BEFORE THE PUBLIC SERVICE COMMISSION
STATE OF MISSOURI

TRANSCRIPT OF PROCEEDINGS
ON-THE-RECORD PRESENTATION

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

WEDNESDAY, JULY 8, 2026
11:30 a.m.

Governor Office Building
200 Madison Street, Room 310
Jefferson City, MO 65101

VOLUME 15

CHARLES HATCHER, Presiding
SENIOR REGULATORY LAW JUDGE

KAYLA HAHN, Chair,
MAIDA J. COLEMAN,
GLEN KOLKMEYER,
JOHN MITCHELL,
COMMISSIONERS

Reported By:
SAVANNA TOOMBS

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P R O C E E D I N G S

JUDGE HATCHER: Today is July 8th, and the commission has set this time aside for an on the record proceeding in the rate case request of the Empire Electric District, the Empire District Electric Company, and this is case number ER2024-0261. Let's go ahead and start with the entry of appearance of the attorneys.

MR. COOPER: Thank you, Judge. Dean Cooper from the Law Firm of Bryden, Swerengen & England, P.C., appearing on behalf of the Empire District Electric Company, doing business at Liberty.

MS. KNOWLTON: Good morning, Judge, Chairwoman, and commissioners. My name is Sarah Knowlton. I'm the Senior Vice President of Regulatory and general counsel at Liberty, and I'm here also on behalf of the Empire District Electric Company.

JUDGE HATCHER: Excellent, thank you. And for staff?

MR. VANDERGRIFF: Good morning, Your Honor, Commissioners. I'm Eric Vandergriff, Senior Staff Counsel, here with the representing staff of the Missouri Public Service Commission. I'm joined today by Travis Pringle, Chief Deputy Counsel, and Mark Johnson, Chief Staff Counsel.

JUDGE HATCHER: Thank you. And the Office of Public Council?

MR. WILLIAMS: Nathan Williams, Chief Deputy Public Counsel, appearing on behalf of the public and the Office of the

Public Council.

JUDGE HATCHER: Thank you. And are there any other parties or counsel of those parties that would like to enter their appearance on the record? Go ahead.

MR. LYSKOWSKI: Thank you, Judge. Danny Lyskowski on behalf of MECG.

JUDGE HATCHER: And give me your last name again.

MR. LYSKOWSKI: Sir, Lyskowski, happy to spell that for the court reporter if needed.

JUDGE HATCHER: Yes, please.

MR. LYSKOWSKI: Okay. That's l-y-s-k-o-w-s-k-i.

JUDHE HATCHER: Lyskowski. Perfect. Okay. Thank you. And I thought I heard another entry.

MR. COFFMAN: Yeah, this is John Coffman appearing on behalf of the Consumers Council of Missouri. Thank you, Judge.

JUDGE HATCHER: Mr. Coffman, did you file a request to appear remotely?

MR. COFFMAN: I did not. I just received a link in the mail. I apologize if I needed to do that.

JUDGE HATCHER: Would you like to do that now?

MR. COFFMAN: Yeah, just orally.

JUDGE HATCHER: Yes.

MR. COFFMAN: I would -- I would like to participate remotely today, but I don't necessarily anticipate having an opening statement or participating very much.

JUDGE HATCHER: Thank you. Are there any objections to the request of Mr. Coffman?

(No response.)

JUDGE HATCHER: Hearing none, you are granted the ability to appear remotely.

MR. COFFMAN: Thank you.

JUDGE HATCHER: Are there any other counsel or parties?

(No response.)

JUDGE HATCHER: Okay, then let's move on to the on the record presentation that we have via prior order. We had discussed opening statements being set at 15 minutes per party. Those are optional, they're not required, but we will go in the order generally that I just called out, which would be the company, then staff, and then Office of Public Counsel, and we'll swing to the other parties to ask. So, Empire, would you like to make an opening statement?

MR. COOPER: Yes, we would. Thank you, Your Honor.

JUDGE HATCHER: The floor is yours.

OPENING STATEMENT BY MR. COOPER

MR. COOPER: Good morning again. As previously stated, Dean Cooper from Law Firm at Brydon, Swearengen & England, P.C., appearing today for the Empire District Electric Company, doing business as Liberty. The question before us today is focused and specific: has Liberty satisfactorily met the customer service and metrics and billing metrics set forth in the supplemental stipulation. We're here to demonstrate that it has, but before we address that question, we want to acknowledge directly what brought us to this point. The billing and customer service disruptions that followed Liberty's billing system transition in 2024 caused genuine hardship and frustration for customers, and also created frustration and concern among the stakeholders who rely on us to provide safe, reliable, and responsive service. Those issues were unacceptable, and Liberty continues to accept full responsibility for them. In March of 2025 when Rod West assumed leadership as Algonquin Liberty's new chief executive officer, he made a personal commitment to own the problems, fix them, and help Liberty to earn back its place in a, as a reliable and trusted presence in the communities it serves. The commission was right to require demonstrated sustained performance as to the identified metrics before authorizing Liberty's rate adjustment to take effect. The standard was appropriate, and as the record will show, Liberty has met it with me here today to testify is Amy Walt, Liberty's chief administrative officer, who will serve as the company's again witness in this proceeding. Mr. West appointed Amy Walt as the corporation's chief customer officer on June 30th of 2025 when she joined the company, and more recently expanded her role to Chief Administrative Officer. Amy is a key member of Mr. West's executive leadership team.

Following his appointment as CEO, from her first day, Ms. Walt established a commitment to improving the customer experience. She has met monthly in person with commission staff and Office of Public Counsel to share progress, demonstrate accountability, and receive candid feedback. She is here today because this proceeding is at its core about customers, and no one is better positioned to speak to the progress Liberty has made. The Commission's report and order from January 14th of 2026 stated the commission determines that Empire's ongoing billing and customer service problems require improvement before a rate increase can be authorized. It further found that the negotiated settlement requires provable improvements in customer service and billing before the first year's rate increase, that is the standard that was met, provable improvements, not flawless execution, not zero exceptions. The commission expressly reserved its own discretion as to the determination of what limited deviations from agreed to met standards would be permissible. That was a thoughtful and pragmatic approach. The supplemental stipulation established six specific billing and customer service metrics that Liberty was required to meet for three consecutive months, beginning January 1st of 2026. These covered initial and final bills, meter attachment, customer charge, proration, payment due dates, billing period length, and timely bill delivery. These metrics are grounded in existing commission rules standards to which Missouri utilities are to adhere in their normal course of operations. Critically, the supplemental stipulation does not require perfect performance. It expressly contemplates again limited deviations and requires that any such deviations be documented and provided to staff for review. How limited deviations is defined is within the commission's discretion. The company asserts the commission should appropriately consider factors such as the number of circumstances identified, whether those circumstances reflect a systemic problem, and whether they are connected to the company's billing system conversion. The central question before us today is whether what the record shows constitutes limited deviations or something more. We're confident the evidence indicates there have only been limited deviations consistent with the intent of the supplemental stipulation throughout the first quarter of 2026 Liberty met the procedural obligations under the supplemental stipulation. The company filed monthly compliance reports with detailed performance data and explanations for any instances of deviation supplied to the staff. It provided again comprehensive documentation to support staff's independent review, and it cooperated fully with staff's analysis at every stage of this process. The results of that review speak for themselves. In January, February, March of 2026 99.998% of Liberty bills were in conformity with the agreed upon metrics of more than 466,000 bills issued during that three month period.

Commission staff identified only seven to 10 potential instances of nonconformance following their rigorous independent review of the underlying data, although not a metric for review, staff reviewed informal complaints filed regarding Liberty's Electric Service during the first five months of this year. Staff concluded that the number of complaints increased from the last five months of 2025 however, the number of complaints of this type is in part influenced by factors outside the company's control. For example, the number of high bill complaints show seasonal swings that follow temperature patterns. A comparison of complaints filed in the first five months of 2025 as compared with the number of complaints filed in the first five months of 2026 reflects that there has been a 60% reduction in the number of complaints filed regarding Liberty's electric service. Customer satisfaction data tells the same story of improvement in the monthly random survey conducted by Qualtrics. Liberty's customer service performance for Missouri Electric customers improved by 34 points in the first quarter of 2026 as compared to 2025 as a whole. The confidence that the company expresses today is grounded not only in its performance, but also, as mentioned before, the depth and rigor of staff's review, and the company wants to recognize that and acknowledge it directly. Each month, staff requested a random sample of 50 bills per billing cycle across all 21 of Liberty's billing cycles, representing a minimum of 1050 individual bills reviewed per month. Staff also requested and analyzed detailed raw billing data covering dozens of data fields for every single account billed each month, amounting to millions of individual data points for each month. Following each monthly submission, staff and Liberty met to work through detailed questions and clarify account level circumstances, so that staff had a thorough and accurate understanding of Liberty's billing performance. This was not a cursory review, it was exhaustive, independent, and demanding, exactly as it should be. Companies very appreciative of the time and focus staff brought to the matter, but as a result, the finding that Liberty achieved the agreed upon metrics 99.998% of the time is the conclusion that emerges from staff's own rigorous and thorough analysis. Liberty agrees with staff that limited deviations should be evaluated in context, not by number alone. What matters is whether the instances identified reflect system systemic failures are isolated non-recurring occurrences consistent with the plain meaning of limited deviations. Every instance identified by the staff falls into the latter category. Two customers who received 20 days to pay rather than 21 due to a human error and how the account was coded and has since been corrected. One account impacted by human error after events associated with the neighbors' house fire. One legacy account operating under long-standing billing arrangement, and four instances tied to metric 3(f) where staff provided an alter alternative interpretive framework in its final report to analyze individual billing cycles rather than monthly results had been done as had been done initially. None of these reflect a systemic defect in Liberty's billing systems or processes. To the contrary, all are isolated. Liberty has also made improvements in joint and collective account billing. Joint accounts are those that have multiple services at the same address on a summary bill. Collective accounts are accounts that have multiple services at different addresses on a summary bill. The commission granted the company a temporary variance, so that it could realign those customers' billing cycles to provide for a better customer experience. Staff's report refers to these as permittable deviations caused during the real realignment process. These customers previously experienced some of the most persistent billing issues, and these realignments are an important step towards improvement for those customers. Well, looking forward to some extent. We note that compliance filings for April and May of 2026 have been made by the company. These are certainly pending staff review, but we do believe that they show continued progress as there are no deviations identified in either month by the company, so as to the metrics subject to the metrics, we believe these improvements are durable, not temporary, and built on a foundation of aligned people, processes, and systems dedicated to delivering the experience customers deserve.

I'm going to take a slight detour at this point, in that there's a matter not connected to metrics that has arisen very recently, and as we have communicated to staff OPC and the Commission earlier today, Liberty has experienced a bill mailing issue that has led to duplicate bills being sent to customers between two billing cycles. Invoices generated on June 26th which is a Friday, were resent as a part of the June 29th and June 30th processing cycles, and as a result, we believe affected customers may have received the same invoice three times. Invoices generated on June the 29th were recent as a part of the June 30th processing cycle, and as a result, affected customers may have received the same invoice twice, the original plus one. This issue impacts multiple states. However, it appears these duplicate bills will go to over 12,000 Missouri customers, the majority of which are Missouri Electric customers. At this time, it appears the new controls that were put in place in 2025 did trigger an alarm. However, the human responsible for responding to that alarm, who was associated with a company vendor, did not take action as required. In response, the company is sending robo-calls to each of the impacted customers to explain the situation is providing customer question and answer information to its call center representatives, and a website notice will be posted, a minimum of those things. The company is conducting a root cause analysis and will continue to provide information is as more as known now. Getting back to the metrics and the subject of today's proceeding, the record before this commission can be some summarized simply. Liberty has worked constructively and in good faith with staff to meet every obligation under the supplemental stipulation. Provable improvements have been achieved with 99.998% conformity across all six metrics in the first quarter of 2026 and we believe there's no evidentiary basis to further delay implementation of the commission's previously approved revenue requirement adjustment. We recognize that this case has required a substantial investment of time and energy from this commission, its staff, the office of the public council, and every party at the table. The months of careful, rigorous review that staff conducted reflect exactly the kind of regulatory oversight that protects customers and holds utilities accountable. We're equally grateful for the constructive and collaborative spirit in which staff engaged throughout this process. Even where interpretive disagreements arose, they were handled professionally and in good faith. That's how regulation should work, and the commission has modeled it well. We respectfully ask the commission to find that Liberty has satisfied the requirements of the supplemental stipulation and authorize the approved rate adjustment to take effect without further delay.

THE COURT: Thank you, Mr. Cooper. Are there any questions from the commissioners? Chair?

CHAIRWOMAN HAHN: I do just have one question. I may have just missed it. Did you have numbers on the number of complaint, new complaints, or informal complaints filed, and complaints closed, and informal complaints closed?

MR. COOPER: I do not with me, but I'm sure we can supply that.

CHAIRWOMAN HAHN: I think that would be helpful as well.

MR. COOPER: And you were referring to, Chair, the informal complaints that are registered with the commission?

CHAIRWOMAN HAHN: That's correct.

MR. COOPER: Okay. Thank you.

THE COURT: Seeing none. Thank you, Mr. Cooper. We'll call up staff for their opening statements. Go ahead, Mr. Vandergriff.

OPENING STATEMENT BY MR. VANDERGRIFF

MR. VANDERGRIFF: Good morning, commissioners, Judge, people of Missouri. I am Eric Vandegriff, senior staff counsel with staff of the Missouri Public Service Commission. So, before we begin, I want to talk about what we are here to discuss for this on the record presentation, and that is whether the company met its metrics as set forth in the supplemental stipulation and agreement. Staff (inaudible) raise its position that the company has not. So let's level and let's talk about what these metrics are succinctly. Metric 3(a), the company agreed to eliminate initial and final estimated bills for service in compliance with the commission rule for metric. 3(b), the company agreed that for all accounts associated with the metered service that the company shall confirm that each meter associated with that account is attached to the account in the SAP for billing purposes for metric. 3(c) the company agreed that if -- that a customer's initial or final bill covers a normal billing period, normal being 26 to 35 days, and then metric 3(d) the company agreed that it shall not issue a customer bill of less than 21 days between the bill rendition date and the bill's due date. For metric 3(e) the company agreed to eliminate instances where bills were issued with a usage period of less than 26 or more than 35 days, that's the normal billing period. For metric 3(f) the signatories agree to acknowledge a variance in EE-2025-0065 concerning joint and collective accounts for realignments, but there the company did agree to demonstrate progress in reducing delayed billing by invoicing a bill nine or less days after a customer's (inaudible) bill date for no less than 99.7% of billing contracts and a given billing cycle. So these are the metrics they're mostly bound in the commission rules. Staff was more than reasonable in the expectations of what the company agreed to meet throughout the evaluation period of January, February, and March, and staff was further reasonable by not holding the company to a perfect standard, where the company could give staff any kind of justification, any kind of showing that this was out of the company's control. We recommended that those deviations and noncompliance, that those be considered permittable deviations, but make no mistake, they are still instances of noncompliance with those metrics. So, moving on to the period of noncompliance, we have 3(a) the one that I just talked about, that is the one concerning the eliminated -- the initial and final estimated bills and service for -- for January. We have two instances of non-compliance, and that continues on all the way to March. However, staff recommended that those instances of non-compliance be considered permittable deviations. Ultimately, it's the commission's decision to decide whether or not these deviations are permitted. This trend will continue forward because you can see in metric 3(b) that the company has zero to one instance in January, February, and one to two instances in March, and I can foresee reasonable questions on why is it zero to one, so let's explain. For the zero to one, we had a customer whose neighbor was involved in a house fire. For this particular customer, the company did what it should, and it turned off that customer's power. But then they decided to take the customer's meter, and then they closed the customer's account. The customer told the company, hey, I need power, essentially, and the company did return the customer's meter, but not the customer's account. And the customer was getting free service until the customer began a complaint, they began to complain to pay their bill, and after that the company reinstated the customer's account, and the customer back paid the bill that they were not being charged for before. Those are the instances of zero to one. Now the truth is for that metric 3(b) we said, 'Hey, we agree that the company will match their account to the account in SAP.' Well, technically, there was no account, it was closed. So on paper, maybe they didn't violate metric 3(b) but if they had an account, it was a violation. And we left this for you, the commission, to decide on whether or not this account as a -- as a deviation.

