

**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)	Case No. ER-2024-0261
For Electric Service Provided to Customers)	
In its Missouri Service Area)	

Initial Brief

COMES NOW, Renew Missouri Advocates d/b/a Renew Missouri (“Renew”), and for its *Initial Brief* states as follows:

Parties have presented a lengthy list of issues for the Commission to decide upon in this docket.¹ However, as to not burden the record more than necessary, rather than address each issue separately, Renew Missouri instead will organize its brief to support its position that the *Non-Unanimous Global Stipulation and Agreement* (“Stipulation”), filed on October 6, 2025, and amended on December 12, 2025 by the *Supplemental Stipulation and Agreement* (“Supplemental Stipulation”) is the appropriate resolution to each matter proposed in the *Amended Hearing Schedule*. Although the Stipulation has been objected to by the Office of Public Counsel (“OPC”)² and Consumers Council of Missouri (“CCM”),³ it is still supported by the Signatories as a joint position in this case. As a reminder, the Signatories to the original Stipulation include a diverse coalition of stakeholders, which consists of the Empire District Electric Company d/b/a Liberty’s (“Liberty” or the “Company”), Renew Missouri, the Staff (“Staff”) of the Missouri Public Service Commission (“Commission” or PSC), the International Brotherhood of Electrical Workers Local Union No. 1474, and Midwest Energy Consumers Group (“MECG”). The Signatories working

¹ *Amended Hearing Schedule*, filed October 10, 2025.

² *Objection to the Non-Unanimous Stipulation and Agreement*, filed October 8, 2025.

³ *Objections to the Non-Unanimous Stipulation*, filed October 10, 2025.

together have developed a global resolution to the case at hand, presenting a path forward to balance a variety of interests. Furthermore, the Supplemental Stipulation is a moderate, phased approach to collecting rates sufficient to cover Liberty's costs in providing service to its customers. Liberty is required to meet customer service metrics prior to implementing its increase, and prior to collecting any investment in the Customer First assets. Staff, the party tasked by the Commission in Docket OO-2025-0233 with investigating the customer service and billing practices of all Liberty utilities, is a signatory to the Stipulation and Supplemental Stipulation.⁴ Staff's familiarity with the widespread issues affecting all of Liberty's regulated operations gives comfort to Renew, and hopefully to others, that the metrics implemented as part of the Amended Stipulation require meaningful success in addressing key failures and a substantial showing of actual improvement in Liberty's provision of safe, adequate, and reliable service.

While the Stipulation covered a wide berth of topics, Renew did not take a position on all issues settled by the document. In order to provide the most concise and helpful record, Renew has chosen to limit its briefing to those issues it opined on in its prefiled testimony. Renew Missouri also notes that, in its understanding of OPC and CCM's objections⁵ to the original Stipulation, OPC is not objecting to the Green Button Connect My Data ("GBC") or the Low-Income Pilot Program ("LIPP") or the residential customer charge, but for the low-income waiver issue.⁶

⁴ In the Matter of an Investigation into the Customer Service and Billing of Liberty Utilities Including Electric, Gas, and Water Utilities.

⁵ CCM's *The Consumers Council Of Missouri's Objections To The October 6, 2025 Non-Unanimous Stipulation And Agreement* states "Consumers Council objects to and opposes the October 6, 2025 Non-Unanimous Stipulation 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.¹ Consumers Council concurs and joins in each of the objections made by Public Counsel, and makes those same objections for itself, as if fully restated in this pleading." Renew takes this statement to mean that CCM objects to the same portions and **does not** object to the same provisions to which OPC did not state an objection.

⁶ *The Office Of The Public Counsel's Objection To The Nonunanimous Stipulation And Agreement Filed October 6, 2025*, filed October 8, 2025.

Renew did not take a position on the low-income residential customer charge waiver, so it appears to Renew that all of its issues remained settled by the Stipulation, and therefore it has no live contested issues. However, to preserve its rights, if the Commission chooses to not approve it or otherwise order it as the appropriate resolution to those issues, Renew Missouri will briefly address each of those issues.

103. What is the appropriate design of residential rates in this case?

Renew Missouri supports the residential rate design as outlined in the Stipulation.⁷ As Renew noted in testimony, there is a demonstrated relationship between energy use and income.⁸ The Stipulation does not increase the residential customer charge. Instead, it keeps the customer charge at \$13, and instead applies the increase to the volumetric charges. This would result in a bill increase proportional to energy usage, instead of a regressive, fixed charge.⁹ Meeting the revenue requirement by increasing the residential volumetric rate would assuage Renew's concerns about the regressive effect of the increase.¹⁰ The Commission should approve the residential rate design outlined in the Stipulation, most importantly, keeping the customer charge at \$13, and not increasing it.

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⁸ Ex. 603, Rebuttal Testimony of Jessica Polk Sentell, p. 4, l. 3, - p. 6, l. 16.

