

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

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-2021-0312

**PUBLIC COUNSEL’S RESPONSE TO PROPOSED PROCEDURAL SCHEDULE,
AND PUBLIC COUNSEL’S LOCAL PUBLIC HEARINGS RECOMMENDATION**

COMES NOW the Office of Public Counsel (Public Counsel) and states that it did not join in the procedural schedule the other parties have proposed *solely* because that schedule does not include for the Commission to hold local public hearings between the dates proposed for parties other than Liberty to prefile their revenue requirement direct testimony (October 29, 2021) and for all parties to prefile their rebuttal testimony (December 20, 2021). That schedule does not address local public hearings at all.

If the Commission holds local public hearings in this case during the period commencing November 8 and ending December 10, 2021, inclusive, parties will have publicly revealed before those hearings their analyses of the change in revenues that Liberty’s rates should be designed to collect annually, and the parties will have a reasonable opportunity to consider the public’s input at those local public hearings before preparing their rebuttal testimony.

Public Counsel’s Local Public Hearings Recommendation

COVID-19 is a serious concern; therefore, Public Counsel recommends that in-person local public hearings be conducted with appropriate protocols in place to protect all present from COVID-19 while giving members of the public the opportunity to appear in person to testify and offer any writings or other evidence. Ideally, members of the public would also have the opportunity to participate virtually.

For this case Public Counsel recommends that the Commission hold four local public hearings,¹ one each at Bolivar (July 1, 2019, pop. est. 11,067), Branson (July 1, 2019, pop. est. 11,630), Joplin (July 1, 2019, pop. est. 50,925), and Republic (July 1, 2019, pop. est. 16,938), Missouri.² Public Counsel offers the following options for conducting those hearings, in order of declining preference for obtaining the most participation from the public:

- (1) At each hearing members of the public have the opportunity to appear in person to testify and offer any writings or other evidence, or to appear virtually, at their option;
- (2) At specified hearings members of the public have the opportunity to appear in person to testify and offer any writings or other evidence, and at a different specified hearing they only may appear virtually; and
- (3) At all local public hearings members of the public only may appear virtually.

Based on the well-attended in-person venues the Commission used in Liberty's last general rate case (Case No. ER-2019-0374) where there were 10 witnesses at Bolivar, 17 at Joplin and 15 at Branson, and the other venues parties' proposed in that case, Public Counsel suggests the following as potential venues for in-person local public hearings in this case:

Bolivar

Comfort Inn
Meeting Room 2451
Tower Drive Bolivar, MO 65613

Southwest Baptist University
1600 University Ave, Bolivar, Missouri 65613
(800) 526-5859; (417)328-5281

¹ If the Commission holds three rather than four in-person hearings, Public Counsel recommends that the venue to drop is Bolivar—Aurora is farther from Bolivar than Republic.

² From U.S. Census Bureau website accessed July 21, 2021: [U.S. Census Bureau QuickFacts: Missouri](https://www.census.gov/quickfacts/missouri).

Branson

City of Branson
Council Chambers
110 W. Maddux, Ste 210
Branson, MO 65616

Branson/Lakes Area Convention and Visitors Bureau
4100 Gretna Road
Branson, Missouri 65616
(800)296-0463; (417)334-4084

Branson Convention Center
200 Sycamore Street, Branson, Missouri 65616
(417)336-5401

Branson City Hall
City Council Chambers
110 West Maddux Street, Branson, Missouri 65616
(417)334-3345

Joplin

Missouri Southern State University,
Plaster Hall Building,
Cornell Auditorium– 2nd floor,
3950 East Newman Road, Joplin, Missouri 64801

Republic

Republic Community Center and Activities Building
711 E Miller Road, Republic, Missouri 65738
(417)732-3500

Local hearings in these four cities will better cover Empire’s service area in Missouri than the three sites (Joplin, Bolivar, and Branson) the Commission used Liberty’s last general electric rate case.

Public Counsel is pursuing agreement with the parties on a local public hearings notice.

WHEREFORE, Public Counsel prays for the Commission to order local public hearings as recommended above, and adopt a procedural schedule where those hearings are held after parties prefile their revenue requirement direct testimony, but sufficiently before they prefile their rebuttal testimony that they can consider the public’s input at those local public hearings when preparing that rebuttal testimony.

Respectfully,

/s/ Nathan Williams

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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 this 23rd day of July 2021.

/s/ Nathan Williams