For the second deviation, this was a special circumstance where we had a customer -- or the company had a customer who had entered into some sort of contract with the company around 20 years ago. Now the issue with this is that this customer was in an area where they should have been given metered service, so essentially boiled down to customers were paying rates that were not approved in the company's tariff. Not saying that it was bad for the customer, but that was not the approved rate that the customer should have been charging. It's because of these two instances that we had zero to one and one to two deviations for metric 3(b). All right, so moving on to metric 3(c), we had two instances of non-compliance in January, and no more for February and March, but staff recommended that those two instances be permitted as deviations. Metric the company had two more instances of noncompliance, and

I'll reiterate, in February and March we had zero, so technically an improvement from there. In February and March for metric 3(d) they improved beyond January, but in metric 3(e) we have eight instances of noncompliance in January, 49 instances of noncompliance in February, and 1950 instances of noncompliance in March. Staff recommended that each of those be considered permissible deviations. If you have questions about those, I'm going to direct you to our expert, Mr. Tyrone Thomason. And finally, for metric 3(f) we had zero instances of noncompliance in January, one instance of noncompliance in February, and three instances of noncompliance in March, none of which qualifies for staff's review as a permittable deviation. So (inaudible) staff agrees with the company that the supplemental stipulation and agreement did not state anywhere that the company needed perfect performance, staff agrees there are situations, natural occurrence, justified occurrences where staff recommends that those instances of noncompliance be considered permittable. However, the commission, if you decide that they are not, staff understands. You asked about complaints, and staff does have those numbers here. In 2023 the company had 13 informal complaints. Per what we have here today, we have ‘24 -- in 2024 I think it was approximately 290 and 2025 -- We're in June, or I guess July now, and we're at 117 today. Now, once again, that's not a part of the metrics here, that's just for your information that the complaints are going on. So on January 14, staff was asked to maintain the same diligence that we had in the rate case here for these supplemental stipulations metrics, and we did, but I want to highlight something here. There are two other rate cases that happened from Liberty-related companies. You had Liberty Water, you had (inaudible) Gas, and we didn't know about all of these customer-first issues to the extent that we do today, until the Empire rate case. We depend on what the company provides, and that is still true for this evaluation. The company provided the information that we reviewed. This did not have all of staff the same way that we devoted our staff to in the rate case. So here, even with being reasonable, we have seven to 10 instances of noncompliance where the company did not provide satisfactory service and meet their agreement in the supplemental stipulation agreement, so once again we're here reiterating our recommendation that unless and until the company can meet its metrics for three consecutive months that the commission decline to allow the company to receive those new rates. We're confident that they will, the company has shown improvement in some areas, but we're here today about the metrics. Does anyone have any questions?

THE COURT: Thank you, Mr. Vandergriff. Are there any commissioner questions?

CHAIRWOMAN HAHN: (Inaudible).

THE COURT: I saw Commissioner Mitchell first.

COMMISSIONER MITCHELL: Sorry, chair.

CHAIRWOMAN HAHN: Sorry. The terms subject to minor deviation largely undefined in the stipulation agreement is undefined. What from your perspective, what was envisioned by that statement?

MR. VANDERGRIFF: So we -- staff did kind of touch on an idea of what a limited deviation is to a certain extent in our report. If you go to page, let's see, three in and you go to the metrics, we do go into what we believe -- excuse me, I'm rushing a little bit. I'm going to have to cut it, because now I'm going to have to read, and I don't want to do that, but what's -- well --

UNIDENTIFIED SPEAKER: (Unintelligible).

MR. VANDERGRIFF: Thank you. What you see -- I'll let you do yours, Nathan -- but to talk about our -- what we envision is, if the company can show that the issue was out of control, this is a natural instance that most utilities go through, then staff could say that, hey, this isn't a process issue. I want to touch back to the January 14 meeting once again, and there the commission spoke, and they said that the company had promised fixes from six months out, three months out, and that the company had not shown that anything was fixed, and that the commission wanted to see that there was something to show before the rates went into effect. Here, what staff did was go beyond statistical compliance, and instead we reviewed why the company failed to meet a metric, and if the company did have a reason, a real reason that -- well, staff did say that the metric should be permitted, but I'm going to punch you to our experts who can answer this a lot more clearly than I can. And you can reach out to Mr. Tyrone Thomason, who works in our customer experience team. You can reach out to Sarah Lange, who works in our tariff and rate design team. She's here today. And you can speak to Jay Lubert, who works at -- who is the manager of our tariff and rate design team too. And if you have any other questions for any other experts that you can think of, I'll try to make them available as well. But did I answer your question well enough?

COMMISSIONER MITCHELL: I think we'll get a chance to come at it again.

MR. VANDERGRIFF: Thank you.

JUDGE HATCHER: I'm sorry. If we could have the counsel for public council, please keep it down. We're hearing some of your conversation over here. Chair, did you have questions?

CHAIRWOMAN HAHN: I think I'll ask the witness.

JUDGE HATCHER: Okay. And Commissioner Kolkmeyer?

COMMISSIONER KOLKMEYER: Thank you, Judge. Good morning. You somewhere said 117 customer complaints, did I hear that in your opening?

MR. VANDERGRIFF: Yes, Commissioner. We have 117 informal complaints as of today.

COMMISSIONER KOLKMEYER: The staff does not, the company?

MR. VANDERGRIFF: The company has informal complaints. The customers have instigated informal complaints against the company, and we are aware of 117 of them.

COMMISSIONER KOLKMEYER: Were those customer complaints to the staff, to the PSC, or to the company?

MR. VANDERGRIFF: To the company. Thank you. Great question.

JUDGE HATCHER: Thank you, Mr. Vandergriff. Sorry, we do have one more question, Commissioner.

COMMISSIONER COLEMAN: It's a follow-up to clarify Commissioner Kolkmeyer’s question. We've been dealing with three months -- numbers from January through March, so is that 117 for the six months we've gone through so far?

MR. VANDERGRIFF: I believe it's for the six monthS so far. Well, we'll give that --

COMMISSIONER COLEMAN: (Talking over) witnesses. Thank you so much.

CHAIRWOMAN HAHN: Maybe for whoever testifies on that particular item, it might be helpful to know ones that are new in 2026 versus how many were still existing, carrying over from 2025. And how many have been closed in 2025 and how many have been closed in 2026, because that will really give us a better idea of how many have been new since January. That's what we're interested in.

MR. VANDERGRIFF: Thank you, Commissioners.

JUDGE HATCHER: And Mr. Williams?

OPENING STATEMENT BY MR. WILLIAMS

MR. WILLIAMS: Thank you. Nathan Williams, appearing on behalf of the Office of Public Counsel. May it please the commission. First thing I want to do is, everybody likes the term level set. You're not looking at this in a vacuum. You need to look at surrounding circumstances as well, and you've just heard some brand new ones. What the commission did was, as I believe Chair Hahn described it, a glide path forward for the utilities for getting a rate increase. The commission exercises police powers. It's not a contract. Now, it does create an expectation, but the commission still exercises its police powers and has discretion, great discretion, in doing so. Public Counsel agrees with staff that Empire did not satisfy the metrics. It agrees with staff that limited deviations are qualitative, not quantitative, and it shares staff's concern that some of the actions Liberty or Empire has taken to meet the metrics may not be permanent. Well, we have issues with the permanency and efficiency with those, as well as staff, but we also recognize that Empire might do, I'll call them stopgap measures, until it puts in place something more permanent in nature. There were questions about staff's view of limited deviations. I mentioned pages three to four. I was actually referring to staffs pleading, not its memorandum, and its staff's report filing. I apologize for misdirecting terms of not identifying which document it is, but staff use that quantitative quantity is too limited, and went with reviewing what was the causation, and Public Council agrees with that approach. I think I'll leave it at that. Other than, if you have questions for Public Council, we have Dr. Geoff Mark available to deal those. And well, one other thing. There was some discussion about the number of informal complaints. If you go to staff's memorandum in its report on page 13, there's a discussion about informal complaints, talks about 117 refers to a period of January 1 to May 20, and then in a footnote on that page, same page number 11 talks about 68 informal complaints from August 1 of 2025 to December 31 of 2025 for whatever assistance that may be with that, unless you have questions. I'm done.

JUDGE HACHER: Thank you, Mr. Williams. Are there any questions from the commissioners?

(No response.)

JUDGE HATCHER: Hearing none. Thank you. Appreciate that. Were there any other parties that wanted to make an opening statement?

OPENING STATEMENT BY MR. COFFMAN

MR. COFFMAN: Your Honor, yes, I just have something brief to say. If it would please the commission, John Coffman with Consumers Council of Missouri. We are largely supportive of the position that staff and the Office of Public Counsel have laid out, and my point would be that the -- for the most part, the metrics that we're talking about in today's proceeding mirror the commission's own billing rules. And so, these are rules that were put into place for all electric utilities to follow all the time as sort of a basic level of dependability as far as accurate bills go, and so when you're talking about deviations, you know, with like the 29 to 35 day rule, this was something that's been set down as sort of a minimum standard. And the way I understand regulation, or at least from my client's perspective, that one of the most important parts of regulation is to create an environment for monopoly utilities to act in a way that they might act if there was a competitive environment. So I think, you know, when you look at these, and the commission has obviously broad discretion to interpret stipulations that have been adopted as what they can, even in certain situations, waive your own rules. But I would ask you to look at this and say, you know, if some -- if a customer had choice and they had the billing mistakes and frustrations with multiple billings, and so forth. Would it be enough that they might shift to a competitor? So that's my -- that's what I wanted to contribute, and that's all that I have. Look forward to the questions. Thanks.

JUDGE HATCHER: Thank you, Mr. Coffman. Are there any questions for Mr. Coffman of Consumers Council?

(No response.)

JUDGE HATCHER: Hearing none. I appreciate that. Let's move to our first witness, that would be from the company.

MR. COOPER: Thank you, your honor. Before we call our witness, I just want to work through a little bit of an exhibit matter with you. I have identified the January metric filing, February, March, April, and May metric filings made by the company as Exhibits 1 through 5. I have an exhibit list that I can provide you that also cites to the the EFAs item number for -- for those items. We probably will not spend much time other than providing some foundation and asking for their admission, but I don't know if you have a different desire for how you want to proceed or any other way that you would want me to deal with that.

JUDGE HATCHER: Nothing comes to mind. I'll open up to other parties, because I believe that we're going to have several iterations of exhibits, but --

(No response.)

JUDGE HATCHER: Nope, I'm not hearing any objections. Your plan sounds good

MR. COOPER: Judge at this time we would call Ms. Amy Walt.

JUDGE HATCHER: Thank you, Ms. Walt. Please come on up to the witness stand, Ms. Walt, if you would please state and spell your name for our court reporter.

THE WITNESS: Yes. Good morning. Amy Walt, a-m-y w-a-l-t.

JUDGE HATCHER: Thank you.

(Witness Sworn)

JUDGE HATCHER: Empire, your witness.

MR. COOPER: thank you, Your Honor.

DIRECT EXAMINATION OF AMY WALT

BY MR. COOPER:

Q. Ms. Walt, would you go ahead and repeat your name for the record?

A. Amy Walt.

Q. And what is your current position with Liberty?

A. My current position, I am the Chief Administrative officer for Liberty.

Q. And when did you -- when did that become your position with the company?

A. As of the end of March.

Q. Now you've previously filed testimony and appeared as a witness in this case, haven't you?

A. I have. Yes.

Q. Do you have before you the documents I just discussed with the judge that have been marked as Exhibits 1 through 5.

A. I do.

Q. Do you recognize those documents?
A. I do.
Q. What are they?
A. Those were our filings as to our performance for each of the months.
Q. What time periods do each of the reports cover the exhibits? Exhibit one would be?
A. We have a filing for January, which covered January 1 through January 31. We have a filing for February again, including the entire month. Each of those filings also include detailed explanations of any deviations that we may have had during the month. And then we also have one for March again, entire month. We have April. And then May, explaining our performance for each of the six metrics, and then outlining any explanation of potential deviations that we felt like we had for that month.
Q. Now, was other information provided to the staff as a part of its review of these matters.
A. There was significant information provided to staff. We are grateful for their level of support and rigor. They had requested 50 bills out of each bill cycle. We have 21 bill cycles, so just that request alone was over 1,050 bills. They also asked for specific bills related to individual instances, so that meant additional information that was provided. We also provided a raw data file that included every bill that was

scheduled to go out for the month, and including multiple different fields associated with that data that resulted in over millions, about 9 million, data points per month that the staff reviewed and that we provided. And then they had additional detailed questions that would come up out of that data that was provided. And then they had sent us over specific questions, we would then research those and get that additional information back to staff. And so, very rigorous review, and appreciate the time spent on that

Q. Do you have in front of you a copy of the PowerPoint presentation I used in the opening statement?

A. I do, yes.

Q. Would you turn to slide four?

A. I can.

Q. Is that a good summary of the six metrics that are found in the supplemental stipulation that was approved by the commission?

A. Yes, it's a good summary.

Q. Now, in that same document, would you turn to slide nine?

A. I'm there.

Q. And would you agree that that's a listing of the seven to 10 non conforming instances that have been identified by staff?

A. That's correct.

Q. And those instances concern metrics 3(b), 3(d), and 3(f), correct?

A. That is correct.

Q. And there were no non-conforming items identified as to the other three metrics, is that correct?

A. Yes. Happy to say so. Yes.

Q. Let's start with the first item there, that's referred to as a single customer account erroneously closed following neighbor's house fire. Would you tell us what -- what is going on in that situation?

A. Yes. We had a situation in which there was a house fire, it was an emergency situation. When our crews arrived, they felt like for safety reasons they needed to remove the meter on the home that was next door to the home fire. And so in doing so it actually -- when you remove the meter, it shuts down the billing account. So, think about them as two different things. There's a meter out in the field, and then there's a bill that's in our billing system. So, when you remove the meter, it actually shut off the customer's account in the billing system at the same time. So, once everything was made safe, our field employee went back to install the meter. When they did so, they did not complete the appropriate work order that would then trigger the account to be set up in SAP and in our billing system, and so they completed the work. So, the meter was on the home, but there was no recognition within the billing system that that work had taken place, and so the customer did reach out to the call center in February and say, not receiving a bill, you know what's happening here. So, in that instance, the CSR is supposed to issue a ticket to our billing team, and then our billing team would investigate that and make the appropriate corrections. Unfortunately, our bill -- billing -- sorry, our CSR put in the wrong ticket to the billing team. They put in a, you know, can you just update my address kind of ticket instead of a, you know, hey, I need my -- I'm not getting a bill ticket. And so it was pending review by one of our billing agents. And so the customer called back saying, I still haven't gotten my bill. It looked like there was a ticket pending, and so the customer, in their frustration, not being able to get resolution, filed a complaint. When they filed a complaint with the commission, that complaint again comes back to the company. We did our investigation. We found that these issues had occurred, that the field employee had used the wrong work order, was, kind of, the root cause of this. And then we also have had where the agent put in the incorrect ticket, so we then were able to resolve the situation. The meter had been on the home, so we were able to actually get the read information from the meter, and were able to catch that customer's bill up. But yes, the customer did not receive their bill during those time frames. We have since trained, went out and spoke about the importance of completing appropriate work orders, understanding the meaning of your work order and how attached it is to SAP. Sometimes our field employees can get very focused on their job is to put the meter in and not think about all of the downstream impacts of when the work that they do then affects the bill, and then also did retraining of our agents to make sure that our CSR agents understood what are the various different tickets and what do they mean when they go into billing, so that they can ensure that they're utilizing the appropriate tickets. So a great learning opportunity for us to strengthen some of the controls that we need to have in place for our folks, but definitely some human errors that took place there in order for this customer to then receive an accurate bill from us.

Q. The second item on that list refers to a legacy account. Could you describe what is going on in that matter?

A. Yeah. So in that situation, we have a customer in which they had a very old agreement, we understand it to be at least 20 years old, in which they have a service that's just a feed to run one of their gas meters. So it's a unique situation, and so there was an agreement, again, over 20 years ago, in which we made an agreement with them, where we charged them a customer charge for this limited usage on running this gas meter. And when they were put into the system, they were put in under a gas service rate, so when you look at their account, it says it's under a gas service. A general services rate, which a general services rate usually should require usage associated with that particular account, and so it was designated with the incorrect rate type. And so the customer was getting an accurate bill, everything was accurate about the bill, but the designation within the system was inaccurately showing as a usage type rate. And so we have reached out to the customer to say, hey, we need to change your rate type, we need to put you on a unique rate type, so nothing wrong with your bill, your bill's accurate, but we need to put you on a rate type that is more appropriate for your circumstances. They since shared with us that they have reconfigured their system, and they no longer need the service, and so we're actually going to be filing out that service as of July. So that will no longer be an account of ours going forward.

Q. The next item on there refers to the two customers coded under Oklahoma company code in error. Could you describe that situation? Or those situations, I guess, plural.

