STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

At a session of the Public Service Commission held at its office in Jefferson City, Missouri on the 15th day of July, 2026.

In the Matter of the Request of The Empire District Electric Company d/b/a Liberty for Authority to File Tariffs Increasing Rates for Electric Service Provided to Customers in Its Missouri Service Area	)))))	**Case No. ER-2024-0261** Tracking No. JE-2026-0123

ORDER APPROVING COMPLIANCE TARIFF SHEETS

Issue Date: July 15, 2026 Effective Date: August 3, 2026

This order approves compliance tariff sheets already on file following a general rate case. Specific to this case, this Order came about because of certain billing and customer service metrics that were required to have been met by Liberty for three consecutive months, as was elaborated in a previous *Report and Order*. The compliance tariff sheets filed as a result of that original order are on file with the Commission as part of that orderly process and are currently suspended until that suspension is lifted.

Procedural History

The Commission issued its *Report and Order* in this case on January 14, 2026.[1] That *Report and Order* approved the *Non-Unanimous Global Stipulation and Agreement* (Global Stipulation) and the *Supplemental Stipulation and Agreement* (Supplemental Stipulation).

[1] All dates refer to 2026 unless otherwise stated.

Pertinent here, the Supplemental Stipulation establishes specific billing and customer service metrics that The Empire District Electric Company d/b/a Liberty is required to meet for three consecutive months prior to implementing any changes to customer rates.[2]

The metrics were a response to ongoing billing and customer service problems.[3] The billing and customer service problems were caused by the implementation of Liberty's Customer First[4] information system.[5] Thus, the question at issue is whether the Commission finds that Liberty has met the metrics during the months currently under review by the Commission – January, February and March 2026.

On March 6, 2026, Liberty submitted tariff sheets that were purported to be in compliance with the Commission's *Report and Order*.[6] The tariff sheets were assigned Tracking No. JE-2026-0123, and the Commission ordered a Staff recommendation on March 9, 2026. No other responses were filed (other than Liberty and Staff) to the March 6, 2026, filed tariffs until April 23, 2026.

The filed tariffs had an original effective date of April 5, 2026, which was further extended by the Commission to August 3, 2026. On June 18, Liberty filed substitute tariff sheets for several sheets that were noted as having errors.[7] Thus, under consideration in this Order are the compliance tariff sheets filed on March 6 as substituted on June 18.

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[2] Supplemental Stipulation, para. 1.

[3] *Report and Order*, p. 55. See generally *Report and Order*, pp. 31-37 and pp. 53-55, with the Commission concluding, "Therefore, the Commission determines that [Liberty's] ongoing billing and customer service problems require improvement before a rate increase can be authorized."

[4] Customer First is a corporate-wide initiative designed to replace and consolidate multiple legacy information technology systems and business processes used across the subsidiaries of Algonquin Power & Utilities Corp. (the parent corporation of Liberty). *Report and Order*, p. 28.

[5] See generally, *Report and Order*, pp. 31-37 and pp. 53-55.

[6] See generally the conditions under which the Commission may suspend tariffs on file at the Commission as elaborated in Section 393.150, RSMo.

[7] The changes include: updating a misspelling within section 2, sheets 4, 5, 6, 7 and 9; updating language within section 3, sheets 10 and 10e; and updating the date placeholder of section 4, sheet 17q.

On June 8, 2026, Staff filed the report analyzing Liberty's compliance with the billing metrics required by Paragraph 4 of the Supplemental Stipulation (*Staff's Report*).

On July 8, the Commission held an On-The-Record proceeding to hear testimony concerning the question of whether Liberty has satisfactorily met the customer service and billing metrics as set forth by the Supplemental Stipulation. At the On-The-Record concerning the previously filed tariff the Commission heard from three witnesses and admitted several exhibits consisting of five monthly metrics reports and *Staff's Report*.[8]

Metrics

The Supplemental Stipulation describes six metrics to be met by Liberty.[9] Notably, the Supplemental Stipulation expressly allows for limited deviations from the metrics; however, "limited deviations" is undefined by the Supplemental Stipulation.[10]

The metrics can be summarized as follows:

a. Eliminate estimated bills for initial and final billings;

b. Each meter of a metered account shall be attached to the account for billing purposes. Additionally, customers on usage-based billing shall not receive bills without usage or beginning or end meter reads;

c. The customer charge shall not be prorated if an initial or final bill covers a "normal" billing period (26-35 days);

d. Bills shall have at least 21 days between the rendition date and the due date;

e. Bills with a usage period of less than 26 or more than 35 days shall be eliminated; and

[8] Transcript (Tr.) Volume (Vol.) 15.
[9] Supplemental Stipulation, para. 3.
[10] Supplemental Stipulation, para. 1.

f. Demonstrate progress in reducing delayed billing by invoicing a bill nine or less days after the customer's cyclical bill date for no less than 99.7% of billing contracts in a given billing cycle.

