

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

In the Matter of the Application of the Empire)
District Gas Company for a Name Change to)
The Empire District Gas Company d/b/a Liberty) **File No. GN-2021-0039**

STAFF RECOMMENDATION

COMES NOW the Staff of the Missouri Public Service Commission, pursuant to the Commission’s *Order Directing Staff to File a Recommendation* (“Order”) issued on August 17, 2020, and for its Staff Recommendation, respectfully states to the Missouri Public Service Commission (“Commission”) as follows:

1. On August 15, 2020, the Empire District Gas Company (“EDG”) submitted a notice¹ that it has registered the fictitious name Liberty, and henceforth will operate under the name The Empire District Gas Company (“EDG”) d/b/a Liberty. The notice stated, to the extent required, Liberty Utilities also requests approval of the use of the fictitious name pursuant to Commission Rule 20 CSR 4240-2.060(5), and indicated that tariff adoption notices and revised title pages, adding the fictitious name of “Liberty” and proposing an effective date thirty days after filing, would be submitted on August 17, 2020.

2. Commission Rule 20 CSR 4240-2.060(5) provides in relevant part as follows:

. . . a name change may be accomplished by filing the items below with a cover letter requesting a change of name. Notwithstanding any other provision of these rules, the items required herein may be filed by a nonattorney. Applications for approval of a change of a name shall include:

(A) A statement, clearly setting out both the old name and the new name;

(B) *Evidence of registration of the name change with the Missouri Secretary of State*; (emphasis added) and

¹ The notice was originally submitted in File AO-2020-0184

(C) Either an adoption notice and revised tariff title sheet with an effective date which is not fewer than thirty (30) days after the filing date of the application, or revised tariff sheets with an effective date which is not fewer than thirty (30) days after the filing date of the application.

3. EDG and Liberty Utilities filed revised tariff sheets consisting of title sheets including the utility's newly registered fictitious name on August 17, 2020 but has not filed the related adoption notices. The Commission's Tariff/Rate Design Staff has reviewed EDG's and Liberty's notice and the revised tariff sheets filed on August 17, 2020. Staff has verified that Liberty has filed its annual reports and is not delinquent on any assessments. However, Staff is of the opinion that Liberty Utilities has not complied with Rule 20 CSR 4240-2.060(5) (C).

4. Staff recommends, to the extent tariff changes are required under Commission Rule 20 CSR 4240-2.060(5)(C), that Liberty Utilities file adoption notices as it stated it would in paragraph 6 of its August 15th notice, and as required by Commission Rule 20 CSR 4240-2.060(5) (C).

WHEREFORE, Staff recommends that the Commission accept its Staff Recommendation and grant such other and further relief as deemed appropriate in the circumstances.

Respectfully submitted,

/s/ Ron Irving

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed, hand-delivered, or transmitted by facsimile or electronic mail to counsel of record this 31st day of August, 2020.

/s/ Ron Irving