A. I can. I can. So, as a customer calls in, and they're looking to set up an account with the company, it is on the CSR, our customer service representative, to set that customer up appropriately within our billing system. In this one circumstance, as the customer agent was setting up this customer, their billing address -- I'm sorry, their mailing address was Oklahoma, their service address is Missouri. So they were put in at a Missouri rate. Their bill is accurate, but we believe that given the Oklahoma mailing address could have caused some confusion for the agent, and so the agent put them in as an Oklahoma company code. So, what -- what that

means, and what happens there is that in Oklahoma, their net terms for customers, they give them 21 days to pay their bill from the time the bill is rendered till the time it is due. Q.
Excuse me, 20 or 21?
A. I'm sorry, did I say 20 days? If you're in Oklahoma, it's 20 days. And so their rule is, from the bill rendered till the due date, you need to provide your customer 20 days to pay your bill. In Missouri, from the time it's rendered till it's due, is required to be no less than 21 days, and so, meaning that the customer getting set up as an Oklahoma company code, the customer was given 21 days between the bill render date and the due date that's shown on the customer's bill was a 20 day period versus a 21 day period. So, the bill was accurate, the usage is accurate, all of that, but the number of days that is required to for the customer to make a payment was one less day for that situation, and so we believe that the agent was confused by the mailing address. The second instance of the Oklahoma Company Code, it's a little less clear as to how the agent made the determination to set the customer up on the Oklahoma code. Again, the rate code was accurate. They were put in as Missouri. Their bill is 100% accurate, but again, they were put in as an Oklahoma company code, which caused the customer to only have 20 days versus the 21 days we have in determining these two issues that occurred in January. We've since then created a control report that runs every day to look for any

mismatches where we could have this human error, where our agents could potentially be putting in a mismatched rate code with a company code and making those corrections, and then we also have a ticket in with our systems team to actually make it so that that's not even possible, where you can't even put in a mismatched, but still pending that automated control to be put in place.

Q. And just as a matter of explanation, and folks probably know this, but Empire District Electric Company does provide service in the state of Oklahoma, correct?

A. They do. Yes.

Q. In addition to Arkansas and Kansas as well, correct?

A. Arkansas, Oklahoma, yes. Iowa, other states.

Q. But the company Empire District Electric Company itself provides service in four states, correct?

A. Yes, that's correct.

Q. The next four items refer to the billing cycle issues, and let me ask this first. In preparing its reports, how did Liberty calculate the percentages that it reported for this metric 3(f)?

A. The company looked at the delayed bill metric that we're speaking about, how many bills were delayed beyond the nine days. We had a rigor that we had in place that we would look at this information every single day across each of the six metrics. We did a daily operating review, is what we called it, so the team would get together every day, and they would review these metrics using a cross-functional team. So our meter reading team was engaged, our operations planning team was engaged, our billing team, our IT team. They get together every day, and they review the results, and so every day we would look at the performance across the metric, so we could see what those delays look like each day. As far as the metric per reporting, we would then add up all day's instances of each day's instance for that month of how many delays that we had divided by the denominator, which is how many bills were expected to go out for that period and gather a percentage and determine whether we were above the 99.7.

Q. And on a monthly basis calculated in that fashion, did Liberty satisfy metric 3(f) in January, February, and March?

A. Yes, we were above the 99.7 for each of those periods.

Q. And to your knowledge, did staff agree that at least on a monthly basis Liberty satisfied the metrics or the metric 3(f) for those three months?

A. Yes. According to their report, they were in agreement with that. Yes.

Q. Did staff also provide then an alternative -- alternative approach to metric 3(f)? Is that right?

A. Yes.

Q. And there's staff report they have offered an alternative?

A. Yes.

Q.   And that alternative is to calculate a similar percentage, but to do it for each of the individual 21 cycles within the month, is that correct?
A.   That's correct. So we -- we take all of our customers and we spread each of them over a 21 day cycle, so each day there's a certain portion of those accounts that whose bill goes out each day. Yes.
Q.   And while we're on that subject, are customers evenly divided amongst those cycles?
A.   They are not evenly divided, especially near the end of the month. We have some very small cycles that go out the door.
Q.   And but this -- this individual cycle calculation is the basis for the four items that are shown on slide nine, correct, is nonconforming with three(f)?
A.   That's correct.
Q.   Now you said some of them are very small. What difference would that make in terms of calculating the adherence percentage?
A.   Well, if you're calculating a percentage, if the denominator is very small, then you can have very few bills going out the door late, and it could actually result in a lower percentage.
Q.   And is well -- let's start with this in terms of those individual cycle nonconformities that have been identified by staff. Would you agree with me that one of them -- well, first

off, we're -- we're measuring against 99.7, correct?

A. That's correct.

Q. And would you agree with me that one of those on an individual cycle basis was 99.66%?

A. That's correct.

Q. And another 99.67%?

A. Yes.

Q. A third 99.66%?

A. That's correct.

Q. Now, the fourth, 95.98%, is that one of those cycles that's relatively smaller than the other cycle?

A. It is. Most of those other cycles had anywhere from eight to 10,000, approximately, accounts in them. That particular cycle only had 1,418 accounts.

Q. Moving on to Exhibit 4, which is the April metrics report. Does that report identify any limited deviations that the company has identified and that need explanation for that month?

A. The company did not identify anything that required review.

Q. The report shows 54 deviations, I believe, in the invoices plus minus nine days category. What percentage adherence did Liberty achieve for this metric in April of 2026 on a month basis?

A. That would have been 99.97%.

Q. And you would agree staff has not performed any review of this report yet, has it?

A.   That's correct. They've just begun their initial review.
Q.   Looking at Exhibit 5, similarly, does the report well. First off, that's the May report, correct?
A.   May report, yes.
Q.   Does the report identify any limited deviations requiring detailed explanation for that month?
A.   It does not.
Q.   The report shows 131 deviations in the invoices plus minus nine days category. What percentage of adherence was achieved from May?
A.   That resulted in a 99.92%
Q.   And again, staff has not performed its review of this report, has it?
A.   That's correct. We look forward to their feedback.
Q.   Now, in the staff report, there's a discussion in regard to joint and collective accounts, and staff has described various bills associated with joint and collective accounts to be permissible deviations. Let's start with this. What -- what is your definition of joint and collective accounts?
A.   So, this is a joint and collective accounts. You can -- they're very similar. A collective account, the best example, or the easiest example you can think about, is that this is where a landlord can have maybe 50 houses, and they would like,

instead of having 50 individual bills, where they have to make payments on 50 bills, they just want to have one summary bill. And so we take all of those 50, we put them in a collective account, and so they get one summary bill. Joint, very similarly, is -- it's different commodities, so you could have a gas account, an electric account, a water account. And so instead of them having getting three separate bills, we would give them a summary bill that encompasses all of those commodities onto one summary bill for their convenience. So it's a -- it's a voluntary program for the company that we offer to customers for their convenience.

Q. How about -- I may have missed it, but how about the joint accounts. That differs slightly, doesn't it?

A. Yeah. The joint -- I'm sorry, maybe I didn't articulate that. The joint is the commodity differences, so if it's electric, water, gas, and you put those together, that's considered the joint. The collective is the landlord situation, where they could have multiple different houses.

Q. Now I believe those bills, over the last couple years, have been the cause of a number of complaints. Has the company begun to make improvements in this area?

A. Yes. When I arrived in June, I found that there was a significant number of our customers that are on these joint and collective programs across the Missouri region, and -- and the way that we had set up that process within the system caused a lot of confusion for our customers, and we weren't consistently deploying the process there either. So, just to give you an example of some of the frustration our customers were experiencing, so if a customer had the 50 bills, one of their reads could have been gotten at the very beginning of the month, on the first of the month, another read might have been on the fifth of the month, another read could be on the 15th of the month. Well, the bill would get held all the way till the very last day of the month, so the customer would get the bill and say, well, wait a minute. My read is over a month ago. Like, why am I getting billed just now? Over a month ago, why are that? Why am I seeing such delays? The other situation that they saw was, again, they could have 50 bills. One of the bills could have an issue where it kicked an exception, where we needed to do some manual work. In some cases, none of the bill would go out, all 50 bills would get, you know, that summary bill for all 50 accounts would get held, and the customer would get a delayed bill. They wouldn't receive any bill for the month, which was a significant frustration for them. Or in some cases we would actually separate that one account out, we would send them a summary bill for 49 accounts, and then as soon as this one got fixed, we'd send out another bill just for that one account, and they're like, why am I getting the summary bill, and I'm getting another bill. And so there was just a lot of instances of confusion around those, and so what we have done is we wanted to put together to change the system so that all of the meter read cycles, all of the bill cycles would align for every account that was under the collective. And so if a customer had the 50 accounts, same example, they would all get read on the same day, and the bill would get issued as soon as it's ready to go. So, there's no waiting, there's no, why is my read here, why do I have all these different read dates, everything's getting read on the same day. So, we aligned all of the bills to the same day. We also have the bill going out as soon as it's ready to go. Previously, the bill was getting held until the very end of the month, and so it was again creating confusion for customers. Why am I -- why is it waiting until the end of the month? And it had to be manually issued out the door. So the improvements that we're making is we had to go through and align all the landlord's 50 accounts onto the same bill cycle, the same meter reads gut cycle, and make sure all of that was the same. So, in doing so, that creates short or long bills for the customer the following month after you realign it, because you have to move their bill cycles around. So we explained that to staff how we wanted to make that improvement for customers, because we thought that would create less confusion, and we then filed a waiver that said, hey, we need to do this, and it will cause us to intentionally be out of compliance with some of these rules, but we believe it's the right thing to do to create a better experience for the customers, we had agreement on that. We filed the waiver, we got the waiver approved, and then that work was happening at the same time the metrics were being measured. And so some of those permissible deviations that the staff is speaking about in their report are related to this realignment activity, and you see them calling that out in their report.

Q. Has the company recently -- well, let me back up. Just as a matter of background, this joint and collective billing process, it's not something that's required by rule or tariff, is it?

A. Not for residential customers, no.

Q. And so it's something the company is attempting to do to serve the customer, correct?

A. Yes.

Q. Has the company recently filed for a permanent waiver regarding some aspects of the joint and collective account service?

A. We did. As we were working through this alignment activity, we did identify some situations in which, because everything's happening in real time, we have situations where landlords are also offered a program where the account is in their name. If a tenant moves in, it goes in the tenant's name, once the tenant moves out, it automatically comes back to the landlord's name. And so it's a -- it's a convenience again for the landlord, so that they don't have to keep calling us and switching the names back and forth. It will just automatically go in the land -- the tenant's name automatically come back to the landlord when they move out. So, while we were doing this alignment activity, of course, some of that was happening, tenants moving in, tenants moving out. And so in some cases when we were doing the alignment activity, a tenant had moved in, so now it's in the tenant's name. It's no longer a collective account anymore, because it's in an individual's name. And we still did the alignment activity, and so now this customer, that's now just an individual tenant, was outside of the rules. And so we now have applied for permanent waivers that would say if they're associated to this landlord, let's make sure that we can do that and understand that that's the right thing to do for the landlord who wants to be part of this program. So that's just one of the examples of the permanent waiver, but throughout this alignment activity we've identified those scenarios that needed a permanent waiver.

Q. Yeah. There was some discussion earlier about the informal complaints and staff's comparison of informal complaints received in the January 2026 to May ‘26 timeframe versus informal complaints that were received in the August ‘25 to December ‘25 timeframe, correct?

A. Yes.

Q. Do you believe that those are the track -- the correct timeframes to compare, if you want to compare how informal

complaints may be trending?
A. There's definitely seasonality that we're seeing in the complaints, and so I think that is not necessarily an apples to apples comparison when you think about complaints.
Q. So, would -- is it your position that a better comparison would be January to May of 2025 versus January to May of 2026?
A. That's correct.
Q. Let me ask this, because we didn't have the opportunity to speak after opening statement and some questions earlier. Do you know the number of individual complaints that were filed in that January to May 2025 timeframe?
A. Yeah. So I don't know the exact, you know, when it was opened, when it was closed, I've asked for that information, but what I do have is the number that was represented January through May 2025 through the entire month of May, going from January 1 all the way through the end of May. We, in 2025, had 303 complaints, and in 2026 we had 120 I believe. The 117 that's represented in the staff's report is through, I believe, May 20. So, it's we had a few more days to get to the end of May, so that's the difference between the 117 and the 120. So, that 303 to 120 would represent a 60% reduction in our complaints. If you just look, January through March, we went from 196 in 2025 to 84 in 2026. So, again, a substantial reduction in the number of complaints being filed with the commission.

Q.   And again, those are informal complaints, correct?
A.   Informal complaints.

Q.   Let's -- let's turn to the call center. In terms of calls to the call center or the service center, how many calls related to Missouri Electric did Liberty receive in the January to March 2026 timeframe?
A.   In 2026 it was 67,662.
Q.   And that seems like a high number. Is that unusual?
A.   It's actually a 22% reduction from 2025. In 2025 we had 82,748 calls, almost a 15,000 call reduction for Missouri Electric calls. I'm sorry, for Empire Electric, I should specify, because we can't call out just Missouri, so that's Empire Electric calls.
Q.   When we talk about calls to the call center, what -- what types of subjects can those entail?
A.   These can really be any call. So making a payment, setting up an account, a move in, a move out, transfer of service, payment plans, budget plans, really any talking about a bill, confusion around a bill, anything that a customer may need to speak with an agent about.
Q.   So can you break those out by category, specifically?
A.   It was difficult for me to break it down by category, but I did want to note that we had 22 instances of escalations in which a customer was feeling frustrated and saying, I need to

speak to a supervisor, I don't feel like I'm being heard. We had 22 instances of bill-related escalations -- billing-related escalations during that timeframe, and eight of them were associated with delayed bills, specifically one of the metrics that we're talking about here.

Q. One of the deviations or non-conforming situations?

A. Correct.

Q. How many years of experience do you have working in the billing area for electric utilities?

A. I have been doing this for 19 years.

Q. Do you believe that the nonconforming instances documented in regard to Liberty's January to March experience is of the type you would expect to see, where utility is generally billing 155,000 customers or more in a month?

A. Yeah. In my experience, again, I -- transformation is what I love to do. I come into utilities where they have been struggling and have been able to turn them around and be able to improve their performance at three other utilities before joining Liberty. I will say that the performance here that I'm seeing in the billing performance is very, very good. Usually, there's not this level of specificity in where we need to be, but it's really allowed us to bring some visibility, transparency, work through our controls, work through our end-to-end process. So, it's been very good to allow us to really harden our process. And so I think it's been a great experience for us to have, but the performance here, that the expectations of what we feel like is zero, you know, an expectation of really hitting every single metric for every single day in a -- in a company that there is just humans touching work orders, there's humans touching taking phone calls, there's lots of human intervention across the entire meter to cash process, and each person that's touching things can influence the entire process, and that is very normal across that meter to cash process for other utilities. And so that the expectations here normally, the metric I'm looking at at my other utilities has been greater than 30 days delayed bills, and, you know, we're super excited when that number gets below 1000. And so to be at nine days and only looking at a couple 100 is -- is very acceptable exceptional performance.

Q. Now, other than the metrics calculations, is there anything that gives an indication that customer service is moving in a better direction than it was when you joined the company?

A. When we talk about these metrics, and that was specifically your question, right? Was around these metrics? I think we absolutely have provable improvements and performance around these metrics. Do I believe, like, we're done improving? I absolutely do not. I think there's still improvements to be made across the system and continue to make improvements around our controls.

Q. How about random surveys? Have you performed any of those over the last year, year plus related to customer -- customer service performance?

A. Yeah. So in addition to just measuring these particular metrics, we really want to make sure we're regaining the trust of our customers. We know that we have a ways to go to re-earn our reputation and our trust in the community, and we've been doing a random sample survey out to our customers using a third party. The name is Qualtrics, very similar to a JD Power, you might be more familiar with that terminology, it's the exact same methodology as a JD Power, but it's using a company called Qualtrics. So, they do a random survey out to our customers. So, specifically for Missouri Electric, we've seen a 34 point improvement in our surveys from our customers, telling us that they see an improvement in our level of service. And so we've been excited to see that from a full year 2025 to a first quarter 2026, we saw that 34 point improvement.

Q. And is 34 points of improvement, is that significant?

A. What we hear from Qualtrics is that a 10 point improvement is significant, statistically significant, and so we believe that that is very good performance and good direction for us to be moving in from our customers.

MR. COOPER: Your Honor, at this time I would offer Exhibits 1 through 5 into evidence.

MR. WILLIAM: I object for lack of foundation. Only thing I've heard about the exhibits is that these were what was filed in the case.

MR. COOPER: Your Honor, I believe that Ms. Walt testified as to their preparation, her responsibility for their preparation, and provided a foundation.

JUDGE HATCHER: Mr. Williams?

MR. WILLIAMS: I disagree. I don't believe she has. It's up to the commission to rule.

JUDGE HATCHER: Thank you. You're overruled. The objection is overruled. We'll go ahead and allow the exhibits to be entered into the record. This is exhibit 1, 2, 3, 4, and 5.

