

BEFORE THE PUBLIC SERVICE COMMISSION

STATE OF MISSOURI

TRANSCRIPT OF PROCEEDINGS

ON-THE-RECORD PRESENTATION

In the Matter of the Request       )  
for the Empire District               )  
Electric Company d/b/a Liberty       ) Case No. ER-2024-0261  
for Authority to File Tariffs        )  
Increasing Rates for Electric        )  
Service Provided to Customers       )  
In its Missouri Service Area        )

HEARING  
VOLUME 14  
WEDNESDAY, JANUARY 7, 2026  
9:00 a.m.

Governor Office Building  
200 Madison Street  
Jefferson City, MO 65101

CHARLES HATCHER, Presiding  
SENIOR REGULATORY LAW JUDGE

KAYLA HAHN, Chair,  
MAIDA J. COLEMAN,  
GLEN KOLKMEYER,  
JOHN MITCHELL,  
COMMISSIONERS

REPORTED BY:  
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Commission

1 JUDGE HATCHER: Let's go on the record.  
2 This is the 7th of January, 2026. We are here for an  
3 on-the-record evidentiary proceeding in --

4 (Pre-recorded announcement.)

5 JUDGE HATCHER: Thank you.

6 This is Case Number ER-2024-0261. For  
7 everyone on our WebEx, please mute your phones and  
8 double check your WebEx at this moment to make sure  
9 that you are muted, please.

10 For everyone in the courtroom, please  
11 just check your phones and make sure that those are  
12 muted or any other electronic devices.

13 Let's go ahead and, for the record, make  
14 our entries of appearance. We will start with counsel  
15 for the company, Empire District Electric Company.

16 MR. COOPER: Thank you, Judge. Dean  
17 Cooper from Brydon, Swearngen and England, PC,  
18 appearing on behalf of the Empire District Electric  
19 Company, doing business as Liberty.

20 On the WebEx, we also have Mr. James  
21 Flaherty of the law firm of Anderson and Byrd and  
22 Ms. Jermaine Grubbs, who is of the company.

23 JUDGE HATCHER: Thank you. And this is a  
24 good time to note that Empire Witness Brian  
25 Berkstresser has been excused from appearing today.

1 Let's move on to introductions of staff.

2 MR. VANDERGRIFF: Good morning, Your  
3 Honor. Eric Vandergriff appearing on behalf of Staff.  
4 I'm joined today by Mark Johnson, Travis Pringle, Lexi  
5 Klaus, Andrea Hansen and Scott Hannon.

6 Our business address is the Governor  
7 Office Building, 200 Madison Street, Jefferson City,  
8 65102. The PO Box is 360.

9 JUDGE HATCHER: Thank you.

10 And for the Office of the Public Counsel,  
11 Mr. Williams.

12 MR. WILLIAMS: Nathan Williams, chief  
13 deputy public counsel, appearing on behalf of the  
14 Office of Public Counsel and the public.

15 JUDGE HATCHER: Thank you.

16 And Consumers Council for Missouri.

17 MR. COFFMAN: Good morning, Your Honor.  
18 John B. Coffman appearing on behalf of the Consumers  
19 Council of Missouri.

20 JUDGE HATCHER: And for the record, the  
21 next two parties have been excused; Empire District  
22 Retired Member --

23 (Off the record due to PSC internet  
24 outage; proceedings paused.)

25 JUDGE HATCHER: And we are back on the

1 record. Because this recording will be slightly  
2 different than Ms. Johnson [as said], our court  
3 reporter who was online, I'll go ahead and restate  
4 some of the pertinent facts.

5 This is Case Number ER-2024-0261. This  
6 is an on-the-record evidentiary proceeding. In  
7 attendance and already entered their appearance was  
8 counsel for Empire, Staff, Office of Public Counsel,  
9 Consumers Council of Missouri, and Midwest Energy  
10 Consumers Group.

11 Influent has not entered an appearance  
12 and the Empire District Retired Members and IBEW Local  
13 1474 have already been excused from the hearing.  
14 Mr. Berkstresser has also been excused from the  
15 hearing.

16 We are set to begin with witnesses. This  
17 on-the-record proceeding was set with no opening  
18 statements. The Commission would like to call Amy  
19 Walt to the stand.

