

**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 ) **Case No. ER-2024-0261**  
Authority to File Tariffs Increasing Rates )  
for Electric Service Provided to Customers )  
In its Missouri Service Area )

**OBJECTIONS OF THE CONSUMERS COUNCIL OF MISSOURI  
TO THE DECEMBER 12, 2025 SUPPLEMENTAL NON-UNANIMOUS  
STIPULATION AND AGREEMENT**

COMES NOW the Consumers Council of Missouri (“Consumers Council” or “CCM”), by and through counsel, pursuant to Commission Rule 4 CSR 4240-2.115(2), and lodges its objections to the Supplemental Non-Unanimous Global Stipulation and Agreement filed at 3:44pm on Friday, December 12, 2025 (“Supplemental Stipulation”) by the Staff of the Commission (“Staff”), Midwest Energy Consumers Group (“MECG”), the International Brotherhood of Electrical Workers Local Union No. 1474, Renew Missouri Advocates d/b/a Renew Missouri, and The Empire District Electric Company d/b/a Liberty (“Company” or “Liberty”).

1. Preliminarily, Consumers Council objects to the Commission’s procedural order, “Order Shortening Time to Object to Supplemental Stipulation and Agreement”, issued at 4:15pm on Friday, December 12, 2025, which truncates the amount of time that non-signatories to the Supplemental Stipulation have to review the new stipulation terms and to provide any objections to it. One and a half working days is not sufficient due process to allow for reviewing a new document that would purport to resolve all of the

contentious issues in this rate case. Non-signatory parties have not been included in the discussions surrounding the new supplemental agreement, and have so far only had the opportunity to review this document for less than four days. Respectfully, the Commission must follow its own rules, and it does not have the legal authority to shorten the time guaranteed for filing objections to non-unanimous stipulations contained in Commission Rule 20 CSR 4240-2.115(2)(B). Consumers Council will endeavor to lodge objections in this document related to issues that it has identified thus far; however, it does not believe that the Commission has granted sufficient time in this situation to review in order to constitute adequate procedural due process.<sup>1</sup>

The Missouri law requires that properly promulgated agency rules be followed and that such rules are binding upon the agency adopting them.<sup>2</sup> Commission Rule 20 CSR 4240-2.115(2)(B) states:

Each party shall have **seven (7) days** from the filing of a nonunanimous stipulation and agreement to file an objection to the nonunanimous stipulation and agreement. The objecting party shall identify the specific provision of the stipulation and agreement that is objected to and provide a reason for each objection. **Failure to file a timely objection shall constitute a full waiver of that party's right to a hearing. [emphasis added.]**

With regard to its due process implications, Commission Rule 20 CSR 4240-2.115(2)(B) is considered a “mandatory rule” in that it protects a party’s rights to notice, participation, and a meaningful opportunity to be heard. The consequences for not filing a timely objection is the extinguishment of a party’s right to a hearing, as noted in the emphasized text of the rule restated above. Missouri law gives heightened scrutiny to “mandatory rules”, when evaluating whether an agency may shorten such procedural deadlines in a

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<sup>1</sup> U.S. Const. amend. XIV, § 1; Mo. Const. art. I, § 10.

<sup>2</sup> Missouri Nat'l Educ. Ass'n v. Missouri State Bd. of Mediation, 695 S.W.2d 894 (Mo. banc 1985).

manner that disadvantages parties by limiting their opportunity to participate and to be heard.<sup>3</sup>

2. Consumers Council hereby restates the same objections and grounds for opposition to the December 12, 2025 Supplemental Non-Unanimous Global Stipulation and Agreement as it has previously lodged to the October 6, 2025 Non-Unanimous Stipulation.<sup>4</sup> Consumers Council also objects to the December 12, 2025 Supplemental Non-Unanimous Global Stipulation and Agreement on the same grounds as were stated by the Office of the Public Counsel (“Public Counsel” or “OPC”) in its October 8, 2025 objections pleading.<sup>5</sup>