(Whereupon, Exhibits 1 through 5 were introduced into evidence.)

MR. COOPER: Thank you, Your Honor. That's all I have at this time.

JUDGE HATCHER: Thank you. And we'll move on to cross-examination for Ms. Walt. We'll start with staff first.

MR. VANDERGRIFF: Thank you, Your Honor.

CROSS EXAMINATION OF AMY WALT

BY MR. VANDERGRIFF:

Q. First, I'd like to address metric, hold on, 3(b). You mentioned that there was two accounts in Oklahoma that were incorrectly coded, and for whatever reason they were given a 20 day term instead of Missouri's required 21 term, correct?

A. That's correct.

Q.But isn't it true that there's 133 total accounts throughout Liberty's various states that also had the same issue during this evaluation period?

A. That is true. As I mentioned, we run a report where we're identifying any of those mismatches, and when we determine -- when we found this issue, we ran that report that identified the 133 accounts, and those accounts have been corrected. And then we continue to run that report on a daily basis, looking for any new situations in which our CSR, customer service representatives, may have inadvertently put in that mismatch, so that we can continue to make those corrections, so that they do not impact our customers' billing.
Q. I'd like to move on to metric 3(f) now. Here in metric 3(f), I'm not going to read the whole thing, but it says that the company shall demonstrate progress in reducing delayed billing by invoicing a bill nine or less days after the customer service customer bill date, no less than 99.7% of billing contracts in a given billing cycle. And does that match your recollection?
A. It does.
Q. So the company agreed that meeting the metrics was based off of the billing cycle, not the total month, correct?
Q. So the way that we had talked about it is that each bill, each customer has a bill cycle, and we need to ensure that that

customer goes out according to their bill cycle, but not that the metric would be measured according to each of the 21 bill cycles. It was more about, does the customer's bill need to go out according to their assigned bill cycle, and that's been how we're counting the nine days. And so that's how we had talked about it, and that's how we've submitted our reports since January.

Q.   So with staff's interpretation of the metric as we provided by the billing cycle, would you agree that the company did not meet the metrics for the evaluation period if the Commission reviewed the data by the billing cycle instead of the total months?

A.   I believe when I look at the percentages, what we were being held to was 99.7, is the definition of the metric, and when I look at the three -- three of the instances, they're at 99.66, 99.67, and 99.66 which all three would round to 99.7. So I would think those three, given that we weren't going out decimal points, would actually make the metric. And then the last one here I would view again as a limited deviation, knowing that the foundation or the denominator, there is a very small bill cycle of only 1,418 accounts there.

Q.   Now is joint accounts, and all of this, is this a new process for Empire, or is this something that the company has been doing for years?

A.   That we've been doing for years, yes.

Q. And that's prior to the agreement -- to the supplemental stipulation and agreement, correct?
A. Correct.
Q. So -- so it's accurate to state that you knew that these accounts were out there when you agreed to meet these metrics?
A. We did, and at the same time we were working through the alignment activity. Yes.
Q. Thank you for your responses. No further questions.
A. Thank you.
Q. Excuse me. One more. All right, I got another question.
A. Sure.
Q. Has Empire made changes to how it calculates any of the sets metrics since 2024?
A. Since 2024?
Q. Since 2024.
A. I think that, through our conversations with staff, we've definitely honed and gotten very specific around whether or not you include, you know, contract, you know, what level do you do it, do you do it at the account level, do we include all of the children, do we include parent accounts, when we think about the collective accounts, how did we want to factor those in. And so I guess it's difficult for me -- for me to say. I'm not sure exactly how we were measuring them in the past. I know we've submitted a data request that used this specific definitions that we're using here today, and we did the math all the way

back to 2024 to show that there has been significant improvements in these metrics going back from 2024 to 2026. And so I think we've -- we've redone the metrics using this exact same methodology to demonstrate that there has been significant improvements.

Q. So you acknowledge that there has been changes. How recently was the last changes?

A. Sorry, I'm trying to think about each of the metrics, if there was any specific changes to them. I -- I would say the only one is the metric 3(f), the timely bill delivery. When we submitted our original report in January, we were including all contracts, is the way I will say it. So, in this situation, where the landlord has the 50 accounts, it -- we were counting all 50 of those accounts in our initial submission, versus just the one summary bill that goes out to the landlord, for example. And so we had a discussion with staff on that, and we staff said, no, we would prefer that you just talk about what bills need to go out the door, not every individual child, because they don't actually have a bill going out the door, just the summary bill goes out the door, and so we changed the methodology from counting every single child account, is what we call each individual of those 50 accounts, to just the parent account, which is the summary bill, and we only count at that level. And so that was a change that was -- that we talked about, and it moved in that direction going forward for January.

That's from January on. That's the only situation that I can think of where we've changed a definition, and that was through conversations with staff, but happy to have my memory corrected if you feel differently.
Q. All right. Thank you. No further questions.
A. Thank you.
JUDGE HATCHER: Thank you, Mr. Vandergriff. Before we move on to other parties with their cross-examination, I just wanted to let everyone listening know that we will be looking to adjourn somewhere between now and 1:30. It's currently one o'clock. The commissioners will be taking a 30 minute break for a very quick lunch. They've been down here since 11 with agenda. We also have our court reporter online. We want to make sure and take care of her, so if there's a natural breaking point before that, we'll take that. Otherwise, we will end at about 1:30 and take a break and come back with that. Mr. Williams, your witness.
CROSS EXAMINATION OF AMY WALT
BY MR. WILLIAMS:
Q. Good afternoon, Ms. Walt. How does Liberty establish a customer service address in Missouri?
A. How do we establish a customer service address?
Q. Yes.
A. So the customer will call in and let us know where their service is going to reside, and we will put that -- the CS --

the customer service agent will put that into the system.
Q.   Didn't Liberty recently replace a large number of its electric service meters in Missouri?
A.   Replace them?
Q.   Upgrade to AMI meters?
A.   Yes, yes.
Q.   And do you have the GIS information for the location of each of those meters?
A.   Got me a little out of my expertise here, but I do believe our GIS system has that -- it's not in -- I don't believe that information is in our billing system, but it is in our GIS system, I believe.
Q.   During opening, counsel for Liberty said that Liberty's had multiple invoicing issues in July of this year. Do you recall that? I think it was July, not June.
A.   Yes.
Q.   Are you familiar with that issue?
A.   I am very familiar with that issue, yes.
Q.   Would you explain what it is?
A.   I will, yes. So in June 26 of this month we issued our customer's bill -- so we have a third party who does our print process, and so a file goes from our billing system out to our vendor, in order for us to do billing, so that file went out on June 26 to our bill vendor. Bills were printed, things were good. What's supposed to happen is that file will then go into

an archive within our billing system, and that basically notifies our billing system that the process is done. What happened on June 26 is that archive file did not get saved, and so what happens when that occurs is that the billing system will say, oh, something must have failed. Let me send that file again, because it looks just looks at the archive and says, is this here? If it doesn't see the archive, it will send another file. So, on Monday, the 29th the system looked, the archive wasn't there, it sent the 26th file again, and so that -- those customers received an additional copy of their exact same bill. And then it did it again on the 30th, and so those customers from the 26th would have received their appropriate bill on the 26th but then would have received a copy on the 29th and again on the 30th. And then, again, on the 29th when we went to do that bill cycle, that bill went out accurately, same thing, it did not archive, and so those bills went out again on the 30th. I understand that there was an issue similar to this sometime in 2025 where multiple files were going out. So we did put in a control on the system to alert if any of this doesn't archive or there's multiple files or anything like that. The alert did occur. The alert flashed on the 26th when the file did not archive the alert, alerted, but our employee -- that I'm sorry, our vendor employee, that's responsible for monitoring those alerts, did not take the appropriate action. We're still working through our RCA to understand exactly why that action did not take place. And then they were alerted again on the 29th when that file did not go out or didn't archive again as appropriately, and those bills also went out on the 29th accurately and then on the 30th, though, went out again. And so two alerts that should have been addressed by our vendor person there, but again we are responsible for our vendor, and so in the spirit of transparency, we really wanted to make sure that folks understand that those issues, you know, still have some human errors there. Working to tighten those controls as we go forward to ensure that there's responsibility and accountability as those alerts needing to be monitored.

Q. If I understood it was a 26th and then 29th that you didn't get archive files, that correct?

A. That's correct.

Q. Do you know why they weren't archived?

A. We do not have that answer yet. That's part of our -- we just were notified last night of this issue, so there's still work underway for us to understand what happened for our customers, and we are going to be issuing a robo call out to those customers that were impacted to make sure they're informed. We're putting a notice on our website to make sure that customers understand that those bills, although accurate, should not be -- they have no responsibility to pay those extra bills that they may see coming through the mail. And then we are also making sure that our customer service representatives have strong talking points to make sure they understand how to communicate to customers in those circumstances.

Q. My recollection was in the past when you had a similar multiple invoicing problem, a lot of times people were getting differing bill amounts. Is that the case here, or are they just -- well, I shouldn't say just -- are these multiple invoices for the same amounts?

A. It's the same amount in exactly the same information, so same due date, same dollar amount. Yeah, so the bill's going to literally look exactly the same when it comes to the customer. It will look like a copy of that original bill. So we're very disappointed that we will, you know, as we're trying to regain the trust of our customers, we understand that this is not where we need to be when it comes to serving our customers, but we're going to do what we can do to ensure our customers are informed, and -- and we can really make sure that they have the information to know that this is not something that we find acceptable, and certainly not their responsibility.

Q. Do you agree that the Commission's goal, in part, with well -- Commission's goal with regard to customer service is that the company continue company Liberty Empire continue to improve, do you agree?

A. Yes.

Q. I'm curious about this gas meter service that you said is about to end, at least as it's currently being done. Was that

on tariff service before, where you got the -- those, no usage billings?
A.   I'm sorry, was that what?
Q.   You talked about gas meter service flagging for no -- it was just the customer charge that was being charged.
A.   It was, it's an electric service, but it was providing service to the customers gas meter.
Q.   I guess I wasn't clear.
A.   (Talking over.)
Q.   Yeah, I understood. Okay, I'll try it again. Empire's giving electric service to serve a customer's gas meter. Was that an on tariff service? You talked about it being a negotiated rate.
A.   I don't know. I'm sorry. I don't know if I'm not familiar with on tariff service.
Q.   Which rate -- rate code would it be served under? What rate was being applied?
A.   We were looking to assign it to a unique situation. It was a specifically negotiated rate for this particular service that was provided to the customer.
Q.   My question is, where's Empire's authority to specifically negotiate a rate with that particular customer? If you don't know, you don't know.
A.   Yeah, I can't answer that.
Q.   Are billing addresses and service addresses separate in

your systems?
A. Mailing addresses and service addresses is what's in the SAP system or the billing system.
Q. So is a mailing address a billing address?
A. Depends on how you're defining billing address, but a customer can say, I would like my mail to go here, like we had the situation with the Oklahoma customer, right? They wanted their mail to go to Oklahoma, but their service address was a Missouri account.
Q. Thank you.
A. Thank you.
JUDGE HATCHER: Thank you, Mr. Williams. Now we'll go to MECG and Mr. Lyskowski. Any questions?
MR. LYSOKOWSKI: No, Judge. Thank you.
JUDGE HATCHER: Thank you. And next, Consumers Council of Missouri. Mr. Coffman, any questions?
MR. COFFMAN: Thank you, Judge. I have no questions.
JUDGE HATCHER: Thank you. Commissioners, our question is, if we want to answer -- let's go ahead and do commissioner questions first. Chair has questions, go ahead.
CROSS EXAMINATION OF AMY WALT
BY CHAIRWOMAN HAHN:
Q. Ms. Walt, good afternoon. I guess, generally, it's a good thing when we're disputing metrics over 99% compliance, so just preface that, but I do have some questions about the metric

interpretation definition change for 3(f). So there is no 3(f) noncompliance determinations for January. It only begins 3(f) violations in February or March. Can you tell me when staff modified the definition of 3(f) noncompliance, or the calculation?
A. The first we were made aware of that was in the staff report filing.
Q. So it was -- I'm trying to look at the staff report filing after January, then?
A. It was in the June timeframe, was when staff filed their report, it was June 8th of 2026.
Q. Okay. So Liberty was calculating it with all bills going out for the month, for January, for February, for March?
A. Correct.
Q. The company was assuming compliance because you were using all the bills going out that month as the denominator, and those over nine days as a numerator?
A. That's correct.
Q. Okay. And you found -- and you found out that staff was calculating it differently in June or prior to June?
A. Only in the June 8th report.
Q. Okay. That's helpful. I do have a couple other questions. There were there was some talk about counts closed erroneously. We've had some discussion of that today, where the customers maybe don't receive bills for several months, because there's no

account in the system. In their rate case, there was a customer arrearage forgiveness program set up, and I have the status reports for that arrearage program. I am curious as to -- I know that it is a collaborative of all the stakeholders involved in the case to roll out that program and your assessment. Why has that program not started? Because I think that it could be helpful for some of those that maybe not to their own fault, hadn't received bill for months. Can you help me understand that?
A. Help you understand?
Q. Why the arrearage forgiveness program has not moved forward.
A. We have submitted proposals for how we would envision that working. We were anticipating that 8.5 million program would take place in conjunction with the approval for the rate adjustment as it goes forward. We're still pending additional feedback from the parties in order to finalize an approach. In order for us to be able to use the 8.5 million in our approach, or our recommendation, we're actually recommending that we take a portion of those funds to use for customers that are in situations where potentially they get disconnected and need to get restored, so how can we make sure that they have that we have funds available to help those. We could also use it for situations where there could be, you know, where something could have happened, and, and they're in a situation where they're

receiving multiple bills. If there is a situation where they are receiving multiple bills, we do make sure that they're offered the payment program for the same number of months in which they were missing their bill period, so that we can spread that bill over a period of time, so that it's not that the three months is due as soon as they get the bill, it's spread over a period of time to help support the customer in their payment.

Q. Thank you. I think I recall from the rate case that there was over 15 million in arrearages, customer arrearages. Do you know the customer arrearage amount at current?

A. It's believe -- we're off top my head, but we just recently looked at it. I believe it is -- we were looking at the over 90 day balances, and that number is closer to 18, 19 million at this point.

Q. Thank you.

A. That’s for all customer classes, commercial, residential, and large customers.

Q. Okay. In staff's report, they warn a lot about the amount of manual labor that has -- it has taken to accomplish their performance metrics, and generally about the sustainability of that manual labor over time. Can you just talk about the amount of manual labor it takes now to meet these metrics? If you've made system changes to reduce the amount of manual labor it takes, just generally talk about that.

A. So, I would say there's been an evolution, so this -- this is really about, you know, the controls are a way of operating. That's normal for us to have billing controls, and so we're continuing to add those, where appropriate, to make sure that all of these exceptions are transparent and visible to us before they get to the customer. I don't want our customer to be our quality control. I want us to catch it before it happens. I have not added staff to achieve these metrics. We've been able to achieve them with the existing staff that I have. Are they putting in a lot of hours and a lot of hard work to get there? Absolutely. We have a lot of rigor across learning the end-to-end process. The more that we're getting people engaged and education is happening, so that they have an appreciation of the end-to-end root cause of the handoffs that occur in the process, and so that is paying dividends. The fact that there's an appreciation of a full process versus their own pieces of the process, so, so, yes. Initially, I would say that that education piece is going to have to, you know, continue, and there's folks going to have to continue to be educated on that. That's pretty normal across the utility. I don't view that as being just because of these metrics. I think that's just a normal course of business to continue that education, and then, as far as the controls, we're continuing to automate, you know, the example I gave about the mismatch for Oklahoma versus Missouri. Right now, I have a report being ran every day, we're going to put that into the system to allow that to, you know, never to be able to be allowed, so we're looking for those opportunities to make this a more -- an easier process. I will say that there has been significant time and rigor of, you know, just providing the data to staff and working through the detailed questions and answers that are required for each individual circumstance that staff has been doing in their rigorous review, but again, we really appreciate their time in doing that as well. But that is really where there's been significant time. And then there's also just, as I've been on the stand talking before, is around data and just really heartening how we get data out of our system, and how do we do it in a very consistent way. That is all currently being automated and currently being worked so that data can be delivered accurately, timely, and consistently, and so that's that work is underway, and I believe that will continue to help us to make this a more efficient process as well.

Q. Thank you. And the last is just a comment, not a question. We also have Qualtrics at the Public Service Commission call center, and we can monitor our performance, and it is the extremes that people are very happy, or they're not happy at the end of a call, and they're those are the most likely folks to take the survey, so 34% improvement is very significant, so applaud you on that work.

A. Thank you.

JUDGE HATCHER: Thank you, Chair. Any other commissioner questions for Ms. Walt? Yes, Commissioner Coleman.