20 MR. WILLIAMS: Judge, if I may.

21 JUDGE HATCHER: Yes, Mr. Williams.

22 MR. WILLIAMS: I just want to emphasize  
23 that Public Counsel is not waiving its objection to  
24 this proceeding.

25 JUDGE HATCHER: Thank you. And I did

1 forget to mention that. I was going to mention that,  
2 make sure that was on the record.

3 Public Counsel has objected to the  
4 carrying out of this on-the-record evidentiary  
5 proceeding. That objection is still pending.

6 MR. COFFMAN: Your Honor?

7 JUDGE HATCHER: Yes.

8 MR. COFFMAN: Yeah, if -- if you don't  
9 mind, I would like to go on record in support of the  
10 OPC's objection on that point, just as an ongoing  
11 objection.

12 JUDGE HATCHER: Consumers Council now  
13 joins in the previously objected to -- objection filed  
14 by Public Counsel.

15 MR. COFFMAN: That's right.

16 JUDGE HATCHER: Ms. Walt, please raise  
17 your right hand.

18 (Witness sworn.)

19 JUDGE HATCHER: Thank you. And we will  
20 now start with Commissioner questions. Are there any  
21 Commissioner -- Commissioner Mitchell, would you  
22 please lead us off?

23 COMMISSIONER MITCHELL: Sure. Sure. I'd  
24 be happy to.

25 AMY WALT, having been previously sworn, testified as

1 follows:

2 QUESTIONS BY COMMISSIONER MITCHELL:

3 Q. Ms. Walt, I am just reading from the  
4 first page of the Supplemental Stipulation and  
5 Agreement and it -- it says in the first paragraph  
6 that this Supplemental Agreement establishes specific  
7 billing and customer service metrics that Liberty is  
8 required to meet for three consecutive months bef- --  
9 and goes onto say: Before implementing any changes in  
10 rates.

11 So I'm -- I'm curious of what provisions  
12 of the Supplemental Stipulation would assure that the  
13 customer service improvements will be made before new  
14 rates can be implemented?

15 A. I'm sorry. If I understand your question  
16 properly, which metrics are we going to be looking at?  
17 Is that your question?

18 Q. Yes.

19 A. Yeah, so there are six metrics that we  
20 have outlined in the Stipulation and Agreement. They  
21 all stem from Schedule 13, the service regulations for  
22 Missouri. And those are the metrics that we're  
23 looking at. So would you like me to state the six  
24 metrics? I can go through those.

25 Q. Yeah. Would you walk us through them?



1           A.       Sure. The first one is really related  
2 to -- let me just make sure I got them all here. So  
3 it's making sure that our customers who move into an  
4 account or that are moving out of an account are not  
5 receiving an estimated bill unless being able to get  
6 an actual read is outside of the control of the  
7 company, such as a aggressive dog or a ice storm or  
8 something like that.

9                   We should be offering a actual bill to  
10 our customers who are moving in or having a final  
11 read. So that's one of them.

12                  Another one is that we are required to  
13 give our customers a bill -- that it has a usage  
14 period between 26 and 35 days. So that's ensuring  
15 that our meter reads are occurring on a regular basis  
16 and that our customers are receiving usage on a  
17 consistent basis between 26 and 35 days.

18                  Then we have one that says our customers  
19 need to ensure that they have 21 days between the time  
20 that the bill is issued and the due date that's stated  
21 on that bill has to have a minimum of 21 days in order  
22 for them to pay their bill. So we need to make sure  
23 that that is there.

24                  There was one about -- that we had a  
25 issue where we were prorating a customer service

1 charge even though the bill was between 26 and 35.  
2 That was an error in the system that was fixed in  
3 August and we haven't seen any of those going forward,  
4 but that is one of the rules. We have to make sure  
5 that -- whoops, we have to make sure that that stays  
6 in place.

7 And then we have one that is nine plus.  
8 So any customer's bills are expected that they get  
9 their bill consistently during the same cycle every  
10 single month. The metric is that we need to make sure  
11 that we're within nine days of that bill cycle  
12 99.7 percent of the time for our customers.