Liberty filed monthly reports regarding the metrics, and on June 8, Staff filed *Staff's Report* concerning the metrics covering the months of January through March 2026. *Staff's Report* describes seven to ten occasions that can be argued to constitute instances of non-compliance with the metrics. On June 18, the Office of the Public Counsel (OPC) filed its response to *Staff's Report* and stated that it concurred with Staff's conclusion that Liberty did not satisfactorily meet the metrics. Also on June 18, Liberty filed *Liberty's Response to Staff's Report and Memorandum* (Liberty's Response) which disagreed with *Staff's Report*.

Non-compliance allegations

During the review period, Liberty issued approximately 466,000 bills.[11] The seven to ten[12] alleged instances of non-compliance in *Staff's Report* involve three of the six metrics:

- 3b[13] (meters are attached to accounts and usage-based billing);
- 3d (21 days between the rendition and due date); and
- 3f (99.7% invoicing within nine days of bill date).

Metric 3b

Staff's Report claims two instances of non-compliance with metric 3b (meters are attached to accounts and usage-based billing). The first involved Liberty field technicians removing the meter from a house not involved in a fire following a fire in a neighboring house,

[11] Liberty's Response, p. 1.
[12] The imprecise number of instances is due to one incident (the neighbor's fire, infra) resulting in a bill without usage for all three months under review; however, *Staff's Report* stated this instance is arguably excluded from the metrics as the customer did not have an open account. See Ex. 100, *Staff's Report*, p. 18.
[13] This Order will use the same metric referencing convention as used by the parties during this case by adding the number 3, referring to paragraph 3 of the Supplemental Stipulation which set forth the metrics.

which caused that customer's account to close.[14] Upon reinstalling the meter, the field technician did not complete the appropriate work order that would then trigger the account to be set up in the information system and in Liberty's billing system.[15] This means that the meter was on the home, but there was no recognition within the billing system of the installation so there were no usage charges on the customer bill.[16] Reflective of the meter not being re-attached to the account in the neighbor's house fire incident, testimony indicated that Liberty has previously had issues with field technicians not completing the meter installation process of connecting the meter to the customer account.[17]

The second instance involves an account servicing a gas meter that had a rate code that required metered service but did not have a meter attached.[18] *Staff's Report* and testimony from the On-The-Record indicate that it was the result of a negotiated arrangement from over 20 years ago.[19] Liberty's testimony indicates it contacted the customer and this service will be ending in July 2026.[20]

Based on the above, the Commission finds that Liberty has substantially complied with metric 3b for three consecutive months because a single instance of human error caused the meter not being attached to the account in the neighbor's fire instance, and because the electric service to the gas meter arrangement was entered into over 20 years ago.

Metric 3d

[14] Ex. 100, *Staff's Report*, pp. 17-18.
[15] Tr. Vol. 15, p. 32.
[16] Tr. Vol. 15, p. 32.
[17] Tr. Vol. 15, p. 98.
[18] Ex. 100, *Staff's Report*, p. 38.
[19] Ex. 100, *Staff's Report*, p. 38; Tr. Vol. 15, p. 34 and 99.
[20] Tr. Vol. 15, p. 35.

Staff's Report states there were two instances of non-compliance with metric 3d (21 days between rendition and due date). Each instance involves an account being coded as receiving service in Oklahoma, which only requires 20 days between rendition and due date.

Staff's Report indicates that in both instances, service was begun in 2025, with one instance occurring because the customer requested an Oklahoma mailing address.[21] Liberty's testimony stated that while it is unknown how the second instance occurred, the service address is established by a customer service agent entering the address into the billing system.[22] *Staff's Report* also concluded that neither instance was directly tied to Customer First.[23]

Based on the above, the Commission finds that Liberty has substantially complied with metric 3d for three consecutive months because both instances began before the period under review, and because both alleged instances of non-compliance were caused by single instances of clerical error and not caused by the implementation of Customer First.

