

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

**INITIAL BRIEF OF THE CONSUMERS COUNCIL OF MISSOURI**

COMES NOW the Consumers Council of Missouri (“Consumers Council” or “CCM”), and for its Initial Brief states as follows:

The record in this rate case is overflowing with evidence showing that the billing and customer service provided by The Empire District Electric Company d/b/a Liberty (“Liberty” or “Company”) is not adequate under Missouri law. The weight of this evidence is overwhelming that Liberty’s billing and customer service standards fall far below Missouri’s “safe and adequate and in all respects just and reasonable” standard.<sup>1</sup> In a rate case such as this, the utility bears the burden of proving that it deserves a rate change. Liberty fails to meet that burden of proof. The Consumers Council wholeheartedly agrees with the comments of Chair Hahn that:

“The commission must set rates that are just and reasonable to both the utility and the customer. As I previously mentioned, in my view, Liberty has not yet satisfied its burden that an increase to its revenue requirement or a rate increase will result in just and reasonable rates. What I feel I need and what I think the customers deserve is for Liberty to make *documented improvements in its billing and service before a rate increase is implemented.*”[emphasis added].<sup>2</sup>

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<sup>1</sup> Section 393.130.1 RSMo.

<sup>2</sup> Missouri Public Service Commission open meeting held on November 5, 2025.

The current evidentiary record, covering the test year period adopted for this rate case, cannot provide the Commission with such documentation, because the utility service received during that test year was inadequate. Consumers Council believes that the only appropriate way to ensure that Liberty can “document improvements in its billing and service” would be for the Commission to dismiss the instant rate case, with no rate increase being granted. Such a dismissal would allow Liberty to file a new request for rate changes in the future, after it has measured the performance of its billing and customer service results over time, and when it can potentially show that enough improvement has occurred to justify a rate increase. No rate increase should be adopted until Liberty can prove up an historical test year period that contain billing and customer service results that actually meet the Missouri standard for adequate service.

Unfortunately, the only other solution offered by Liberty and the other signatory parties are the yet-to-be-determined metrics of the October 6, 2025 Non-Unanimous Stipulation relating to rate “Customer First”-related rate increases that would occur on top of the proposed (stipulated) \$97 Million annual revenue requirement increase, and the billing “metrics” of the December 12, 2025 Supplemental Non-Unanimous Global Stipulation and Agreement, which set a very low bar for billing service.<sup>3</sup> These so-called proposed “metrics” are a far cry from metrics that would quantifiably document meaningful billing improvements over time. Moreover, the signatories to those stipulations offer absolutely no quantification method for measuring *customer service* performance upon which the Commission could rely.

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<sup>3</sup> As discussed in the “Objections of the Consumers Council of Missouri to the December 12 Supplemental Stipulation”, also filed on this day, the billing “metrics” would essentially allow a \$97 million permanent rate increase to occur if Liberty can merely follow certain billing rules for three consecutive months, with several noted exceptions granted to following the Commission’s billing rules.

While the Commission looks for methods to document improvements in the utility's billing and customer service results, the general public and most parties are still in the dark regarding the entire scope of Liberty's billing and customer service problems, because the Staff Report in Case No. OO-2025-0233 ("Investigation into the Customer Service and Billing of Liberty Utilities Including Electric, Gas, and Water Utilities") has yet to be filed. This Commission investigation into the crucial issue of billing problems has been pending since February 26, 2025, and no report has yet been issued. The current deadline for a final Staff report in that matter has been delayed until December 31, 2025, after the briefing schedule set by the Commission in this rate case.

Again, the record of this rate case is insufficient to justify a rate increase, as the test year period shows grossly inadequate and unreasonable utility service. The evidentiary record also lacks evidence of quantifiable billing or customer service improvements. The proposed billing metrics are either "to-be-determined", or are merely a restatement of the rules. There has been no attempt by Liberty to propose metrics that would relate to *customer service* improvements. The overwhelmingly weight of the evidence is that Liberty has not met its burden in this matter, and no rate increase would be just and reasonable at this time.

However, if the Commission chooses to issue a rate increase order in this matter, over the objections of Public Counsel and Consumers Council, and ignoring all of the evidence of inadequate billing and customer service, then Liberty should receive a no greater revenue requirement increase than the \$56 Million supported by Public Counsel's revenue requirement testimony.<sup>4</sup>

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<sup>4</sup>Initial Brief of the Office of the Public Counsel (Issues Value sheet), filed on December 16, 2025.

