and assigned Tracking No. JE-2026-0123 are suspended for an additional 30 days from July 4, 2026, to August 3, 2026.
3. This order shall be effective when issued.



BY THE COMMISSION

Nancy Dippell

Nancy Dippell
Secretary

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

Dated at Jefferson City, Missouri,
on this 26th day of June, 2026.

STATE OF MISSOURI

OFFICE OF THE PUBLIC SERVICE COMMISSION

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

WITNESS my hand and seal of the Public Service Commission, at Jefferson City, Missouri, this 26th day of June, 2026.



Nancy Dippell

Nancy Dippell
Secretary

MISSOURI PUBLIC SERVICE COMMISSION

June 26, 2026

Case No: ER-2024-0261

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

Sincerely,

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

Nancy Dippell
Secretary

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