Metric 3f

Lastly, *Staff's Report* alleges four instances of non-compliance with metric 3f (99.7% invoicing within nine days of bill date). The first three instances of non-compliance are 99.66%, 99.67%, and 99.66% in three billing cycles in February and March.[24] The fourth instance, billing cycle 21 in March, fell short with only 95.98%.[25]

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[21] Ex. 100, *Staff's Report*, pp. 20-21.
[22] Tr. Vol. 15, pp. 57-58.
[23] Ex. 100, *Staff's Report*, p. 21.
[24] Ex. 100, *Staff's Report*, pp. 34-35 referencing billing cycle EM17 for February, and pp. 41-42 referencing billing cycles EM16 and EM19 for March.
[25] Ex. 100, *Staff's Report*, pp. 41-42.

As to the first three allegations of non-compliance of 99.66%, 99.67%, and 99.66%, testimony observed that the first three instances would meet the metric when they are rounded-up to be expressed as a percentage with one decimal space.[26] The Commission notes that the Supplemental Stipulation expressed metric 3f only to one decimal space – 99.7%.[27]

As to billing cycle 21, Liberty testified that customer accounts are spread out over the billing cycles, and that the billing cycles are not evenly divided especially near the end of the month.[28] Most billing cycles have from eight to ten thousand customers.[29] Billing cycle 21 has only 1,418 accounts.[30] Liberty recommended that the Commission view the non-compliance of billing cycle 21 as a limited deviation.[31]

The Commission finds that the first three alleged instances of non-compliance (99.66%, 99.67%, and 99.66%) have satisfactorily met the single-decimal place requirement of 99.7%. The Commission further finds the last instance of non-compliance, 95.98%, to be an allowable limited deviation. Billing cycle 21 has approximately one-seventh the number of customers compared to the other billing cycles. The lower number of customers in that billing cycle results in each incident having greater weight by percentage. The Commission also notes that when combining all 21 billing cycles, Liberty's success rate surpasses the metric each month – January is 99.96%, February is 99.94%, and March is 99.84%.[32]

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[26] Tr. Vol. 15, p. 54.
[27] Supplemental Stipulation, para. 3.
[28] Tr. Vol. 15, p. 39.
[29] Tr. Vol. 15, p. 40.
[30] Tr. Vol. 15, p. 40.
[31] Tr. Vol. 15, p. 54.
[32] Liberty Response, p. 9. There was disagreement between the parties as to the whether the billing cycle referenced in metric 3f refers to the 21 billing cycles or to the billing cycle of the individual customer. Because the Commission bases its Order on what it views as the stricter standard, it does not address this

Based on the above, the Commission finds that Liberty has satisfactorily met metric 3f for three consecutive months because three of the instances equal the metric when expressed to one decimal place, and the finding of the Commission that the 95.98% for March's billing cycle 21 is accepted as a limited deviation.

Conclusion

Based on the testimony provided on July 8 at the On-The-Record, *Staff's Report*, Liberty's Response, and the related pleadings, the Commission finds Liberty has satisfactorily met the customer service and billing metrics set forth in the Supplemental Stipulation. Therefore, the Commission finds that the previously filed tariff sheets as substituted comply with the Commission's *Report and Order* of January 14, 2026, and will approve them. To enable the tariff sheets to become effective on their effective date, the Commission finds it reasonable to make this order effective in less than 30 days.

THE COMMISSION ORDERS THAT:

1. The proposed tariff sheets assigned Tracking No. JE-2026-0123, filed on March 6, 2026, and as substituted on June 18, 2026, are approved to become effective on August 3, 2026.

2. Beginning August 3, 2026, Liberty shall file status reports on its progress with customer service and billing metrics and implementation of its customer arrearage forgiveness program every three months thereafter until otherwise directed to not do so by the Commission.

3. This order shall become effective on August 3, 2026.

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disagreement.

BY THE COMMISSION

Nancy Dippell

Nancy Dippell
Secretary

Hahn, Ch., Coleman, Kolkmeyer,
and Mitchell CC., concur.

Hatcher, Senior Regulatory Law Judge

STATE OF MISSOURI

OFFICE OF THE PUBLIC SERVICE COMMISSION

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

WITNESS my hand and seal of the Public Service Commission, at Jefferson City, Missouri, this 15th day of July, 2026.

Nancy Dippell
Secretary

MISSOURI PUBLIC SERVICE COMMISSION

July 15, 2026

Case No: ER-2024-0261

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

Sincerely,

Nancy Dippell

Nancy Dippell
Secretary

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