### Specific Issues

Consumers Council hereby sets out its position on certain specific issues defined in the approved List of Issues in this matter. With regard to any issues not mentioned in this section, Consumers Council adopts the position of the Public Counsel, as set out in that office's initial brief.

#### **1. What is the appropriate rate of return?**

##### **a. Return on Common Equity – what return on common equity should be used for determining rate of return?**

If the Commission sets new general rates for Liberty in this case, then it should authorize an allowed return on common equity ("ROE") for determining Empire's rate-of return of no more than 9.25%, as recommended by Public Counsel witness David Murray.<sup>5</sup>

In determining the proper ROE in this case, the Commission should also take into account Empire's troubled rollout of Customer First, and the continuing high level of customer dissatisfaction regarding the accuracy of this utility's billing system, by adopting the lower end of any range of reasonable results.

##### **b. Capital Structure – what is the appropriate capital structure to use for ratemaking in this proceeding?**

Consumers Council supports the Public Counsel position of using 45% common equity and 55% long-term debt capital structure for determining Liberty's authorized rate of return. As Public Counsel witness David Murray testifies, Empire is financed by debt

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<sup>5</sup> Ex. 209.

and equity injections by affiliates who ultimately access the financial markets through their ultimate parent, Algonquin Power & Utilities Corp. (“APUC”), and their immediate parent, Liberty Utilities Co. (“LUCo”). Empire’s per books capital structure is predominately a function of manipulations of affiliate financing transactions.<sup>6</sup>

**91. What should be the FAC base factor for this case?**

Public Counsel’s evidence supports a decision that also allows Liberty to continue its Fuel Adjustment Clause (“FAC”), with a base factor for Liberty’s FAC set at \$0.011111/kWh.<sup>7</sup>

**98. What ratio of the difference between Empire’s actual and base net fuel costs should the Commission order be shared between Empire and its customers as an incentive mechanism in Empire’s FAC, should the Commission authorize continuation of an FAC for Empire?**

Consumers Council believes that the Commission should reject Liberty’s request to continue its FAC. In other words, the appropriate sharing ratio for any ongoing fuel cost deviation should be shared on a 0%/100% basis, meaning that Liberty should absorb any costs above the FAC base and retain all savings below the FAC base level of fuel costs. This will place all of the incentive on Liberty to manage its fuel costs, and hopefully lead to more efficient cost savings. This approach would be fair because electric consumers have *no control* over the utility’s fuel management practices, and thus should not bear

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<sup>6</sup> Ex. 211, pp. 4-6.

<sup>7</sup> Ex. 207.

any of the risk of fluctuating costs. Fuel costs should be managed by the utility, rather than treating the consumer as a guaranteed insurance policy for corporate profits.

However, if the Commission does not reject Liberty's request to continue its FAC, then the Commission should modify the current FAC sharing mechanism to at least a 50%/50% sharing basis, that would equally share the risk of fuel cost variations between shareholders and ratepayers.<sup>8</sup>

**99. Should Empire's FAC tariff sheets be revised in this docket to address the fuel and purchased power impacts of large load customers with 25 MW or more of demand?**

Consumers Council believes that Liberty's costs incurred to serve large load customers should be excluded from Empire's FAC. Without such a modification every large load customer will be subsidized by Liberty's residential customers through the FAC.<sup>9</sup>

**101. What is the appropriate interclass allocation of revenue responsibility for setting rates in this case?**

Consumers Council supports Company's methodology for interclass allocations, as updated by Consumers Council witness Caroline Palmer's cost of service study ("COSS") recommendations to use the Basic Customer Method for distribution cost classification, and to use customer, energy, and demand allocators for AMI meters.<sup>10</sup>

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<sup>8</sup> Ex. 206, Public Counsel witness Lena M. Mantle direct testimony, pp. 22-23; Ex. 207, Public Counsel witness Lena M. Mantle rebuttal testimony, pp. 17-20.

<sup>9</sup> Ex. 207, Public Counsel witness Lena M. Mantle rebuttal testimony, p. 29.

<sup>10</sup> Ex. 800, Palmer direct testimony; Ex. 801, Palmer surrebuttal testimony.