COMMISSIONER COLEMAN: Thank you. I know, Judge, you said you wanted to break at 1:30. So, if you don't mind, what I'd like to ask now is a question to help me mull over some things during our lunch break, and then I'll come back with hard ones.

JUDGE HATCHER: Okay.

COMMISSIONER COLEMAN: Okay.

CROSS EXAMINATION OF AMY WALT

BY COMMISSIONER COLEMAN:

Q. So, based on conversation that we've had so far this morning about issues, not only regarding billing, but the situation with the customer whose meter was removed, and the -- the lack of system input from the person who installed it to get it to billing. It makes me wonder about the level, the caliber, the numbers of employees that you have, not only in customer billing but also those that are out in the field. So I guess my question is, do you have a fairly new workforce? Is that the problem, that people have not yet been given -- given the training that they need in order to properly do their jobs? Or is it more from a standpoint of changes that have been made that they've not yet been brought up to speed on?

A. Yeah, that's a fair question. I would say it's probably a little bit of both. On the call center side, we have had significant attrition and turnover, some through our own quality standards that have been raised around the level of service that we expect to our customers, and so we continue to ensure that our agents are meeting our -- our quality expectations, and so there has been turnover in our call centers. And so, when you think about did they file the right ticket with billing? Yes, we have a lot of new agents that we're doing refresher training, and we're out there really trying to make sure that our agents stay educated. As far as the -- the field employees, I feel like that's not so much of new employees, but more, you know, their -- their focus is really when I get to that home, how do I make sure that I get the power back on? They're not thinking about what is the, you know, do I complete this work order then what happens in the system. That's just not, you know, where their heads were at. Their heads are on like, how do I take care of this home while I'm here? How do I make sure it's safe? How do I make sure the connection is good? And so I think their mindset was really more of a field oriented and not really understanding the system connections to what they're doing. And so that's really just been more around an education and an appreciation of, you know, yes, you need to do what you're doing out in the field to stay safe and make sure our customers stay safe. But you also need to understand where, you know, that work order goes and how your actions impact the customer billing. And there's been, you know, I'm actually incredibly happy to say that they attend our, you know, the leadership of those teams attend our daily huddles every single day, and they said, oh my gosh, we've learned so much, right? And they're taking that information back, and they're educating their teams, and they're building new dashboards for themselves to get additional information around the performance of their team. And so I think it's more of just you know opening up their eyes to this end-to-end process is what we all need to make sure we have an appreciation for, and that there's controls and communication happening along the process, and that is really what we are doing through these metrics and through just improving our performance is making it transparent of what does it look like from an end-to-end process, and how do we get to the root cause of what's happening, and then how do we educate, how do we improve the training. How do we improve the people, process, and technology around that root cause so that it doesn't happen again. But in human error, it means you got to just kind of repeat that training, repeat that message to our employees. And so, I've seen, you know, you see the performance. We've definitely seen where they're understanding those connections now, but there is going to continue to be human errors. I mean, I just think that's in the complex business that we're in. That's not unusual to see. I've seen it everywhere I go, but and that's why we need these robust controls within our systems to identify them. And as long as they can stay limited, and we can maintain sure that we're maintaining them, and we're getting transparency to them. That is really my goal: is making sure we have the transparency to it, so that we can react at a root cause and make sure that we're hardening the system, the process, the people as we go forward.

Q. Are you all working at making sure that you have the people in your company that are competent enough to do the jobs, because regardless of what a person is focusing on in the field, obviously they have been informed that you remove this meter, you install a new one, you attach it to this, you then follow through with the process to make sure it's connected in the system the way it should be. So the fact that they're focusing on something does not impress me. That's not, to me, a good excuse. They need to do their jobs. They get paid to do their jobs. So, when you -- so what type of metrics are in place and evaluations to make sure that you're weeding out those who aren't able to do their jobs, not only in the field but in the customer service, your agents, as you refer to them?

A. Yeah. So there's multiple tiers of that. I think just starting with, you know, just to back up all the way to the top, right? Rod West came in last year. He brings a significant amount of utility experience, operational experience, and so the bars and the standards and the -- the education that he's bringing to the organization and the focus that he's bringing has been tremendous. He has completely revamped his entire leadership team, myself being one of them. We also have a new chief operating officer. We have a new chief financial officer. So just again, substantial changes to the leadership team that's bringing in utility experience, so that people understand what good looks like, and we can really drive what does good look like throughout the organization. And then each of us are making those appropriate changes within our own staff. So for me, for example, I've brought in new folks that are focused on data and making sure I can have consistent, transparent data because I believe if I can't see it, it's very difficult for me to take action and understand how to support my teams. And so, bringing that transparency to the end-to-end process through metrics and data is critical for me. And so, the new folks I've brought in is driving that team. I've also brought in a new leader over my contact centers and over my digital channels, so that she brings a utility experience. We're putting in new quality standards, new refresher training. We just rolled out a new interactive voice response foundation for our customers, as well as new telephony across the board, and so we're making those foundational changes that are needed to support our teams and making sure that they have that education and understand the rigor around what is needed from a utility perspective. And each of the leadership is doing that. Our chief operating officer is looking at that leadership team as well, and looking where we might need to bolster up knowledge around how to provide for strong utility performance and putting those metrics in place. I'm in the process, as we speak, of creating a dashboard for the Rod West and his entire leadership team, so that we can understand where performance is across the entire company and what that looks like, and where we should be focusing our attention. And so there's a lot that's happening across the organization to add that rigor, not just on these -- excuse me, not just on these six metrics, but really just, you know, foundational back to the basics performance monitoring and expectations for our employees.

Q. One last question before the break. You mentioned your agents losing some of them through attrition. How many people do you have in your call center that -- first of all, is the center the call center in -- I'm trying to remember the town. Aurora, by any chance?

A. It's in Joplin.

Q. It's in Joplin. How many are employed there?

A. I don't have an exact number for you, but it's approximately 40 folks are there.

Q. And are you -- at that number -- do you have a high number? Like, say your goal is to have 50 agents and customer service. Are you meeting those numbers right now?

A. We're meeting the numbers right now, but it does fluctuate. It's like anywhere from seven to 10 folks at any time are in a training course going through training because we do have higher levels of attrition at that center.

Q.   Okay, thank you.

A.   Thank you.

COMMISSIONER COLEMAN: Judge, I'll start out when we get back.

JUDGE HATCHER: Excellent. thank you, Commissioner. You heard the announcement before. We'll go ahead and recess for a very brief lunch. We will reconvene at 2:00 p.m. That's a little over 30 minutes from now, and we're at recess.

(BREAK)

JUDGE HATCHER: Let's go back on the record. and we are continuing with the commissioner questions for Empire witness, Amy Walt. And just for the record, this is case number ER-2024-0261. Ms. Walt, you've been previously sworn in. That still applies, and we will return to Commissioner questions. Commissioner Coleman?

COMMISSIONER COLEMAN: Thank you, Judge.

COMMISSIONER COLEMAN: (Continuing)

Q.   So, Ms. Walt, I'm -- let me start with this. So our Consumer Services department tells me that since January and through June, it's a little different than the matrix of January through March, they've received 141 complaints from Liberty customers. Now that's twice a three month period in question, as noted, but a bigger sample, I think, gives a more accurate picture. Now, of those 141 complaints, 101 involved billing, that means 71.63% of the complaints the commission received from Liberty customers are about billing issues. How does that compare with the calls you get regarding billing?

A. I don't know. I don't know exactly how that compares to the calls. I do know --

Q. Or call slash complaints.

A. Oh, the complaints. I will say that there is definitely a seasonality to the complaints at the beginning of the year, especially in the January, February, March timeframe. We do tend to see high bill complaints, so there's nothing wrong with the bill. The rate is accurate, the bill is accurate, but customers do tend to be surprised when the weather gets colder, their bill goes up. There's some customers who have a difficult time understanding, you know, when you turn that thermostat up, or even if you leave this thermostat the same, and the weather is colder outside, it costs more in electricity. And so, though, at the beginning of the year, we do tend to see a higher number of what we would designate this billing complaints, but they're not necessarily billing issues. And so when we compare again, what I have is the January through May, that 2025 to 2026 so a very similar timeframe in which it would have that seasonality in there, we're seeing that 60% reduction in complaints coming through to the commission,

Q. Does the company have any benchmarks that allow them to compare the number of complaints you get to other companies that service Missouri customers, or any that's in the states that you all are -- are providing services?

Q. Yeah, I've just recently signed a commitment with a company called First Quartile. They are an industry standard benchmarking company that does benchmarks across the utility, where the utilities participate with them, they submit their data, and then you can actually see where you fall from a quartile perspective. I just recently engaged with them, and so, excited to start to see how we do compare. I will say that when I look at our complaint numbers, just in my own personal experience of doing this at other utilities, I will say that our complaint numbers and how many we're receiving is still high, and I do reflect that to be, you know, our customers have -- have been, you know, experiencing a difficult time with us, and so it's going to take us a while to regain their trust. And so when they see anything that they feel like could potentially even be out of the ordinary, you know, they're filing complaints. They would like someone from a third party perspective to take a look at them, because they're just continue to feel, you know, they've -- we've lost some trust with them. And so it's really on us to continue to regain their trust by continuing to perform and continuing to answer their questions, but I would say in my experience these complaints do still tend to be on the high side from what I would like to see them.

Q. And I'm particularly interested in those, the numbers, the companies that are using customer first, you mentioned the name of some company a moment ago. Something first or first something?

A. First Quartile.

Q. Okay, but are those benchmarks? How did they go across the board with those that are using customer first billing?

A. So the way that the company -- the way that First Quartile operates, is it's they don't give you the names of the companies. They, you know, it's confidential, and so I can see what quartile I am against the companies, and if I asked them, like, hey, can you give me permission to talk to this First Quartile company, because I want to see how they do things, they can, you know, facilitate a conversation with a First Quartile company, so I can learn their best practices. But I don't, you know, in their results of the data, I wouldn't be able to see the names of the companies or know specifically which system, you know, whether they're using SAP or they use an Oracle or a different type of system.

Q. Okay. So I guess the big deal, of course, naturally is the billing issue. So I think when we look at that number, the numbers of complaints that we've received here, which has been 141 complaints from your customers, 101 of those involve billing, that's over 71% of the complaints that we've received.

How can you be confident that you are indeed solving billing problems? And why would it still be at 70% if we're not having those issues?

A. Yeah. We take every complaint very seriously from our customers. We really want to make sure, again, we're regaining that trust, and so each one of these complaints is investigated thoroughly by our team, and we write up a response as to what's happening with each of these circumstances, and we use that to learn, and so we've actually been bringing every one of these complaints comes into our daily discussion around our performance against the six metrics that I mentioned. We have this daily call with this cross-functional team, the complaints team that we have within Liberty. They come on that call and they talk about any new complaints that come in, any open complaints that are going on. What is the situation, so that the entire cross-functional team can learn about what's happening with that complaint, and we can make sure it's incorporated into our root cause planning, our training, our system updates, or whatever, whether it's people, process, technology that the customer experienced during that, that caused that complaint, and we take that, and we factor that in as we're working through our root cause analysis around what actions need to happen to ensure that the customers don't experience whatever the circumstance might be for that complaint. And so, we just started incorporating those complaints in the February timeframe that we included the complaint team into that daily call, and so they now have become part of that rigor, so that we can drive these to root cause and not continually to see, you know, issues arise again.

Q. Thank you.

A. Thank you.

Q. I think I'll save my others for staff. Thank you very much.

JUDGE HATCHER: Thank you, Commissioner Coleman. Are there any other Commissioner questions? Commissioner Mitchell, go ahead.

COMMISSIONER MITCHELL: Sure. Thank you, Judge.

CROSS EXAMINATION OF AMY WATT

BY COMMISSIONER MITCHELL:

Q. I still have a bit of confusion in my mind about the calculation methodology for compliance with 3(f). And my -- my question is, it sounded like I heard that you were making these monthly submittals to staff with that calculation based as it is shown on your Exhibit A?

A Correct.

Q. And as that was progressing through January, February, March, did you feel that there was some concurrence that that was the correct methodology?

A. I did.

Q. Was -- was there discussion with staff as you submitted

those reports at that time?
A.   We've received numerous questions from staff that was not one of the questions that I received.
Q.   And I want to make sure I understand what you said a little bit earlier. At what point in time did the company realize that there was a difference in the thought process on how that calculation would go?
A.   When we read the June 8th filing is when we saw that the staff was putting forth an alternative. We did see in the report that they, they did offer both alternatives, they said, you know, here's one way of looking at it, which is by the individual 21 bill cycles, and then they also offered, or you know, it could be looked at by the total monthly view, like we have been looking at it. So they kind of offered up both of those views in the report, and so that is when we saw that come through.
Q.   It was the first you heard of it?
A.   That's the first time I've seen that that's the way that staff was thinking about the measuring that metric that way. And I would say we did see the January, you know, we had asked staff for some early insights into, you know, how we were performing. And so they gave us an early indication of their assessment of our January performance, and I think that came out there -- filing came out, I believe, in the March timeframe, and there was no reference at that time as well to this new

methodology, and so we didn't see that until the final report here on June 8th.

Q. Thank you. And I also want to make sure I understood your testimony on the metrics themselves, especially 3(f) and your experience in other utilities that you know, nine day and 99.7%. How would that compare with other utilities that you have experience with?

A. It's -- it's aggressive.

Q. Can you quantify a little bit?

A. I would say, as I was working with other utilities, especially going through a transformation, there would be the metric was always greater than 30 days, is what I've always measured, greater than 30 days delay in your bill. The thought process there is, as long as the customer is getting a bill a month, was again previous thinking had other utilities, we looked at as long as the customer is getting a bill a month, that that was going to be acceptable, and so that's why we looked at the 30 days. What we're looking at here is, you know, according to the commission rule that's written, it says that the bill should be expected to be within a reasonable amount of time from their standard bill cycle, so they should get a bill at the same time every single month, which is a stricter standard than what I've seen at other utilities. It was more about making sure they get a bill in a month, not necessarily on the same day every single month. So this metric is a little tighter than what I've seen at the other utilities. Again, we always want bills to go out exactly when they're supposed to at every utility I've been at, but there's a little more flexibility I would say in making sure that, you know, in that -- in that customer experience is a little less precise than what the rule here in Missouri is. So we understand that to be the rule, and so we're working diligently to make sure we're adhering to that rule, but other jurisdictions are a little looser on that particular metric.

Q. I guess the other thing I wanted to talk to you about was the duplicate billing. I was surprised to hear about that, and it's -- it sounds like a significant number of customers impacted. I think I heard 12,000 customers impacted by that, and I guess my question is, do you think robo calls are enough to communicate that mistake? And anyway, the first thing I do when I get a robo call is hang up on it. So, are there other methods that might be more effective that could be employed here?

A. Well, we're feeling like -- well, we're also doing the website, you know, putting a message out on the website. We're also arming our customer service agents, so if the customer does call with questions as to why they're seeing this, or they walk into any of our walk-in offices and ask questions, our agents will be armed with information to be able to respond to customers. As we thought about it, the robocalls obviously are the quickest way to get information out to customers, and at this point in time, knowing that the incident occurred June 29, June 30. We really want to make sure that we're getting information out to them as quickly as possible. That's the quickest way that we can think of to get that out, and we're trying different mediums, so that if the customers do reach out to us through these different mediums, whether it be website, in person, or, you know, trying to reach them in their home, which we're trying to cover all the, all the bases, if you will. We felt like, if we mail the letter, like that's another, you know, five to seven days before they get that. They're -- they're already receiving these bills today, so it felt like that was going to be too late to really help ease some of their concern. But again, open -- open to some feedback. Happy to take action on this one, we're incredibly disappointed that this has occurred for our customers in this midst of progress and in the midst of trying to improve for them. We definitely do not feel good about this, and so we really want to make sure that we're communicating to them. So we've thought about different, sorry, we've thought about different mediums, but you know, if there's feedback on how to do this better, we're very open to that. It's unfortunate.

Q. Not a question, just a comment. I suspect you'll get blowback from that 100 comments that we had during the during the rate case for related -- related to duplicate billings and multiple bills in the same month, and I -- I think that's a huge step backwards.

A.   Yeah, I agree. I understand they're, you know, it's going to trigger, right, that experience that they had previously. I think you know there is no good news here, but at least it's not going to be different, differing amounts, which I understand, which is what happened previously. Had different dollar amounts, different dates on it, which really created a lot of confusion. I mean, there's -- there's no silver lining here, but that they're going to receive duplicate bills. But at least it's a little bit better situation than what we had before, but totally appreciate that it's going to trigger memories of what just happened and kind of really take us backwards for those particular customers for sure.

Q.   Thank you for your comments.

COMMISSIONER MITCHELL: I don't have any further questions, Judge.