3. Consumers Council acknowledges that, on November 5, 2025, the Commission encouraged a new stipulation from the signatories to the October 6, 2025 Non-Unanimous Stipulation, related to improving billing and customer service “metrics”. However, despite the claim made in Paragraph 1 of the December 12, 2025 Supplemental Stipulation that it “establishes specific billing and customer service metrics”, *the document actually provides no meaningful “metrics” to measure accurate billing nor to improve customer service.*

Almost all of the items suggested on pages 3-4 of the Supplemental Stipulation as “metrics” (as conditions that must be met for three consecutive months before electric rates are allowed to go up) are in fact, simply restatements of the law, of the Commission’s rules, or of existing tariffs. Simply saying that the utility must follow existing billing rules

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<sup>3</sup> *Ibid.*

<sup>4</sup> “The Consumers Council of Missouri’s Objections To The October 6, 2025 Non-Unanimous Stipulation And Agreement”, filed on October 10, 2025.

<sup>5</sup> “The Office of the Public Counsel’s Objection to the Non-Unanimous Stipulation and Agreement filed October 6, 2025”, which was filed in this rate case on October 8, 2025.

is not providing any greater protections for customers. So far, the current Commission billing rules have not protected Liberty customers from a significant number of inaccurate bills and terrible customer service over an almost two year period. If the rules have been insufficient to compel Liberty to do better, how will merely restating those rules in an order give consumers any reassurances?

Moreover, they are some ways in which the Supplemental Stipulation ensures *lower protections* for consumers than what they should expect from existing rules, because the Supplemental Stipulation suggests that the Commission should grant certain waivers and exceptions from existing rules.

The five so-called “metrics” are listed in Subparagraphs 3(a)-(f) on pages 3-4 of the Supplemental Stipulation. Consumers Council addresses its objections more specifically to each of these metrics below:

3(a). -- Simply restates Liberty’s legal obligations under Rule 20 CSR 4240-13.020(2)(C) regarding estimated bills. This “metric” provides no greater protection for consumers than the very minimal level of competence that is required under that current rule.

3(b) -- Merely restates Liberty’s legal obligations under Rule 20 CSR 4240-13.020(2) regarding usage-based billing, and requires “that the Company shall confirm that each meter associated with that account is attached to the account in SAP for billing purposes.” This “metric” provides no greater protection for consumers than the very minimal level of competence that is required under that current rule, plus a statement from the utility that it is accurately billing usage to the right account or meter.

3(c) -- Merely restates that Liberty shall not violate its tariffs as it relates to the

customer charges, by not pro-rating customer charges for initial and final billings. This “metric” provides no benefit to consumers. Liberty should have already been complying with its tariffs, but there is no benefit to consumers. If anything, this “metric” will increase costs to consumers in those situations, while increasing electric revenues to the utility.

3(d) -- Merely restates Liberty’s legal obligations under Rule 20 CSR 4240-13.020(7), and then provides exceptions to the rule for certain situations. Here the Supplemental Stipulation appears to be asking for the Commission to grant a variance from the rules, so this “metric” may actually provide less protections with regard to the timeliness of utility bills than customer are assured under the current rule.

3(e) -- Merely restates Liberty’s legal obligations to render timely bills under Rule 20 CSR 4240-13.015(1)(c), and then suggests that Liberty actually be exempted from compliance with this rule in certain situations. This “metric” provides no benefit additional to consumers, and may provide less protection to some consumers than the current rules already require.

3(f) -- The only metric offered that actually purports to measure something, in that Liberty would have to provide timely bills, with an extremely wide latitude of nine days of delay, for 99.7% of its billing contracts in each of three months prior to new rates going into effect. This metric states that Liberty would have a legal obligation to follow the rules by rendering timely bills under Rule 20 CSR 4240-13.020(6), *except* for 0.3% of customers who would be allowed to receive untimely bills, plus it would exempt all of joint and collective customers<sup>6</sup> covered by a variance granted in Case No. EE-2026-0065, in

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<sup>6</sup> A large category of the complaints received in this case regarding billing delays and inaccurate billing came from joint and collective billed customers. The Commission should not exempt these customers from any metric regarding timely bills.

order to receive a rate increase. To that extent, this metric also appears to be a request for an even greater variance from compliance with the rules than the Commission has previously granted.