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

Consumers Council recommends that the Company maintain its current \$13.00 monthly fixed charge, and instead increase the residential volumetric rate as necessary in order to achieve the required revenue requirement increase.<sup>11</sup> In addition, all of Liberty's reconnect charges, collection trip charges, and punitive late fees should be eliminated.<sup>12</sup>

**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?**

Consumers Council supports the Company's proposed LIPP/Fresh Start program proposal, but with an annual funding level of \$900,000. The initial enrollment target for the program should be between 1250 and 1600, with a cap of 2000. Unexpended funding should be rolled over into future years of the program.<sup>13</sup>

**118. Should the customer charge be waived for income-eligible residential customers as proposed by OPC witness Dr. Marke?**

Yes. There is a strong need for waiving customer charges for income-eligible residential customers. Waiving customer charges for income-eligible residential customers is supported by Missouri law.<sup>14</sup> Waiving the customer charge as detailed by

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<sup>11</sup> Ibid.

<sup>12</sup> Ex. 802, Jim Thomas direct testimony; Ex. 803, Jim Thomas surrebuttal testimony.

<sup>13</sup> Ibid.

<sup>14</sup> Section 393.1680 RSMo.

Dr. Geoff Marke would be consistent with the recent income-eligible rate design (“Limited Income Customer Charge Pilot Program”) which this Commission approved in Spire Missouri’s most recent general rate case, Case No. GR-2025-0107.<sup>15</sup>

**119. Should the Critical Medical Needs program continue? If so, should any modifications be made and what funding level should be ordered?**

Yes, as recommended by Consumers Council witness Jim Thomas.<sup>16</sup>

**120. Should the Commission order the structure and meeting requirements for the Low Income Programs Collaborative, as recommended by CCM witness Jim Thomas?**

Yes.<sup>17</sup>

**121. Should the Company adopt low income marketing strategies as recommended by CCM witness Jim Thomas?**

Yes.<sup>18</sup>

**122. Should the Company adopt the best practices for identifying the needs of high energy burden and low-income communities, targeting resources to those**

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<sup>15</sup> Ex. 203, Public Counsel witness Geoff Marke rate design direct testimony; Ex. 802, Jim Thomas direct testimony; Ex. 803, Jim Thomas surrebuttal testimony.

<sup>16</sup> Ex. 802, Jim Thomas direct testimony; Ex. 803, Jim Thomas surrebuttal testimony.

<sup>17</sup> Ibid.

<sup>18</sup> Ibid.



**communities, and setting customer targets for achievement, as recommended by CCM witness Jim Thomas?**

Yes.<sup>19</sup>

### **Customer Experience**

**142. How should the Company's investment in "Customer First" be treated for ratemaking purposes in this case?**

If the Commission does not reject any rate increase in this matter (which is Consumers Council's primary recommendation), then Consumer Council maintains that Liberty's customer service is so inadequate that the Commission should exclude all of Liberty's investment in its "Customer First" software costs from rate recovery.<sup>20</sup> In order for Liberty to recover its investment in "Customer First" through rates, that investment must be "used and useful" and "fully operational and used for service", as required by Missouri law.<sup>21</sup>

Far from being "used and useful", Public Counsel testimony shows that Liberty's customer service since the adoption of "Customer First" software, has actually been detrimental to accurate billing and has degraded the utility's customer service.<sup>22</sup>

**B. Should the Commission reduce the Company's revenue requirement based on Empire's service related to its investment in Customer First?**

If the Commission does not reject any rate increase in this matter (which is

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<sup>19</sup> *Ibid.*

<sup>20</sup> See Issue 163 in this brief.

<sup>21</sup> Section 393.135, RSMo.

<sup>22</sup> Ex. 203.

Consumers Council's primary recommendation), then it should nonetheless exclude all of the "Customer First" costs from the revenue requirement as not "used and useful," is not "fully operational and used for service" under Missouri law.

**C. If the Company's revenue requirement is reduced by the Customer First investment, should it be authorized to establish a regulatory asset to record monthly its earning when respective metrics have been met as proposed by Company witnesses Reed and Walt?**

No, "Customer First" costs are ordinary costs, not an extraordinary event for which the Commission should allow such special accounting treatment—an accounting authority order (AAO). If Customer First becomes "used and useful" and "fully operational and used for service" in the future, then Liberty may seek to include its investment in this software in its next general rate case, as with any other capital investment.