JUDGE HATCHER: Thank you, Commissioner. Commissioner Coleman?

CONTINUING CROSS EXAMINATION OF AMY WATTS

BY COMMISSIONER COLEMAN:

Q.   Thank you. You mentioned that you're looking for feedback. So one of the one -- of the suggestions that come to mind is that we know who those 12,000 customers are. Isn't there a way to flag their account in the system on your end so that when they do call, you already know in part what they are calling about, and that helps your agents be better prepared to address those concerns? And then, as an aside, my comment is that one of the things I think Liberty does very poorly is choose vendors.

A. Thank you.

JUDGE HATCHER: Thank you, Commissioner. Are there any other commission questions?

(No response.)

JUDGE HATCHER: Hearing none, we'll go to re-cross examination. Let's go with the same order that we did going forward. We'll start with staff, Mr. Vandergriff?

MR. VANDERGRIFF: No cross, Your Honor.

JUDGE HATCHER: Thank you. Mr. Williams?

MR. WILLIAMS: Thank you.

CONTINUING CROSS EXAMINATION OF AMY WALT

BY MR. WILLIAMS:

Q. Ms. Walt, you recall testifying that Empire takes customer complaint seriously?

A. Yes.

Q. How does it typically take Empire to resolve a customer complaint?

A. The current standard that we strive for is 10 days is the rule. I will say that I am advocating with my team that even that feels too long for me, and so I'm pushing my team to move that time frame up. But the current timeline that we're allowed to resolve is 10 days.

Q. Then I want to turn to the -- the June multi invoicing event for the same billing period. How did Empire learn about the issue?

A. A customer actually called in to one of our agents, and I'm happy to say that the agent did all the right things. They escalated the concern. A ticket was issued immediately. We -- the vendors were on a bridge with our internal IT team as well as our business as they that worked through it. So from time from the call coming in from our customers notifying us to getting all of the parties on the line to -- to work. It was -- was very quick. And so I was glad to see that our agents are adhering to that training around, you know, if you hear anything specifically happening for our customers to raise that issue as quickly as they can, so that we can address it. And so, happy to see that that training took place from our agents.

Q. When did you get that customer information?

A. That was, let me think. So I -- we just heard about it yesterday afternoon. So that -- so in the morning is when all of the -- yesterday morning was when all of the bridge happened and all of the customers getting together. I'm sorry, all the companies getting together, and so that would have been Monday was when the customers call would have come in. Tuesday morning is when we had had everyone on the bridge and was notified in

the morning.
Q. And my understanding it was something like 12,000 customers were affected in Missouri?
A. That's correct. Over the two instances, yes.
Q. Were they in any particular customer class, or is were they primary -- primarily residential, or what's the breakdown? If you know.
A. I don't have that breakdown yet. I do know it's across all commodities. The 12,000 is across all commodities, so that would include electric, water, gas, wastewater.
Q. And I heard you mention a number of means that you were availing yourselves of -- well, considering you're doing robocalling currently to notify affected customers, I didn't hear text messaging as an option. Is it one?
A. That's a good question. I will need to check in to see if our vendor has the capability of -- of doing texts to our customers. But yeah, I can check on that.
Q. Is your answer you don't know currently if it's doing text? Who's your vendor that would be doing the text messaging if it is an option?
A. We have a new NICE system, which is our telephony that we just recently put in. That they do have some advanced capabilities, so that's why I feel like that could be a possibility with them. So I just don't know that that's live and tested and working and all those things. I'm sure they have

the capability. It's just whether or not that's been activated and tested in our space. So I'd have to check on that.

Q. Thank you.

A. Absolutely.

JUDGE HATCHER: Thank you, Mr. Williams. Next, we'll go to MECG.

MR. LYSKOWSKI: No questions.

JUDGE HATCHER: Thank you. And CCM?

MR. COFFMAN: No questions. Thank you.

JUDGE HATCHER: Thank you. And that will take us to redirect from -- from the company.

MR. COOPER: Thank you, Your Honor.

REDIRECT EXAMINATION OF MS. WALT

BY MR. COOPER:

Q. Ms. Walt, you were asked question, I believe by staff counsel about the sort of the coding of customers between Missouri and Oklahoma and the two non-conforming instances of that that are reflected in the documents, correct?

A. That's correct.

Q. And during that those questioning, you were asked -- or during that questioning, you were asked about there being 133 other circumstances that had been discovered along the way, correct?

A. That's correct.

Q. Did any of those 133 other circumstances result in a

Missouri customer bill that was wrong in the January through March timeframe?
A.   No, it did not. We were able to identify those and -- and correct those.
Q.   You had referred to the March staff filing in terms of staff's first filing on the bill cycle issue, the 3(f) metric, being on a monthly basis, would -- would that be the staff initial report that you were referring to?
A.   That's correct.
Q.   You were asked questions about the joint and collective accounts and how they may or may not relate to the metrics, would you agree with me that there are in -- in the metrics? The metrics themselves provide for an express exception related to the joint and collective accounts realignment process pursuant to the variance.
A.   Yes, there was acknowledgement when the metrics were established that we had the waiver. Currently, that we were working through that alignment process, and so given the recognition of that when the metrics were established. They had designated that they would be excluding that alignment activity that we had aligned on, knowing that that was going to be an improvement for our customers, and that we did have the active waiver. Each of the appropriate metrics were designated with exclusions for anything that fell under the waiver.
Q.   And that language was found in, what, metrics 3(e) and

3(f)?
A. That's correct, 3(e) and 3(f).
Q. You talked about a change in how the child accounts were treated for purposes of the monthly 3(f) metric calculation, correct?
A. That's correct.
Q. Would you look at -- and it's, I guess we've now identified it as Exhibit 2, but it's the monthly filing made by the company for the period February 1 to February 28. Do you have that in front of you?
A. I do.
Q. At the bottom, below the table on the left, there are two different calculations: one that leads to 90-9.95 and one that leads to 90-9.96. What -- what's the difference between those two calculations?
A. Yes, the one on the left with the 90-9.95 you can see that the denominator is 170-9870-9. That was the including all the children accounts. So that's all of those individual 50 in my scenario of the 50 landlords. That would include all of those 50 accounts in the denominator as well as the numerator. After discussions, we with staff we had talked about moving away from that and only talking about the literal bills going out the door, which would be the summary bills, and that is the second calculation you see at 99.96 at 155,306 is the denominator. That is at the, we call it the parent account level. So just

the literal bills going out the door to that landlord. So that would be their summary bill level, as well as in the numerator counting that, so that got us to the 60-5. So, for February, given that we were having this discussion with staff around which way are we looking at it, we've included both methodologies in our February filing, and then confirmed with staff at the time, that we wanted to move more towards the summary bill level. And so going forward for March forward, we've been using the calculation that's on the -- on the right.
Q. In your in your questioning, I believe it was from Commissioner Coleman, you referenced First Quartile. Do you remember that?
A. I do.
Q. And will there be any Missouri-specific benchmarking associated with that, or will it be more of an industry-wide benchmarking?
A. It's more of an industry-wide benchmarking. They gather information from all different utilities. You can have the data sliced so that you can see, you know, large utilities versus smaller utilities, so that you know that you're comparing to something that's similar in size to -- to yourself, but it doesn't give you, you know, specific names of companies again. So we wouldn't know specifically if it's Missouri companies.
Q. That's all the questions I have at this time. Thank you, Ms. Walt.

A. Thank you.
Q. I appreciate you being here today for this.
JUDGE HATCHER: Does the company wish to call any other witnesses?
MR. COOPER: We do not have any other witnesses, Your Honor.
JUDGE HATCHER: Thank you. Let's move on to staff.
MR. VANDERGRIFF: Thank you, Your Honor. We call witness Tyrone Thomason to the stand.
JUDGE HATCHER: Thank you, Mr. Thompson. Would you please state and spell your name for our court reporter?
THE WITNESS: My name is Charles Tyrone Thomason, c-h-a-r-l-e-s t-y-r-o-n-e t-h-o-m-a-s-o-n.
JUDGE HATCHER: Thank you. Mr. Vandergriff, your witness.
(Witness Sworn)
DIRECT EXAMINATION OF CHARLES TYRONE THOMASON
BY MR. VANDERGRIFF:
Q. Mr. Thomason, how are you employed?
A. I am a senior research data analyst with Commission staff and the Customer Service Customer Experience Department.
Q. Did you prepare, contribute to, or cause to be prepared portions of staff's report in this matter?
A. Yes.
Q. Did the portions of -- we don't have a number for the

exhibit yet, but did the portions of this exhibit within the -- your area of responsibility fairly and accurately reflect staff's review, analysis, and findings and recommendations?

A. Yes.

Q. Do you have any corrections to staff's report?

A. Yes. A couple. The first is on page 24, in the first paragraph, it is starting five lines down. However, staff's recommendation is to treat this instance of non-compliance as a remittable deviation on the grounds that, and then there is a one there. There should not be a one there.

Q. Do you have any other corrections?

A. Yes. One other on page 36, the final paragraph, and that the final paragraph on that page starts the bill for meter EF07209075. That entire paragraph can be struck because it is duplicated, is actually a duplicate of the pair of a paragraph that is on page 30.

Q. So besides the two typos that are being struck, is everything else in the report accurately accurate and true to your knowledge?

A. Yes.

MR. VANDERGRIIFF: Your Honor, will we move our request that the commission allow us to make these corrections in EFIS after this presentation? We'll go ahead and enter the correct one without the typos.

JUDGE HATCHER: I'm not liking that solution at all.

I'm willing to just let the correction stand on the record, because I am unusually prepared today. So, I have my copy in front of me, and I already marked it, or we can do my usual method, and staff council would file an errata sheet separately, stating here are the couple corrections.

MR. VANDERGRIFF: Can we go with option one?

JUDGE HATCHER: Let's see. Does anyone have any objections?

(No response.)

JUDGE HATCHER: No objections. So we have no objections to taking the corrections on the record. I have a quick clarifying question. I have two -- may I call this exhibit 100 in keeping with our normal commission numbering exercise? We gave the company 1 through 5. Let's just start with 100 for staff, and anybody else will add on to that. Is that acceptable?

MR. VANDERGRIFF: Yes, Your Honor. Thank you.

JUDGE HATCHER: The second question I have is the formal motion that accompanies staff's report. I stapled it all together. They just print it out as one document. Is that what you are meaning to introduce, is the motion written by counsel plus the report?

MR. VANDERGRIFF: They're both helpful. Yes, Your Honor.

JUDGE HATCHER: Excellent. So I have the question for the parties. Do we have any objections to the admission of Exhibit 100, which is both the motion and the underlying staff report being admitted onto the hearing record?

MR. WILLIAMS: Judge, when you say motion do you mean (inaudible) --

JUDGE HATCHER: Yes, yes, yes. I'm sorry, I misspoke. I wanted to make sure that that we all knew that that was or was not going to be included because of that page three definition on permissible deviations.

MR. WILLIAMS: I was just asking to clarify.

JUDGE HATCHER: No, no. Okay. I understand. No objections heard. So admitted.

MR. VANDERGRIFF: (Continuing)

Q. All right, I'd like to ask Mr. Tyrone Thomason some questions. Mr. Thomason, were you involved in the formulation discussions of the metrics as described in the report?

A. Yes, I was.

Q. To your knowledge, did staff and any of the other parties agree to any agreement on how deviations would be defined?

A. Not to my recollection.

Q. For metric 3(a), what is your understanding of what that metric is trying to accomplish, it's on page three.

A. If the metric 3(a) is attempting to address the longstanding issue of the company issuing initial and final bills that are estimated that were estimated, so the purpose of the rule of the metric is the company will cease doing that, except in cases in compliance with commission wrong.

Q. All right, and were you responsible for determining whether or not the company in our review complied or did not comply with metric 3(a)?

A. Yes.

Q. Did the company comply with metric 3(a) through January and March?

A. I believe there were eight -- there were six instances of non-compliance with metric three, a two each in January, February, and March.

Q. But in our report, staff's report, we identified that as a permissible -- permittable deviation?

A. Yes, we did.

Q. Why?

A. I believe -- believe it says so in the review, starting on page 15. For January, there was a -- one of the bills we stated was a permittable deviation, because the scheduled bill date was prior to the beginning of the metrics in January. I believe in January 2026 leave it was a November 2025 bill.

Q. Did you also contribute to metric 3(b) and understand what we're trying to accomplish there?

A. Yes.

Q. What's your understanding of metric 3(b) compliance?

A. So, metric 3(b) is that short version is that all customers who haven't -- who should be receiving meter service, are actually being billed for that meter service. And the kind of the origin of this meter was the fact that the company had a lot of instances where field technicians were not completing the meter installation process. So they were installing the meter, but they weren't completing the steps to attach the meter to the customer account. Once that happened, the customers were receiving a bill, but they were receiving a bill with just the customer charge, not with any usage, and oftentimes the company didn't catch that error for months, sometimes even over a year, depending on the circumstance, and when they did, the customer would receive a bill. Because the meter was actually registering that usage, the customer receive a bill for all the uses that they should have been billed for, however long the duration was. So this metric was meant to address that issue.

Q. I see. And you've heard testimony today that there was a as a instance of noncompliance related to a house that caught on fire, but in March we have one to two issues of noncompliance. Were those issues -- were those instances of noncompliance related to the same person?

A. No, there were two different customers in March. One of those customers are -- are in the January and February metrics.

Q. All right. What was going on with the second person, do you recall?

A. The fire customer or the other one?

Q. The one that's limited only to March.
A. In that case, when we -- staff reviewed the raw data, we found that the customers on the rate code that required that the account be billed based on usage. However, the customer was being billed as a flat rate customer. We requested more information about that, and from our understanding of what we're seeing in response, the company was billing the customer based on a contract that had been placed prior to that, they were not actually being billed a tariff rate. So staff did not believe that that would be a criminal deviation, just on the basis that we would be basically saying that was okay for the company to bill a customer outside of what's allowed and its tariff.
Q. Moving on to metric 3(c), what was is your understanding of metric 3(c) and what were we trying to accomplish in meeting that metric?
A. So this is another issue that we discovered during the course of our investigation in the investigatory docket case OO-2025-0233. So because of a programming error, the company was issuing initial and final bills, with -- well, let me go back a little bit. So, initial and final bills are not necessarily required to be within 26 to 35 days per commission rule. When it's outside of the 26 to 35 days, oftentimes companies per those customer charges usually most companies have actual permission to do that in their tariff. We found later on during the investigation that Empire Electric does not have that

permission. But more specifically, this metric, there is a programming issue with the billing system, so that the company was prorating customer charges when, for initial final bills, when the billing period was within 26 to 35 days, so that would be the one circumstance where under ordinary circumstances you wouldn't prorate -- prorate the customer charge. So this metric was -- was designed to address that issue.

Q. The report shows two instances of noncompliance, however, those -- those instances of noncompliance are treated as permittable deviations. Do you know why those instances were considered permittable deviations?

A. Yes, because the scheduled billing date for the customer was prior to whatever month that each of the violations took place. And part of our way of determining what month the bill would apply to was to use the scuttle date as opposed to the invoice date, so although the bill was invoiced in 2026, the bill should have been invoiced prior to that, I believe in 2025.

Q. And what is your understanding of metric(d)?

A. D is companies not issue a customer bill of fewer than 21 days between the bill addition date and the bill due date, so basically by commission rule customers allow 21 days after the bill due date to pay their bill before the company can charge late fees. And this was -- this metric was included to address the issue that this was not happening for all customers since, and hadn't been happening for at least some segment of Empire's customers, going back to the implementation of customer first, they were getting less than 21 days.

Q. And this is the instance where apparently Oklahoma customers were affected?

A. Yes, this would be the two Oklahoma customer violations.

Q. I want to move on to metric 3(e). What's your understanding of metric 3(e)?

A. Metric 3(e) is the company will eliminate bills that are outside of the billing period that is allowed by commission rule of 26 to 35 days; excluding the initial bills, final bills, and corrective bills. But this metric also goes further than that because it makes exclusions to try to address the fact that Empire's actively realigning its joint and collective accounts so it includes joint collective accounts following the ones that were not being actively aligned during the during the month in question.

Q. So, you mentioned being actively realigned. What was -- do you understand, or would you mind explaining what was the importance of case EE-2026-0065?

A. That case is where Empire came for the second time, really, to request variances from two of the commission rules to assist in correcting collective and joint billing. Essentially, they decided that the best way to resolve their issues was to align all the child accounts on a single bill to have them have the meters read during one month. I think it is important to note that this is, it was not a new issue. I believe the EE-2026-0065 of variance that was granted last fall, but the company was aware of the joint collective billing issues prior to that. In fact, prior to customer first, as found in staff's investigation. And it's also important to note that this is actually the second time that Empire requested these specific variances, they first did so when they implement a customer first. It's just when they received those variance -- variances from the commission, at that time they did not do what's necessary to properly align (inaudible) and joint billings, so they wouldn't have these issues.