13 And there is one more that I am missing.  
14 Oh, the last one is that customers are not going to  
15 receive just a service charge on their bill. That  
16 their bill -- if they are on a tariff that requires us  
17 to have a meter with usage associated with that, that  
18 we have to be able to demonstrate that the meter is  
19 attached to the account and that the customers can  
20 actually see their usage, a beginning and ending read  
21 on their bill. We can't just send out just a service  
22 charge to the customer.

23 And those are the six metrics, I believe.  
24 One, two, three, four, five, six. Yes, those are the  
25 six. Move in, move out, 25, 21 days, nine plus

1 service charge and then the one that's kind of a bit  
2 of an error.

3 Q. Uh-huh. So I -- I can appreciate that  
4 the metrics proposed here are -- are, in my mind,  
5 aimed at billing -- primarily at billing. And those  
6 would be intended to bring Empire into compliance with  
7 Commission rules.

8 But what I'm -- what I'm having a hard  
9 time connecting is billing and customer service  
10 metrics to this agreement. And customer service, in  
11 my mind, relating to the ability to have issues  
12 resolved at call service centers, being able to go to  
13 a field office and actually be able to understand  
14 what's in the bill and for a customer to be able to  
15 pay the bill.

16 So I -- I don't see the service aspects  
17 covered in the Stipulation Agreement as well. So I'm  
18 curious if you could shed any light on that for me?

19 A. Yeah. Those service agreement -- or the  
20 service level agreements today are not in Schedule 13,  
21 but we do report out on them every month to the  
22 Commission Staff.

23 And so we have been meeting the average  
24 service level. We met that for six months in a row.  
25 November we were a little bit higher than the

1 80 percent of our calls within 30 seconds is what we  
2 strive for today. There isn't today a -- a law or a  
3 rule around that 80 percent within 30 seconds. That's  
4 just something that we have historically achieved.  
5 And so that's something that we continue to strive  
6 towards.

7 I've stated my opinion to the Staff that  
8 I feel like that is a very costly model and not really  
9 an expectation of our customers to be at answering --

10 MR. WILLIAMS: Judge, I'm going to object  
11 at this point. I believe this is going beyond the  
12 purpose for which this hearing was noticed up. The  
13 hearing says it's concerning the Supplemental  
14 Stipulation, including its relation to the Global  
15 Stipulation.

16 What we're now going on into is a bunch  
17 of evidence about customer metrics, which are not part  
18 of this agreement, to my knowledge.

19 JUDGE HATCHER: Overruled. Thank you.

20 THE WITNESS: So as I was saying, the  
21 80/30 -- so answering a call within 30 seconds, again,  
22 in my history, 30 years I've been in the utility  
23 industry serving in the customer service space at  
24 three different utilities, the 30 seconds is  
25 incredibly aggressive. We have done statistics at

1 other companies that have shown anything greater than  
2 120 seconds is where your customer satisfaction starts  
3 to dip.

4 So 30 seconds is very fast, which in  
5 order for us to achieve that is also an expensive  
6 model. So I've expressed that to Staff, but currently  
7 that's historically where we've been is just more of  
8 an agreement of -- of where we should try to strive  
9 for.

10 So we've been striving towards the  
11 80 percent at 30 seconds. We met that for six months  
12 in a row. We were a little bit higher than that in  
13 November just primarily due to holidays, vacations,  
14 sick time for our staff. But we continue to strive  
15 towards that until we can come into a different  
16 agreement around that 80/30.

17 So we continue to measure those and  
18 provide them to Staff every month and will -- we will  
19 continue to do that.

20 And we continue to share with them call  
21 volume stats as well, how many calls are coming into  
22 our Customer Contact Centers. We just recently opened  
23 the Aurora office for just an assessment of what type  
24 of needs do our customers have from more of a walk-in  
25 type center, are we not able to serve them through the

1 call centers.

2 We've seen eight customers come in since  
3 mid-December when we opened that office. Again,  
4 primarily just questions around their bill, setting up  
5 payment arrangements, things like that.

6 (Pre-recorded announcement.)

7 JUDGE HATCHER: Thank you, Ms. Walt.  
8 This seems like a good opportunity to interrupt the  
9 questioning very quickly. Internet has been restored  
10 and we are now back onto the WebEx.