**151. Should the Commission order Empire to put in place a process to ascertain that Customer Service Representatives are advising customers of their right to file an informal complaint as prescribed by Commission Rule 20 CSR 4240-13.045(9)?**

Yes, Liberty should be following the law by advising customers of their right to file an informal complaint, and the utility should be ordered to maintain sufficient documentation to substantiate that it is complying with this Commission rule.

**153. Should the Commission order Empire to establish a process for customer callbacks that effectively records the need for a callback, tracks the**

**status of that callback, and verifies the execution of the callback within a reasonable period of time following the request?**

Yes, Liberty should be ordered to maintain documentation to substantiate the execution and responsiveness of its customer callbacks.

**154. Should the Commission order Empire to provide an additional phone call notification for Autopay customers who have their accounts locked because of delayed billing notifying them of the situation and the need to speak with Empire's call center to remove the lock?**

Yes.

**155. Should the Commission order Empire to investigate customer claims that My Account is not accurately displaying balances owed? Should Empire be required to report the results of its investigation to Staff, along with next steps as necessary?**

Yes.

**159. Should Empire be required to file an affordability plan with the Commission that provides a clear roadmap with deliverable actions with the expressed goal of lowering rates to be aligned with other electric utilities in Missouri? If yes, what parameters should be ordered?**

Yes. Consumers Council supports the position of the Public Counsel that Liberty should be more focused on achieving bill affordability through proactive efforts. Liberty

should be required to file an annual “Affordability” plan at the Commission which provides a clear roadmap with deliverable actions to the express goal of lowering rates to align them with other Missouri electric providers.<sup>23</sup>

**160. Should Empire’s ROE be reduced 25 basis points for poor customer service reflected by its bottom 5% position across U.S. utilities per J.D. Power?**

Yes. During 2024, which includes much of the test year in this rate case, Liberty ranked 144 out of 151 utilities in JD Power customer satisfaction surveys.<sup>24</sup> If this Commission sets new Liberty rates in this case, then it should make an explicit reduction to Liberty’s authorized ROE when doing so, in order to incent the utility to perform better for customers in the future. Performance matters, and regulatory incentives should recognize when performance in customer service fails this bad with proportionately negative feedback.

**163. Should the Commission leave Empire’s current rates in place until the Company can demonstrate that it is timely and accurately billing its customers for service?**

Yes. Consumers Council agrees with the testimony of Public Counsel witness Geoff Marke that Liberty’s customer service is so far below what its customers deserve the Commission should not entertain any increase to Liberty’s general electric rates.<sup>25</sup>

During the evidentiary hearing, Staff witness Mr. Thomason testified on October

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<sup>23</sup> Ex. 203, Public Counsel witness Geoff Marke direct testimony, pp. 39-43; Ex. 204, Public Counsel witness Geoff Marke rebuttal testimony, pp. 11-13.

<sup>24</sup> Ex. 203, Public Counsel witness Geoff Marke direct testimony, p. 24.

<sup>25</sup> Ex. 203, pp. 29-49.

14, 2025, that one of the two reasons no report has yet been filed in the ongoing investigative report on Liberty's billing and customer service issues in Case No. OO-2025-0233 was "that we keep finding new issues that require further follow-up."<sup>26</sup> Without the Staff report on the billing and customer service issues, the record is lacking a comprehensive survey of all of the problem issues. However, the local public hearings held in this matter contain massive volumes of sworn testimony regarding a sustained level of billing errors and poor customer service that should not be ignored in any final order by the Commission in this matter.

Another source of information that builds upon the already overwhelming evidence of problems can be seen in the customer comments collected online through the Commission's EFIS system. As of this date, the customer comments on the docketed page for Case No. ER-2024-0261 contains a total of 741 comments, including the following excerpted comments, which express concerns relating to inaccurate billing and poor customer service:

Comment Number	Comment
P202400766	Your oversight in this matter is clearly needed and I hope you will take the matter seriously. So far, less than impressed with Liberty and they should have rolled out whatever they are doing in smaller portions so as to not put the burden on the consumer. I am writing to request that you look into Liberty's billing practices. We bought a house in their jurisdiction unfortunately and have not had a regular monthly bill yet. Last month, my bill encompassed 50 days. This month, I have called to see when to expect my bill and it will also include almost two months of utilities.
P202501255	2 months, no bill. This is affecting my business's taxes. This has been going on for 9 months. People are irate. Liberty needs to fix this ASAP.
P202501264	There is a FB group called Victims of Liberty Utilities. This company is rude and incompetent. They do not offer the correct payment plan choices unless you call them out on it. They are supposed to offer you twice

	the amount of time you were billed incorrectly to pay off the balance and they do not do that unless you know the rule and call them out on it.
P202501532	I spoke with the Commissioners at a public hearing in Bolivar last fall. Part of the discussion was Liberty's inability to send out their bills in a timely fashion. When we get a bill, we have a shortened time to make our payment. Their mismanagement is unacceptable. On top of that they want to increase our rates. They need to clean up their management mess and demonstrate they can effectively run a utility before they would ever deserve an increase. We are many months from the hearing and I see no evidence they have a handle on the concerns voiced at the hearing.
P202501693	For 4 months Liberty could not tell us how much our bill was. This is highly incompetent and terrible customer service. No notifications were ever sent out explaining what was going on. This is affecting people on fixed incomes and budgets. This is a failure on Liberty's part and they aren't even offering the customers any type of compensation for this headache they have created.
P202501828	We are strongly against giving Liberty Utilities any additional funds or allowing them to take more money from Missourians. If we had any options for another electrical carrier we would. Their service is unreliable. They are unable to manage or run their business. We did not receive an electric bill from them from June 2024 to February 2025. We began calling monthly and then weekly being told we will get you a bill. No one had a clue. Now we are told they will work us on bringing our account up to date. Please force Liberty to get their own house in order before taking more from ours.
P202501842	My wife and I did not receive an electric bill for 5 months after continued calling. We paid \$150 to stay ahead only to be refunded. We are now getting back-billed for their mistake and a rate increase on top would be financial strangulation. We are new parents, trying our best to be honest, respectable, citizens. We love our town and home but are considering moving counties/states to get away from this Monopoly. Also, why would we be paying for February 2021 Storm and Asbury Cost for 50years???
P202501930	I have not gotten a bill since Aug, and they still have it screwed up, the bill is \$2000.00. They do not deserve a rate increase. PSC, please do not approve a rate increase for Liberty.
P202502276	This request should not even be considered until Liberty can actually meet the most basic competencies of a legitimate company. Our disabled son and his disabled roommate live in Goodman and have not received their Liberty bill since DECEMBER. The company only responds with excuses and lies as to where their bill is. Both these men are on social security disability. Liberty cannot even get them a bill. Terrible customer service. No Increase is warranted.
P202502712	Not sure what is going on but I'm disabled/retired on fixed income and I have experienced increasing electric bills. OACAC paid my bill full me in full in March I get no bill then mid-April I get shut off notice saying I

	<p>owed over 500 and then a week later I get another saying I owe over 700. Past years March April may bills have always been around 100. They wouldn't budge on what I owed and made me agree to long-term payment plan. I don't see any way I used over 700 even over 500 so now I'm trapped in a plan for electric that I have trouble paying in the first place. Also a few months ago they hit us with charges liberty and for storm damage when we was under empire back in 2018 or whichever year it was. Liberty wasn't even out provider time</p>
P202502795	<p>Our bills have not aligned for some time when I called, I get an apology but they can't seem to reconcile where the difference came from especially since we are on autopay and why we would have a balance due. I was told we were off a month due to the change in billing software in 2024 and so they would not take a payment in April 2025 but would instead take the balance due in addition to that in May 2025. This does not make sense to us first how we can be a month off being on AutoPay and then how skipping a month will catch that up?</p>
P202502796	<p>I have received four identical electric bill/statements from Liberty Utilities in the past two months. They all show a zero amount due. They were all postmarked after the due date. Two days ago I received a letter stating that I may have received multiple bills, but the amount in the letter is what I owe. The letter had no details, no usage amounts. I should be provided a bill with the dates of usage, amount of electricity used, and a detailed breakdown of the charges. Please see the attached four statements showing no payment due and the letter stating something different. I think Liberty should be held accountable for the billing statements they send out. A billing statement is a legally binding document.</p>
P202502953	<p>A long-time customer expressed frustration with the new billing system, stating that the previous system worked fine. She received eight bills in one month, while some bills were delayed for five months. To resolve her payments, she had to stand in line in Joplin for over an hour and a half on three occasions across four months and repeatedly call for billing amounts. After 49 years as a satisfied customer, she is now unhappy due to these issues, including receiving bills just two days before their due dates.</p>
P202503072	<p>As a company that deals with Real estate, being residential, commercial or Farms, we have received many bills that were incorrect, Late, for multiple months, etc. This puts a toll on the company as we are having to spend so much time on the phone to verify what actually needs to be paid. sometimes we get 3-5 bills for the same property all with different information on them, causing confusion. Their billing and customer service has gotten out of hand, and they are extremely rude when you call to verify your bills.</p>
P202503314	<p>Liberty took over Bolivar for electric, water &amp; sewer. This affects me when a rental house becomes vacant until I get it rented again. Liberty is impossible to work with. I wanted my account set up to come out of my credit card every month so it would never be late or lost in mail. They had my address but never mailed bills to me, they mailed them to the property address. They never took payment from my credit card. I had to go by</p>