Q. Thank you, Mr. Thomason. Now I want to draw attention back to you saying actively realign, and that there was an active variance case going on. If there was an active variance case that was going on, then why do we still have instances of noncompliance here, even if we counted those as permittable deviations?

Q. We excluded all cases. Well, we took the plain language of the metric and we excluded all cases where that plain language applied. After we did that, that's where the rest of those variants, where the rest of those non-compliance issues came in, and February, a lot of, for I think a majority of the cases, because those accounts were technically not joint accounts at the time, the company had unjoined the accounts, so that they could bill the customer. Because otherwise it would have been a delayed bill, because one of the -- one or more of the child accounts weren't ready in March. All of the -- I think -- if I recall correctly, saw 1950 of those non-compliance assistances are actually because the accounts were aligned at that time in March. The alignment actually took place, I believe it was the end of January or beginning of February, but by March they were aligned, but because of the way that the process worked and the those aligned accounts violate the metric in March.

Q. What is your understanding of metric 3(f)?

A. Metric 3(f) is the delayed billing metric. Companies demonstrate process progress in reducing delayed billing by invoicing a bill nine less days after the customer cyclical bill date for no less than 99.7% of billing contracts in a given billing cycle.

Q. All right. You said billing cycle, and I believe we asked Empire witness, Amy Walt, about this. Did staff -- why did staff -- if staff did change the scope of staff's investigation with regard to 3(f)?

A. I would push back on the claim that we changed it. It's more like we reverted to the actual language of the metric. I can give some background on that as well, because back when we did the negotiations for coming up with these metrics, staff originally -- what staff originally proposed did not include the language. However, we added that language during the back-and-forth between staff and the company. It was added on December

10 of 2025. The reason that was added is because we consulted internal staff, consulted internally with some people who had some more experience with other companies, and we determined that it would be a more meaningful metric if we were to do it by billing cycle. The reason being that you might have issues back at the billing cycle level that wouldn't be seen at the at the large scale level. For example, if you had 400 delayed bills, and they were all in bill cycle one, that would still be low enough to meet the 99.7% for the total bills, but clearly, if you had 400 bills that were all confined to one billing cycle, then there's an issue with that one billing cycle and needs to be addressed. After the commission approved the metrics, we kind of, we -- well, staff and the company turned our attention to, like, trying to figure out how we were going to, well, how the company is going to show that it was compliant with the metrics, and then how staff was going to verify that the company is going to comply with the metrics. So there was a lot of back and forth with that. That's where the sample bills came in, came out of that, the raw data, and all the fields that staff needed to do as verification that came out of that process. And our goal was to get a, kind of, get a running start on February 15, when they filed their first report. At that point, we should have noticed that the company was using the total bills instead of using the bill cycle. Unfortunately, because of all the things that we were trying to do to get ready for it, that

was missed. Another opportunity would have been during the staff's initial report, that was also missed at that time, because at the time we were focused on those, the two Oklahoma customers that we did not believe were minimal deviations. When I was doing my review of pretty much everything to compile this final report, I believe it was this second week of May or so, that is when I reviewed the language, and I kind of rediscovered that we had the -- it was -- it says billing cycle and I did consult with staff and confirmed that that was actually our intent to do to do it by billing cycle, originally. So when we got this final report, having basically realized that we'd been -- well, both we and the company have been looking at the metric incorrectly. What we ended up -- well, staff had a decision to make, we could either just total bills and then potentially face questions, obvious questions. Why didn't you do just follow the language of the metric, or staff could go with the language of the metric, along with staff's original intent. What we ended up doing is we provided both definitions here, analysis using both definitions, because ultimately it's up to the commission to decide. If they want to use the billing cycle definition, they can. If they want to use the go by total bills, that's also available to them.

Q. All right. I want to follow up on the on compliance with this metric is staff in control of how the company complies with this metric?

A. No.

Q. All right. Can staff -- did staff -- in metric 3(f), it said billing cycle is staff's responsibility to correct if the company follows its own standard instead of what's in the metric?

A. It's good practice, but it's not a responsibility,

Q. So if you were going to define what complies with the metric versus what does not comply with the metric; would you go by what's written in the metric, what the company agreed to, or would you go by how the company chose to comply with that metric?

A. We're obligated to go by what the commission ordered, which would be the language of the metric.

Q. You've recently heard about the events that just happened just shortly ago regarding the double mailed to customers, correct?

A. Yes.

Q And I know that you're still reviewing April and May, correct?

A. That's correct.

Q. For the metrics compliance, is it fair to say that with the information you've heard today, if staff reviews this and verifies it, that that would count as potentially 12,000 new instances of noncompliance with the metrics?

A. No.

Q. No? Why not?

A. These six metrics would not address that issue.

Q. Okay. Do you believe, based off of everything you've heard so far, that you have changed your mind on any of the compliance, non-compliance versus permittable deviations, or do you still stand by what staff said on June 8th?

A. I still stand by staff's recommendation.

MR. VANDERGRIFF: Your honor, staff moves for the admission of Exhibit 100, staff's report.

JUDGE HATCHER: I might -- I might be mistaken, but I I thought we covered that.

MR. VANDERGRIFF: Nope, didn't get there. I asked questions first.

JUDGE HATCHER: Okay. Exhibit 100. Are you sure?

MR. VANDERGRIFF: Oh yes. I -- I talked to you before, and they said that they wouldn't object. But I didn't move it in, so if it's admitted, then I tender Mr. Thomason for cross examination.

(Whereupon, Exhibit 100 was introduced into evidence.)

JUDGE HATCHER: Okay. Let's move to the office of public counsel. Go ahead.

CROSS EXAMINATION OF CHARLES TYRONE THOMASON

BY MR. WILLIAMS:

Q. Good afternoon, Mr. Thomason.

A. Good afternoon.

Q. I'm going to keep it pretty brief, I think. Did -- are the metrics that staff and Liberty Empire agreed to that the commission ordered, do they cover every issue that came up during staff's investigation?
A. No, they did not.
Q. Are there other material issues that staff uncovered during its investigation that are not included in the metrics?
MR. COOPER: I object at this point, Your Honor. I don't know for sure where we're headed, but prior to -- or when the commission established this on the record proceeding, it did make a ruling that the hearing was going to be in regard to the metrics and for the purpose of the metrics. So, if we're going to branch off into a lot of other areas, again, that's my objection. That the commission's already issued an order indicating that other matters would be irrelevant.
JUDGE HATCHER: Mr. Williams?
MR. WILLIAMS: The company has come in and said, hey, we didn't meet all of these metrics 100% but we don't have to. The point I'm coming to is that the metrics weren't tried -- trying to cover all of the water. The mere fact that they haven't met none them 100% percent is -- they should, because the metrics are limited.
MR. COOPER: I think that mischaracterizes the company's position, though. I don't think that it is, we don't have to. It's that the metrics themselves contain an item

allowing for limited deviations, and we believe that what has been shown qualifies as limited deviations within that metric structure.

MR. WILLIAMS: And I'd still say it goes to the extent of what should qualify as limited deviation, but I don't intend to go real deep into other issues

JUDGE HATCHER: With the understanding that we aren't going to go too deeply into it, I will overrule the objection, and we can go ahead and proceed.

MR. WILLIAMS: (Continuing)

Q. Do you recall the pending question?

A. No, could you repeat?

Q. Were there other material -- issues that you view to be material to customer service and billing that were not included in the metrics that are set out in this order and stipulation and agreement?

A. Yes.

Q. Can you give a couple of examples?

A. Anything call center related, for example.

Q. I'm sorry?

A. Anything call center related. Is -- would be customer service related, but it's not included.

Q. I'm sorry, I just wasn't hearing you.

A. I’m sorry, call center re --

Q. Call center related, I got you.

A.   And since you asked for multiple examples, billing accuracy isn't particularly covered in these metrics either.
Q.   And would billing and accuracy include just commission rates and charges? Would it go be commission-approved rates and charges, or would it -- would that go beyond to other matters, like for example, sales tax or franchise fees?
A.   Anything that's in the staff's investigation report.
Q.   Do you know why these particular metrics were focused on, as opposed to including metrics for other issues?
A.   I can tell you staff's perspective, which is that we believe that -- well, we had identified that these six commission rules were being violated and had been violated by the company pretty much continuously since April 2024. So our thinking was that establishing a bare minimum of following commission rules in order to have the commission grant their rate increase was a good place to start.
Q.   Thank you, Mr. Thomason.
JUDGE HATCHER: All right, thank you. We will move to MECG. Any cross examination?
MR. LYSKOWSKI: No questions. Thank you.
JUDGE HATCHER: And then Consumers Council, any questions?
MR. COFFMAN: I have no questions either. Thank you.
JUDGE HATCHER: Thank you. I believe that brings us to Commissioner questions. Are there any Commissioner --

MR. COOPER: Judge? I think we get a turn at this point, don't we?

JUDGE HATCHER: Did we already do with the commissioner questions?

MR. COOPER: I have -- I think I have first round cross examination questions before we get --

JUDGE HATCHER: Yes, yes. I -- I see that it is a staff witness.

MR. COOPER: Thank you, I appreciate that.

JUDGE HATCHER: No, I apologize, I'm going way off script here. Yes, Empire, go ahead,

CROSS EXAMINATION OF CHARLES TYRONE THOMASON

BY MR. COOPER:

Q. Mr. Thompson, metric 3(c) was the metric related to proration of the customer charge, correct?

A. That's correct.

Q. And would you agree with me, and not that it solves the problem or changes the result in terms of what should have been done, but would you agree with me that the proration that had been done by the company was in favor of the customer as opposed to the company that by prorating the full customer charge that otherwise should have been charged, the customer was charged something less than the full customer charged?

A. No, I wouldn't agree with that. The reason being, if the bill was from 26 to 29 days, then the customer did get benefit because it was less than the full rate. There's 31 to 35 days, it was actually over what the customer would -- should have been billed.

Q. Okay. So I understand where you're coming from on that, but there is a portion of those that would have been to the favor of the customer, correct?

A. Yes, some of them.

Q. Would you agree with me that the staff report, in discussing this issue, also talks about a programming change that was made by the company?

A. Yes.

Q. To address that issue?

A. Yes.

Q. In your discussion of metric 3(f) you talked, and your reasoning for why you think it ought to be looked at on an individual cycle basis, one of the things you identified was that there would be the potential that there was 400 bills out of line in one of those cycles, but that that would be overcome by the month as a whole; correct?

A. That's correct. That was the example I gave.

Q. Now that's not the circumstance that we have in regard to the four billing cycle nonconformance situations that have been identified by staff, correct?

A. As in there were exactly 400?

Q. No, as in they are not extremely different than the

standard of 99.7%. I mean, we've got the 99.66, 99.67, 99.66, and then the 95.98 and none of those are situations where there's a huge number of bills that -- or raw number of bills that are out of time.
A. One exception in that, which would be in March for billing cycle 21?
Q. And in billing cycle 21 there were 57, correct?
A. Yes.
Q. Okay. But still represented 95.98% that were within the metric, correct?
A. Yes, but keeping in mind that it's a much smaller bill cycle compared to the other ones.
Q. One last thing, in response to one of Mr. Williams' questions about other items of which staff may have a concern, I think you referred to the investigative report, is that correct?
A. That's correct.
Q. As containing those items?
A. Yes.
Q. And when you say the investigative report, do you mean the report that the commission or that the staff filed in, is it EO-2025-02330?
A. -2025-0233.
Q. Thank you . And that's that's what you were referring to, correct?
A. Yes.

Q. That's all the questions I have here.

JUDGE HATCHER: Thank you, Mr. Cooper. And now we will go to commissioner questions. Any commissioner questions for Mr. Thomason? Chair, go ahead.

CROSS EXAMINATION OF CHARLES TYRONE THOMASON

BY CHARIWOMAN HAHN:

Q. I just have one. I just want to make sure I close the loop. Ms. Walt testified that the first time they had found out about the change in the 3(f) metric measurement was in the June report. Is that accurate from your perspective?

A. Yes.

Q. Thank you.

JUDGE HATCHER: Commissioner Coleman?

CROSS EXAMINATION OF CHARLES TYRONE THOMASON

BY COMMISSIONER COLEMAN:

Q. Thank you. So the immediate issue of court system metric set out in that supplemental stipulation agreement, but the underlying issue, of course, is customer billing. Can you speak to a ratio of billing violations or complaints compared with other electric utilities operating in Missouri?

A. I do have information for both of the other electric utilities before going into it,do I reference them by name or by customer count, or how should I do that?

JUDGE HATCHER: I'm not following the confusion.

COMMISSIONER COLEMAN: So my question is, can he speak to violations of other utilities, and how it compares, or how Liberty compares to those.

JUDGE HATCHER: Right. And I think Mr. Thomason is hesitant to say the names of the companies.

MR. COOPER: Your Honor, I may be butting in where I'm -- but trying to be helpful. I think Mr. Thomason is concerned about the confidentiality nature of the individual company information. But tell me if I'm wrong.

THE WITNESS: That's correct. I'm not sure if it's confidential, but I just wanted to make sure before I just started saying names.

COMMISSIONER COLEMAN: (Continuing)

Q. Well, can you say there is a company this or company one, company two, company three, without saying the names of companies?

A. Yes, I can.

Q. Thank you. Let's try that, please.

A. I'll start with company one. This company has a customer base of 665,000 customers, and one of the metrics that it occasionally reports to staff on a quarterly basis is billing timeliness, so number of bills that are the percentage of bills that are presented that are printed on time. I went back to 20 mid-2024 and they are at 100% for most of the months, with the exception of January 2026 where they're at 99.78%. So and I need to clarify that when they say billing timeliness, they are looking at three to four days to compare that with -- with Empire. I did -- I didn't have time to do all the months, but I did look at January, and I did it as five days, five days or more delayed in January 2026 and the company was at 86.1%. Looking at company two, they have a customer base of 1.3 million customers. We get from this, we've received from this company since 2023 the number of customers who have not received a bill, so 30 plus days without the bill, and for the most part they are either at -- often for most months they're at zero, sometimes it's one, for a couple it's two, for January 2026 that was their highest number of customers that did not receive a bill, that was at three to provide some context for where Empire is at. At the end of March, they had 14 customers that had not received a bill in 30 or more days. In April, it was seven customers. So smaller customer base, but more customers who had not received a bill.

Q. So in your mind, does that mean you think Empire is doing better or worse than companies one and two? There is a discrepancy, of course, in the number of customers they'll (inaudible), but what's your opinion there?

A. Taking customer size into account, Empire would still be doing worse than those other companies.

Q. When you receive information regarding the metrics from Liberty, how do you verify the accuracy of the information that you all are receiving?

A.   To some extent, we do have to trust that the company is providing accurate information. We have -- if we have identified anything that looks like it's strange or off, we do follow up with the company with questions, and sometimes that has resulted in the company indicating that there was a mistake in how the information that was provided was coded. We also have these sample bills that we requested from the company, 50 sample bills from each of Empire's 21 billing cycles. One of the things that I did during my analysis was took a random sample of those bills and found those bills in the raw data to see if it matched.

Q.   Thank you. Just a couple more. Staff has alleged seven to 10 violations during the last -- during the three month period. The company claims it's issued 466,000 bills during that period. Can you tell me how many fewer violations would be needed for the commission to stop suspending the company's tariff? Is that a, is that a perfect score?

A.   The -- I think part of the issue here is that there's been bit of conflation between deviations and non-compliance instances. Staff actually found 2,000, like over 2,000, 2,025 to be specific, violations of the metrics, not seven to 10. We -- based on our interpretation of what limited deviations should -- should account for, we actually allowed -- we permitted, because 99.6% of those is the seven to 10 are the remaining ones that we determine we don't have grounds which to consider these permittable deviations.

