

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

In the Matter of the Application of Trevor)
Frerer for Change of Electric Supplier) File No. EO-2024-0165

STAFF’S RECOMMENDATION AND MOTION TO DISMISS

COMES NOW the Staff of the Missouri Public Service Commission (“Staff”), through the undersigned counsel, and for its *Recommendation and Motion to Dismiss*, respectfully states as follows:

1. On November 9, 2023, Trevor Frerer (“Applicant”) filed an application with the Missouri Public Service Commission requesting a change of electric supplier from The Empire Electric Company d/b/a Liberty (“Liberty”) to New-Mac Electric Cooperative (“New-Mac”).

2. On December 8, 2023, Liberty filed its’ response to the Applicant’s request and a motion to dismiss. On December 9, 2023, New-Mac filed its’ response to the Applicant’s request.

3. Staff requests the Commission dismiss the *Application* because the application does not show that the requested change is in the public interest for reasons other than a rate differential. Staff recommends that the Commission deny the *Application* for the same reason.

4. The Applicant is requesting a change of suppliers because, as stated in his *Application*, “When we needed power we just called Liberty Utilities as we moved from the city of Joplin and it is all we thought was available. After connection was made the neighbors were asking why we chose Liberty when everyone else around us was

on New Mac. At this point we didn't realize we had a choice. It make more sense logistically and financially to be on New Mac.”

5. Liberty is an electric corporation subject to Commission jurisdiction, as specified, in part by Chapter 393, RSMo (2021). Liberty is authorized to provide electricity in the area that is subject of this application.

6. New-Mac is a rural electric cooperative organized, in part, under Chapter 394, RSMo (2021). The Commission has limited jurisdiction over rural electric cooperatives but for this case New-Mac is subject to the Commission's jurisdiction under §394.315.2, the applicable “anti-flip-flop” statute.

7. Prior to the Applicant acquiring the property, Liberty has continually serviced the property since 1991.

8. The “anti-flip-flop” statute authorizes the Commission to grant a request for a change in electric suppliers if the change is determined to be in the public interest for reasons other than a rate differential.¹

9. The Applicant bears the burden of proof in a change of supplier case. The Applicant must prove that the requested supplier change is in the best interests of the public and not based on a rate differential. In the *Application*, the Applicant failed to meet the burden of proof.²

¹ §§393.106 and 394.315 (RSMo 2021)

² 20 CSR 4240-3.140(1)(G) requires Applicants to include reasons why a change in electrical suppliers is in the public interest.

10. Attached hereto and incorporated herein by reference is Staff's *Recommendation*. Staff recommends that the Commission deny the *Application*, determining that the request for a change in electric service providers from Liberty to New-Mac is not in the public interest for reasons other than a rate differential.

WHEREFORE, for the reasons stated above and in the attached and incorporated *Memorandum*, Staff recommends the Commission issue an order that grants Staff's *Motion* and denies the Applicant's application.

Respectfully submitted,

/s/ Ron Irving

Ron Irving
Senior Counsel
Missouri Bar No. 56147
Attorney for the Staff of the
Missouri Public Service Commission
P.O. Box 360
Jefferson City, MO 65102
573-526-4612(Voice)
ron.irving@psc.mo.gov

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile, or electronically mailed to all counsel of record on this 19th day of January, 2024.

/s/ Ron Irving