	their office and pay with cash or check. You get no help on automated because even that is all messed up. I hope to sell every house I own in Bolivar so I never have to hear their name again. This was for gas, water and sewer at 472 E Parkview Street, Bolivar, MO 65613
P202503316	On 2 occasions over the last 12 months I received no Liberty electric bills for a 3 month period requiring me to reach out to them and request a bill. Online queries provided results showing a balance due of \$0.00. When the bills were finally sent, they were in excess of \$1000.00 each time. No explanation was giving for this other than system errors while moving to a new computer system.
P202502023	I am very much against them getting a rate increase. We have had very poor service with Liberty since the first of the year. It has been a constant battle with them regarding billing.
P202502137	Andrea is unhappy with Liberty's customer service and billing with the new CIS system. It has been a year now since Liberty went to this new system and they still have so many problems. She would like the PSC to deny any increase in rates due to how horrible this new system and billing is.
P202502156	I am writing to express my strong opposition to the support of Liberty Electric due to their wasteful use of tax dollars and subsidies. Over the past two months, I have received multiple printed duplicate bills for the same account, resulting in unnecessary mailings and wasteful spending. This level of inefficiency and greed is unacceptable. As a property owner in Sac Osage and Ameren territories, I can attest that other utility providers do not exhibit such blatant disregard for resources. It is vital that we hold companies like Liberty accountable and demand better practices. I urge you to reconsider supporting Liberty Electric and take a stand against their wasteful behavior. Our community deserves better.
P202501832	I am reaching out to you because of the recent request of Liberty utilities for yet another rate hike. Please stop the madness. Not only have my rates more than doubled in the almost 10 years in this house but their reliability of service is not good. The power surges and flashes have damaged more than one of my appliances. The inconsistency is also cause of increased cost due to influencing efficiency. Please stop this latest request to increase rates. Thank you for your consideration in this matter.

### Conclusion

The evidentiary record in this case regarding Liberty's billing and customer service performance shows that it currently so sub-par that no rate increase should be adopted. In a future rate case, Liberty should be given an opportunity to prove up an historical test year period that contains billing and customer service results that actually meet the



Missouri standard for adequate service. But under the record before the Commission, Liberty has failed to meet its legal burden of proof to show that it is providing safe and adequate service, and thus it would be unjust and unreasonable to allow the Company any electric rate increase at this time.

The evidentiary record also lacks evidence of any meaningfully quantifiable method of measuring billing or customer service improvements over time. The non-unanimous stipulations propose billing metrics that are either “to-be-determined”, or are merely a restatement of the existing billing rules, and there has been no attempt by Liberty to propose metrics that would relate to *customer service* performance.

If the Commission does choose to issue a rate increase order in this matter, over the objections of Public Counsel and Consumers Council, and ignoring all of the evidence of inadequate billing and customer service problems, then Liberty should receive no more revenue requirement increase than the \$56 Million supported by Public Counsel’s revenue requirement testimony. Any continuation of the FAC should be conditioned on a 50%/50% sharing mechanism.

Respectfully submitted,

/s/ John B. Coffman

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John B. Coffman                      MBE #36591  
John B. Coffman, LLC  
871 Tuxedo Blvd.  
St. Louis, MO 63119-2044  
Ph: (573) 424-6779  
E-mail: [john@johncoffman.net](mailto:john@johncoffman.net)

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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