⁹ *Id.*

¹⁰ *Id.*

Green Button Connect

114. Should the Commission order Empire to implement Green Button Connect My Data (“GBC”) in this rate case?

- a. In the event that the Commission orders Empire to implement GBC in this rate case, should the Commission order the tariff proposed by Renew Missouri related to GBC?**
- b. In the event that the Commission orders Empire to implement GBC in this rate case, should the Commission adopt Renew Missouri’s revenue requirement recommendation?**
- c. In the event that the Commission orders Empire to implement GBC in this rate case, should \$100,000 be included in Empire’s ordered revenue requirement to study its participation in a regional data hub?**

Renew Missouri respectfully requests the Commission approved the Stipulation, which provides that:

Empire agrees to conduct further evaluation of the Green Button Connect initiative prior to committing to full implementation. This evaluation will include a review of customer experience impacts, system integration costs (particularly within SAP), Green Button Connect implementation costs, and the value of customer interval data. Empire agrees to initiate a competitive solicitation process for the implementation of Green Button Connect, with the goal of evaluating both cost parameters and compatibility with the Company’s existing SAP systems. This comprehensive assessment will be completed within one year of the effective date of rates established in this proceeding. Based on the results of the evaluation and input from stakeholders, Empire will determine the appropriateness of moving forward with implementation. If deemed appropriate, Empire will target full implementation no later than the end of 2028. A tariff workshop will be held beginning six months prior to any planned launch to support transparency and stakeholder engagement.¹¹

This agreement balances the compelling reasons to implement GBC as well as Liberty’s need to ensure current customer information and billing software is working appropriately and providing accurate, reliable, timely information and bills to customers.

¹¹ Para 35, p. 9.

Across the country, numerous other state commissions have required utilities to implement data-sharing platforms of various types.¹² Ameren Missouri will also be implementing GBC as a result of the settlement in ER-2024-0319. In both situations, this allows a multitude of benefits to flow to all ratepayers, including consumers being to reduce their energy usage and participate in demand response offerings, which mitigate system-wide peaks.¹³ Additionally, GBC will enable Missouri to implement FERC Order 2222.¹⁴

A competitive solicitation process provides both a level playing field between stakeholders interested in implementation of GBC (such as demand response aggregators and virtual power plant providers), stakeholders (such as Staff and OPC) interested in controlling costs for customers, and the utility itself. Additionally, the collaborative process to discuss promulgation of a tariff prior to GBC implementation is a critical step. Renew Missouri advocates that consideration of a proposed tariff is necessary. A tariff would provide critical requirements to ensure fairness in the relationship between Liberty and customer-authorized data recipients.¹⁵ Without clarity about certain provisions such as service guarantees or non-discriminatory application of eligibility criteria, monopolies such as Liberty can abuse their power and unfairly diminish the ability of energy management firms to compete on a level playing field.¹⁶ A collaborative process allows Renew and others to advocate for fair and transparent terms, Liberty can ensure the tariff safeguards the utilities' interest, and stakeholders can provide input as they desire. Renew found the Stipulation terms appropriate in the context of the software and customer data/billing information issues Liberty is currently experiencing, which need to be resolved before successful

¹² Ex. 600, Direct Testimony of Michael Murray (Revenue Requirement), p. 6, l. 13-16.

¹³ *Id.* at p. 19, l. 18 – p. 21, l. 18.

¹⁴ *Id.* at p. 10, l. 13 – p. 12, l. 6.

¹⁵ Ex. 601, Direct Testimony of Michael Murray (Rate Design), p. 6, l. 1-6.

¹⁶ *Id.* at p. 4, l. 22 – p. 6, l. 6.

implementation of any new customer data processes can be implemented. However, the Stipulation terms still require meaningful evaluation and work towards GBC implementation, which is a fair compromise. Renew requests the Commission order the terms of the Stipulation as the appropriate solution to all GBC issues.

Customer Programs

115. Should the Low Income Pilot Program (LIPP) continue? If so, what, if any modifications made and what funding level should be ordered?

Renew supports the modifications to the LIPP contained in the Stipulation.¹⁷ Many of these modifications are designed to make the program more effective, such as the removal of budget billing as a requirement for program participation. This modification will enhance the success of the program as it will not deter customers who want lower payments during low-usage months or prohibit customers from receiving Low Income Home Energy Assistance Program (“LIHEAP”) due to billing credits.¹⁸ Currently, Budget Billing participation would prohibit customers from receiving either.¹⁹ Utilizing state median income levels for determining eligibility and having a tiered approach to bill credits is good practice in line with other utilities in the state.²⁰ The increased budget is a laudable achievement that will significantly open up the program to more customers in the Liberty service territory and will provide much needed help to customers struggling from inflation, cuts in federal utility bill assistance as well as weatherization programs, and those behind due to uncertainty and confusion due to Liberty’s billing issues.²¹ Renew urges the Commission to approve the terms of the Stipulation as a well-rounded solution to this issue.

¹⁷ Para. 30, p. 8-9.

¹⁸ Ex. 26, Direct Testimony of Nathaniel W. Hackney, p. 13-14.

¹⁹ *Id.* at p. 13, l. 13- p. 14, l. 15.

²⁰ *Id.* at Schedule NWH-1; p. 15.

²¹ Ex. 603, Rebuttal Testimony of Jessica Polk Sentell, p. 11, l. 4-8.

Conclusion

The Stipulation and Supplemental Stipulation are well-reasoned and well-supported and resolves all the issues contained in the *Amended Hearing Schedule*. Renew encourages the Commission to approve both documents. However, if the Commission does not approve both documents in their entirety, Renew supports the Stipulation's terms for rate design, GBC, and the Low-Income Programs as an appropriate result in this case. We urge the Commission to adopt those terms as the correct resolution for those issues in this case no matter what course is taken in a Report and Order.

Respectfully Submitted,

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Certificate of Service

I hereby certify that copies of the foregoing have been emailed to all counsel of record this 16th day of December 2025.

/s/ Nicole Mers