Q. How does that information compare to other utilities?
A. It's difficult to say for sure, mainly because Empire is such a unique situation. Staff usually doesn't dig, as far as I'm aware, we don't dig into every single customer bill at the level that we are doing for Empire, simply because the other companies haven't had the issues that have produced the results that bring us where we are today.
Q. That makes sense. Thank you.
COMMISSIONER COLEMAN: Thank you, Mr. Chair -- Judge.
JUDGE HATCHER: Thank you, Commissioner. Any other Commissioner questions? Commissioner Kolkmeyer.
COMMISSIONER KOLKMEYER: Thank you, Judge.
CROSS EXAMINATION OF CHARLES TYRONE THOMASON
BY COMMISSIONER KOLKMEYER:
Q. Good afternoon.
A. Afternoon.
Q. Are you familiar with the 117 informal complaints?
A. Yes, I am.
Q. Did you review those?
A. Yes, I did.
Q. What were the -- I mean, if you take out the after scheduled date that the invoices were sent, the other problems aren't that many, so what are our first of all this 117. What

is the time frame?
A.   January 1 through May 20, 2026

Q.   Okay. So we're dealing with the same set of metrics, matrix here, what were the nature of the majority? Was there a theme throughout those 117 or was it all over the board?
A.   I addressed this topic in the report on page 13, there were hard, there were there were high bill complaints, kind of along lines of what you expect seasonally, but we also had a large number of customers who were complaining because of issues related to the -- the joint collective bill realignment, and also prepared --
Q.   The what?
A.   Joint collective bill realignment.
Q.   Okay.
A.   And also prepared pay date, so customers might have noticed that their auto pay didn't draw because their bill date was too close to the due date.
Q.   So how many of the of these 117 are dealing with the metrics that were set out here?
A.   Not very many. The ones that were specific to the to the metrics I did address elsewhere in the report. The fire customer, for example, is not something that we knew about from the raw data or anything, it’s because we reviewed the informal complaint.

Q. So, if someone was calling in because they thought their bill was too high, that still counted as a complaint, but it didn't deal with a metrics?

A. That's correct.

Q. Okay. I would still like to know that number that -- that are dealing with these metrics here, is that number out there, and maybe it doesn't matter, but it just, it just seems like that's a lot of complaints, but it sounds like it's -- it's all over the board, what the complaints are for.

A. Right. And I guess I can take this opportunity to provide a little bit more color on that, because --

Q. Please.

A. There's been a little bit of -- there's been discussion about whether or not these 117 complaints are all, like, when are all because of seasonal issues. Okay, I don't believe that's the case. The reason being we are -- when customer first was first -- when customer first was first implemented, we saw a huge increase in number of informal complaints for Empire. We're still in that environment today, so you can compare 2020 January to May 2026 and say 116 sorry, 117 that's not bad at all, if you compare it to 2025 for example, where they had 290 during that same time frame. But because we're still in the customer first environment, it's probably better to look at a year where you had the seasonal complaints, but you didn't have customer first. So, looking at 2024 for example, January 1 to may 20, they only had 24 complaints, and 2023 is only 13. So I don't believe that all of the 117 complaints this year are all just because of seasonal usage.

Q.   Okay. Thank you.

JUDGE HATCHER: Thank you, Commissioner. Any other Commissioner questions?

(No response.)

JUDGE HATCHER: Hearing none, we will go to recross examination. I believe we're going to start with Mr. Williams from OPC.

MR. WILLIAMS: No, thank you.

JUDGE HATCHER: Then we do MECG.

MR. LYSKOWSKI: No questions.

JUDGE HATCHER: Thank you. And then CCM.

MR. COFFMAN: No questions.

JUDGE HATCHER: Thank you. And then Empire.

MR. COOPER: Thank you, Your Honor.

RECROSS EXAMINATION OF CHARLES TYRONE THOMASON

BY MR. COOPER:

Q.   Mr. Thompson, you talked about the -- the permitted deviations, and the 2000 some-odd number. You would agree with me, wouldn't you, that if I look at the table in the staff report 2008 of those are in regard to that metric 3(e) and I'm looking at the pleading -- the staff report pleading and on page

five. 3(e), the last block at the bottom.
A. You said 2008.
Q. I probably should have said 2007, how about that?
A. That's correct, 2007.

Q. And that's -- that large number is primarily driven by the joint and collective accounts realignment, correct?
A. Yes. Situations where the joint collective -- well, the bills did not comply with the plan language of the metric, simply, despite the fact that we tried to weed out joint collective billings that might be impacted by the metric, if that makes sense.
Q. Lastly, you were talking to Commissioner Kolkmeyer about the informal complaints and the 117 complaints, and just to note this, I believe that in the staff memorandum on page 13, where you had referenced him to, staff does state that the majority of the complaints were unrelated to the revenue requirement metrics. And although some complaints touched on areas of concern addressed by staff in its investigation report submitted in case number OO-2025-0233. Is that a correct reading?
A. Yes.
Q. That's all the questions I have.
JUDGE HATCHER: Thank you, Mr. Cooper. And that goes to redirect from staff.
MR. VANDERGRIFF: No, redirect, Your Honor.

JUDGE HATCHER: Thank you, Mr. Thomason. I appreciate you being here today. You are excused from our witness stand. Staff, do you have any other witnesses you'd like to present?

MR. VANDERGRIFF: Your Honor, it depends on if you have questions for tariff and rate design.

JUDGE HATCHER: I will let you know if I hear that we do.

MR. VANDERGRIFF: All right. Then I can call up Staff Witness Jay Luber.

JUDGE HATCHER: No.

MR. VANDERGRIFF: All right. Then I do have staff expert Sarah Langy here, available, if you have questions for tariff and rate design.

JUDGE HATCHER: I don't think so.

MR. VANDERGRIFF: All right, then no further witnesses.

JUDGE HATCHER: Okay. Office of Public CounCIl?

MR. WILLIAMS: Public Council calls Dr. Geoff Mark to the stand.

JUDGE HATCHER: Dr. Mark, come on down to the stand.

(Witness Sworn)

DIRECT EXAMINATION OF DR. GEOFF MARK

JUDGE HATCHER: Please state and spell your name for our court reporter.

THE WITNESS: My name is Geoff Mark, that's g-e-o-f-f m-a-r-k.

JUDGE HATCHER: Thank you, Dr. Mark. And Mr. Williams, your witness.

BY MR. WILLIAMS:

Q. Dr. Mark, good afternoon.

A. Good afternoon.

Q. Do you have an opinion about whether or not the commission -- or whether or not Empire has satisfied the metrics?

A. My opinion would be they have not.

Q. And why is that your opinion?

A. For me, this comes down to I'm gonna try to simplify this as much as possible, because a lot of this is a bit of a Rorschach test, and you see what you want to see, and a lot of the policy issues that we deal with really do come down to looking at metrics, and you can expand or contract to get certain outcomes right. I would posit back to Mr. Cooper's statement in the opening, which is, you know, is this an isolated incident, or is it a systematic issue, or systematic issue across the board? In what I've heard today are three things that give me a lot of great pause. The first one is that your staff is saying no, don't approve it, it hasn't happened. Now getting in the weeds, and we got a lot of that through Mr. Thompson or Thomason just now, in terms of the really distinct difference between 10 deviations or 2000 violations, that's strong when you hear violations of commission rules. Now, it doesn't -- that doesn't conform specifically to the metrics, and that's what staff's being challenged with. But the main point I would get across is that your staff is saying they have not done it. The second one, and Commissioner Kolkmeyer geared in on it, it's the complaints. The complaints have doubled again. We can expand or contract, we can compare last year's three months versus this year's three months. What the staff did was say the three months prior to doing this versus the three months that actually occurred, and it more than doubled. That gives me pause. The third one is what we heard today, that approximately 7% of your customers were multi-billed last week, same issue that we had a year ago. It's not one of the metrics, but you're going to get, I mean, it's 12,400 customers, effectively, you know, that got incorrect or multiple bills. That's going to be a cost associated with that. That's going to be phone calls that staff's going to get, that's going to be phone calls that we're going to get, so I would caution the commission with being tasked with approving something where you've got three data points, strong data points that should at least give you some pause whether or not this company is right at their ship. In my opinion, that's more than enough to say no.

Q. Are you familiar with (inaudible) Qualtrics (inaudible)?

A. I am.

Q. Do you have any opinion about it with regard to Empire’s

using it?
A. I do. So, I'm not against using Qualtrics metrics. The chair pointed out that the PSC uses that for their own service quality, and I think that's important. I think it's important to go ahead and take data to get empirical evidence to suggest if we're doing right or wrong, and I think it's absolutely appropriate for a public entity that isn't competing against anybody else. What you've got with Empire is we're using Quality -- Qualtrics metrics now. What were we using before? Well, that was JD Power. We're not going to use those guys anymore, and I can tell you, I've made a career effect -- effectively, over the last decade of siding back to JD Power Scores over Liberty Utilities. They're some of the worst in the nation, year over year over year. Now that's a good baseline, that's a good barometer to see where we're at relative to other utilities. But what I heard today is we're not going to use them anymore, we're going to use Qualtrics. We'll still come up with a baseline that'll still compare against other utilities. We just don't know what those utilities are, that'll be in them, that'll be in the background. So, for those reasons, I sit here when I hear Ms. Walt say that our customer service has improved 34% -- 34% of our customers are more happy than they were when we started this. I get it, I'm paid to be skeptical, but that is a -- that is a statement that gives me a great deal of skepticism when I, based off of my professional experience with

working with utilities and hearing from customers, I don't believe we are 34% better than we were six months ago.

Q. Do you know anything about Empire's current arrearage levels?

A. If the commission were to approve this, because right now, I mean, what we haven't said out loud is that nobody's being disconnected. That'll happen, presumably. If we open this up, we increase rates. What you will get is they will start that disconnection process. Now, there's going to bea lot of discussion over that, I suppose. But right now, it's $674. Yes, 674, as of May of 2025 that's the residential average arrearage amount. Approximately one in four households owes just under 700 bucks. Now we've agreed to eight and a half million dollars as part of that stipulation. If it's confined solely to residential, we don't worry about small commercial. Lord knows we heard a lot from small commercial too, because they're not going to get that, but putting that aside for a second, you're still, you're -- if we just did a flat discount, you know, across the board with that eight and a half million customers, which for that had existing arrearages today would still have close to 500 bucks of arrearages. So even with that, that boost that you're getting from that settlement, customers are still going to be struggling, and that's what you're going to open up in July or August, I guess. It would be -- so, for all those reasons, I would be concerned. I would be concerned about the staff being overwhelmed with customer complaints and feedback becomes our office. I'd be concerned with the optics with the commission. And I'll tell you, you know, the other thing that gives me a lot of pause here, and I didn't say this, but that that billing issue that was discovered yesterday was -- was not the company's fault, per se. That's their third party contractor, that third party contractor is going to be -- they're going to move on from that third party contractor and put somebody else in that place, so just a level set here, we're adding on a brand new contractor midstream as a transition while we open this up again. That alone should give you pause of somebody picking this up midstream, and now we're going to start up customer disconnections. Now we're going to start, you know, meeting these metrics. I think you're setting ourselves up to be disappointed, or at least the probability has increased.

Q. You mentioned the 8.5 million that Empire’s committed towards customer arrearages, does public counsel view that to be adequate?

A. No, as referenced before, if we're at 670 -- $8 million for average of arrearages, you're approximately, you know, about $500 -- a little less than $500 if it wasn't across the board. If we apply that eight and a half million to the existing arrearage amount as of May of 2026 and again, that those numbers are -- are different, you know. So we'll, we'll have to adjust those, but it's still going to be an ex -- a better answer to that question is, well, how does that compare to Yammerin or Evergy? There is no comparison. I mean, it's a huge bar graph and a very small bar graph in terms of arrearage amounts, and you look no further than the disconnection report that's filed every year.

Q. Do you know of any reason why Empire couldn't be rolling out the arrearage forgiveness program it's committed to already?

A. I'm not aware of any.

Q. Thank you. I think that's all the questions I have at this time.

JUDGE HATCHER: Thank you. We will go to cross examination, and let's start with staff.

MR. VANDERGRIFF: No cross examinations from staff.

JUDGE HATCHER: Thank you. We'll move to MECG.

MR. LYSKOWSKI: No questions.

JUDGE HATCHER: Thank you. And Consumers Council?

MR. COFFMAN: No questions.

JUDGE HATCHER: And Empire?

MR. COOPER: Your Honor, could you give me just a minute to make that decision?

JUDGE HATCHER: Yes, of course.

CROSS EXAMINATION OF DR. GEOFF MARK

BY MR. COOPER:

Q. Let me get to this -- get to it this way. How about, the 8.5 million that you just referenced, it's reflected in the supplemental stipulation, correct, that was approved within this rate case?

A. That's my understanding.

Q. And how that 8.5 million will be applied, and when it will be applied, I suppose, is to the extent there are provisions in the report and order. It's governed by the report and order, in this case, correct?

A. I can't speak to that.

Q. And if I could have gotten to my spot in the order, I -- maybe I could have, but I can't either. So, no.

MR. COOPER: No other questions, Your Honor.

JUDGE HATCHER: Thank you. That'll bring us to Commissioner question. Any Commissioner questions for Dr. Mark? Commissioner Mitchell, go ahead.

CROSS EXAMINATION OF DR. GEOFF MARK

BY COMMISSIONER MITCHELL:

Q. Afternoon, Dr. Mark.

A. Afternoon.

Q. Mr. Williams, in his opening, mentioned that he had some concerns, or OPC had some concerns with the sustainability or permanence of the improvements and -- and things that the company has done to date. Could -- could you elaborate on what those concerns are?

A. I can. I can appreciate the sensitivity around this issue. It's two and a half, three years now. You know, we've been effectively working at this. We're all fatigued. The metrics, you know, that have been put forward here as part of the stipulation are bare bones metrics. These are, you know, as attested, you know, by staff, you know, effectively, that's 100% rate that you get with other utilities, but it is unfortunately just looking at the bare bones, you know, what are we not talking about? It's the call center, it's -- it's the surcharges, it's -- it's the taxes, it's the net metering, it's all of these other outstanding issues, which I understand is beyond the scope of what we're talking about here, but being able to provide the public the assurance that things are okay, I would be that's our concern is that we are -- we're holding only the tail of that elephant.

Q. Thank you.

JUDGE HATCHER: Any other Commissioner questions for Dr. Mark?

(No response.)

JUDGE HATCHER: Hearing none, we will circle back to re-cross examination, and that will start with staff.

MR. VANDERGRIFF: No questions, Your Honor.

JUDGE HATCHER: Thank you. And MECG?

MR. LYSKOWSKI: No questions. Thank you.

JUDGE HATCHER: Thank you. And CCM?

MR. COFFMAN: No questions.

JUDGE HATCHER: Thank you. And Empire?

MR. COOPER: No questions.

JUDGE HATCHER: Thank you. And I think we still do have redirect because we had commissioner questions.

MR. WILLIAMS: Potentially, but I don't have any.

JUDGE HATCHER: Thank you very much, Dr. Mark. You are excused from the witness stand, Mr. Williams. Any other witnesses that you would like to present?

MR. WILLIAMS: No, thank you. I'm actually trying to find where in staff's report, it talked about concerns with actions of utilities done in terms of permanence of them, and in any event, I'm trying to address Commissioner Mitchell's question and try to direct him to where in the staff's memorandum that is. I don't know offhand, but it's in there.

JUDGE HATCHER: Let's move to MECG. Did your association have any witnesses you'd like to put on?

MR. LYSKOWSKI: No witnesses. Thank you.

JUDGE HATCHER: All right, and Consumers Council, any witnesses?

MR. COFFMAN: No, your honor.

JUDGE HATCHER: Thank you. I believe -- I believe we're at the end of the hearing. Okay, let me think for a minute, and while I put my thoughts together, I will throw it to counsel. I'm waiting to see if Mr. Williams finds the quote he can pass on, on the record.

MR. WILLIAMS: I'd say it starts on page 11 of the memorandum, and in particular, page 12.

JUDGE HATCHER: Okay. and I see that's under the heading Actions Taken by Empire to Meet Metrics on page 11.

MR. WILLIAMS: Correct. Thank you.

JUDGE HATCHER: Thank you, Mr. Williams. Okay, counselors, we are at the end of our on the record proceeding. I'd like to open it up to counsel. Are there any matters I have forgotten to bring up or that you all would like to bring up before we close our hearing?

(No response.)

JUDGE HATCHER: Hearing none. Then we are going to recess. I'm sorry -- we're going to adjourn this on the record proceeding for the evening. I want to appreciate, say our thanks to all of our witnesses and counsel for being here, and especially for those that have traveled to be here today. We really do appreciate that. With that said, thank you all for being here. We are adjourned and off the record.

(OFF THE RECORD AT 3:37 P.M.)

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CERTIFICATE

STATE OF ARKANSAS)
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COUNTY OF UNION)

I, Savanna Toombs, Certified Court Reporter and Notary Public, do hereby certify that the foregoing proceedings on pages 1 through 134 are true; and that the foregoing proceedings were recorded verbatim through the use of the Stenomask and thereafter transcribed by me or under my direct supervision to the best of my ability, taken at the time and place set out on the caption hereto.

I FURTHER CERTIFY that I am neither counsel for, related to, nor employed by any of the parties to the action in which these proceedings were taken; and further, that I am not a relative or employee of any attorney or counsel employed by the the parties hereto, nor financially interested, or otherwise, in the outcome of this action.

WITNESS MY HAND AND SEAL this 10th day of July, 2026.

SAVANNA TOOMBS
Certified Court Reporter #860

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