These so-called metrics provide no greater assurance of improvement regarding Liberty's billing problems, and in fact, in certain situations mentioned above, would allow lesser assurances of accurate bills than the Commission's current rules actually mandate. Consumers Council sees no meaningful benefit to consumers from these proposed metrics.

4. Both the December 12, 2025 Supplemental Non-Unanimous Global Stipulation and Agreement, as well as the previous October 6, 2025 Non-Unanimous Stipulation provide no assurance that consumers will be improvement in service. The billing "metrics" that would be required prior to a rate increase would do little more than state an expectation that the utility follow the current billing rules for three months, and in some instances would actually grant Liberty variances or exemptions from complying with billing rules.

Even more concerning is what is lacking from the proposed stipulations. Neither stipulation adequately addresses the following problems:

- A. Poor customer service. Multiple customers have testified in this case regarding a poor customer service experience when they tried to reach out to the utility. Metrics could have been developed to address improvement of Liberty's customer service to attain an adequate level of responsiveness and resolving billing issues. Neither stipulation addresses Liberty's poor customer service

record and no plan is proposed for improvement. It is common practice within the utility regulatory world to track customer service metrics (e.g., call answer times, average speed of answer, time to resolve consumer complaints). There were also many complaints about Liberty's online portal. The failure to propose any measures to track Liberty's customer service performance is a fundamental weakness to the proposed "metrics" offered by the signatory parties.

B. Reliability problems. Several customers testified regarding multiple power outages in their particular service areas, and repeated problems with receiving adequate electric service. Neither stipulation addresses these reliability issues.

C. In-person Pay Stations. Several customers testified as to the elimination of in-person pay stations in certain communities, where they had been able to pay their bill and talk to a utility employee in person about their billing and service issues.

D.

5. Consumers Council objects to the Supplemental Stipulation for the fact that it does not address the many problems with billing errors currently being investigated by the Staff. Because we have no Staff report in that case yet, the Commission and all the other parties are still lacking a full picture of the billing problems involved.

Case No. OO-2025-0233, an "Investigation into the Customer Service and Billing of Liberty Utilities Including Electric, Gas, and Water Utilities" has been pending since

February 26, 2025, and yet no report has yet been issued at all. The Commission properly set up that docket to collect information from testimony at local town hall meetings and from online comments regarding repeated and continuing billing problems caused by Liberty, but the deadline for a final Staff report in that matter has been delayed until December 31, 2025. Thus, the record is not yet adequate in this rate case as it relates to setting proper “metrics”. Commission does not yet have the full scope of this utility’s billing and customer service problems in front of it, and neither stipulation addresses the problems raised in that investigation case. No decision in this rate case which ignores those issues that were raised in that investigation case can be a just and reasonable decision.

6. The yet-to-be-developed “metrics” proposed in the October 6, 2025 Stipulation relate only to Liberty getting an even greater increase in electric rates related to the “Customer First” SAP software. This is a fatal flaw in the proposal of the signatories. The public has no assurance that these will be adequate metrics until those metrics would be ordered, and thus are currently not just and reasonable.



WHEREFORE, Consumers Council objects to and opposes the resolution of this rate case based December 12, 2025 Supplemental Stipulation and the October 6, 2025 Stipulation, and thus those documents must be considered as mere position statements of the signatory parties. Consumers Council's recommendation is that no rate increase be granted until metrics are fully developed which will actually require improved billing and customer service to be provided to Liberty customers before any rate increase is granted in this matter.

Respectfully submitted,

/s/ John B. Coffman

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Attorney for Consumers Council of Missouri

Dated: December 16, 2025

## CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed, emailed or hand-delivered to all parties listed on the official service list on this 16<sup>th</sup> day of December 2025.

/s/ John B. Coffman

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