

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

In the Matter of the Application of Ryan	)	
Edwards for Change of Electric Supplier to	)	
Ozark Electric Cooperative, Inc. from	)	<u>File No. EO-2026-0306</u>
The Empire District Electric Company	)	
d/b/a Liberty	)	

STAFF REPORT AND RECOMMENDATION

COMES NOW the Staff of the Missouri Public Service Commission ("Staff"), by and through counsel, and respectfully submits its Report and Recommendation concerning the Application of Ryan Edwards ("Applicant" or "Mr. Edwards") for a change of electric supplier from The Empire District Electric Company, d/b/a Liberty ("Liberty") to Ozark Electric Cooperative, Inc. ("Ozark"), and states as follows:

1. On May 4, 2026, Mr. Edwards filed his Application requesting that the Commission authorize a change of electric supplier for his property in Lawrence County, Missouri, from Liberty to Ozark.

2. The Commission directed Staff to investigate the Application and file its recommendation. Staff Memorandum, attached as Appendix A, sets out Staff's investigation, the evidence obtained, and its application of the Commission's public-interest factors. Staff incorporates that Memorandum as its detailed evidentiary and technical analysis.

GOVERNING STATUTE

3. Because the incumbent supplier is Liberty, an electrical corporation, Section 393.106.2, RSMo, governs. It provides, in pertinent part, that the Commission

“may order a change of suppliers on the basis that it is in the public interest for a reason other than a rate differential,” and limits the Commission's jurisdiction under the section to public-interest determinations.

4. Liberty does not contend that Mr. Edwards seeks a change because of a rate differential. The issue is therefore whether the requested change is in the public interest for a non-rate reason.

THE PUBLIC-INTEREST EVIDENCE

5. The Commission applies a case-specific balancing of ten factors in determining the public interest in a change-of-supplier case; customer preference alone is insufficient.¹

6. The Staff Memorandum, Appendix A, shows that Ozark can serve the property from an existing line without material duplication of facilities and that the direct revenue effect on Liberty from losing this single residential customer would be minimal.

7. The record also contains evidence opposing or qualifying approval. Liberty maintains that Mr. Edwards has received safe and reliable electric service and that a change would be contrary to the public interest; Liberty has made improvements in its billing processes; and approval could encourage similar applications by other customers, with a potentially greater cumulative effect on Liberty.

¹ See *In re Application of Brandon Jessip for Change of Electric Supplier from Empire District Electric to New-Mac Electric Cooperative, Inc.*, File No. EO-2017-0277, Report and Order at 9-11 (Mo. P.S.C. Dec. 20, 2017).

CREDIBILITY, SUFFICIENCY, AND WEIGHT OF THE EVIDENCE

8. Questions of witness credibility are for the Commission. Staff does not undertake to determine which witness should be believed and offers no opinion on credibility.

9. If the Commission believes the evidence supporting the Application, Staff concludes that it is sufficient to support the applicant's allegations. If the Commission believes both the evidence supporting and the evidence opposing the Application, Staff concludes that the greater weight nevertheless supports the allegations.

THE COMMISSION'S PUBLIC-INTEREST DETERMINATION AND COMPLAINT ALTERNATIVE

10. The regulated service includes charging the customer intelligibly and accurately for what Liberty furnished. Any contrary construction would produce the absurd result that a utility could satisfy its obligation to provide adequate service while billing a customer inaccurately and without reasonable means of correction. From Mr. Edwards' perspective, the company has consistently failed to provide this customer with accurate bills. The billing issues the customer has experienced have seriously eroded his trust that his bills will be accurate going forward. In that context, Staff finds it quite difficult to conclude that forcing a customer to continue to pay for a service based upon unreliable bills is consistent with the public interest under Section 393.106.2, RSMo.

12. But the public interest framework of Section 393.106.2, RSMo does not provide an easy road to granting the application either. Staff is mindful of prior Commission decisions recognizing that allegations concerning utility service may appropriately be addressed through the Commission's complaint and regulatory processes rather than

through a change of supplier.² And Staff is certainly mindful of the possible consequences for this utility of granting an application to change suppliers based upon a failure to provide adequate billing service—which this utility should understand not as an exoneration but as an indictment of its billing practices for this customer. It should be understood to mean that Staff considers the customer’s evidence, if credited, to be so strong as to defeat the very remedy he seeks.

13. Edwards's evidence, if credited, is sufficiently strong to establish inadequate billing service and to support his individual claim; but the reality is that the broader public interest may make a supplier change an inadequate or even counterproductive remedy for so serious a regulatory failure. Staff therefore will neither recommend denial nor ask the Commission to choose prematurely between those consequences. It recommends a hearing encompassing both.

14. Staff, therefore, recommends that the Commission not finally dispose of the Application in its present procedural posture. It is the Staff’s recommendation that the Commission treat this matter as both an application for change of supplier and a complaint case under 20 CSR 4240-2.070, using the record already developed here as a starting point and requiring such supplemental pleadings, evidence, or procedures as the Commission determines appropriate; issue a procedural schedule order; and set the matter for an evidentiary hearing.

² See generally *Smith*, Case No. EC-2007-0106 (Mo. P.S.C. Dec. 5, 2006); *In re Application of Brandon Jessip for Change of Electric Supplier*, Case No. EO-2017-0277, Report and Order (Mo. P.S.C. Dec. 20, 2017); *In re Application of Jerry L. Countryman for Change of Electric Supplier*, Case No. EO-2022-0226, Report and Order (Mo. P.S.C. Nov. 17, 2022).

WHEREFORE, Staff respectfully requests that the Commission accept this Report and Recommendation as compliant with the Commission's orders.

Respectfully submitted,

/s/ Paul T. Graham

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Commission

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CERTIFICATE OF SERVICE

The undersigned certifies by his signature below that on August 17, 2026, he filed the above document entitled "Staff Report" in the EFIS file of the Missouri Public Service Commission.

/s/ Paul T. Graham