11 We are still recording, so I'm going to  
12 let this play out for five or ten minutes before I  
13 double check to make sure our court reporter has  
14 re-joined, but we are still on the record and  
15 everything is still being recorded.

16 I just wanted to very quickly interrupt  
17 and let everyone know that. I apologize,  
18 Commissioner, and Ms. Walt, for the interruption.  
19 Please go ahead.

20 COMMISSIONER MITCHELL: No worries.

21 BY COMMISSIONER MITCHELL:

22 Q. Please continue.

23 A. So I -- I believe those are metrics that  
24 we will continue to measure. We also measure customer  
25 service satisfaction metrics, so we've measured first

1 call resolution. We ask our customers how they feel  
2 about their service levels through after-call surveys.

3 We also look at, you know, is the same  
4 phone number coming in multiple times? And so we can  
5 actually see if we're achieving first call resolution.  
6 We've improved that from 71 percent to  
7 79 percent year over year.

8 And our customer satisfaction with  
9 our agents, we've seen that raise as well. We were at  
10 86 percent customer satisfaction with our agents.

11 So those are all metrics that we provide  
12 on a monthly basis to Staff and we'll -- we'll  
13 continue to do so.

14 Q. Okay. So as I understand it, the  
15 relationship between the Global Stipulation and the  
16 Supplemental Stipulation, there are -- there are  
17 really two sets of metrics involved here.

18 One, being metrics for billing and  
19 customer service, which -- which need to be met before  
20 any new rates can go into place. The other metrics  
21 revolve around the customer first recovery.

22 So can you elaborate on how those metrics  
23 are differentiated in -- and you've already talked  
24 about billing metrics, but --

25 A. Uh-huh.

1 Q. -- what about the Customer First metrics?

2 A. Yeah. The way -- the way I think about  
3 it is in order for us to get rate recovery, we -- we  
4 really need to be able to show that we are meeting the  
5 service regulations, the laws of the -- the level of  
6 service that we're able to provide.

7 That's those billing metrics. They're in  
8 Schedule 13. They, you know, are service regulations  
9 that we have to meet.

10 As we think about the Customer First  
11 metrics, the additional recovery for Customer First,  
12 those metrics will be determined by -- in May through  
13 additional conversations.

14 At this point we do anticipate that it  
15 would be a combination of those billing metrics and  
16 also some of these customer service type metrics that  
17 I just spoke about.

18 Q. Do -- do you think the Company would  
19 object -- or the metrics that will be developed and  
20 submitted in May, would -- would there be any  
21 objection to those metrics focusing, in part, on  
22 customer service improvements?

23 A. For the Customer First --

24 Q. Yes.

25 A. -- metrics?



1                   No, we're fully anticipating that --  
2 obviously pending additional discussion, but we're --  
3 we're very supportive of the additional customer  
4 service metrics being included as part of the Customer  
5 First recovery.

6           Q.       And would -- would the Company, in your  
7 view, have any objection to submitting those metrics  
8 to the Commission for their review and approval?

9           A.       Absolutely not.

10          Q.       Okay. So just to be clear, in the  
11 supplemental and in the -- and in the -- though not in  
12 the non-unanimous, in the supplemental, the new rates  
13 would not go into effect until such metrics were met  
14 and verified?

15          A.       Correct. We will not receive any rate  
16 recovery until those six metrics are reviewed, that  
17 are the service regulations of the State are met for  
18 three consecutive months.

19                   And then in addition to that, we will not  
20 receive recovery of Customer First until such time  
21 that we've established additional metrics that will  
22 take place in May. And then we have to achieve those  
23 every month and the recovery is spread over a 12-month  
24 period. We recover 1/12th of that recovery each month  
25 that we make the metrics, as we think about the

1 Customer First. So those metrics have to be sustained  
2 over that year period.

3 Q. Okay. And -- and just as a follow-up,  
4 do -- do you -- your opinion that just compliance with  
5 the Commission rules would ensure adequate service for  
6 your customers?

7 A. I view the billing rules that are the six  
8 metrics are the laws, those are the ones that we're  
9 going to focus on achieving. I believe that's a -- a  
10 yardstick that we have to meet. Those are bare  
11 minimum standards in order for us to do service for  
12 our customers.

13 I do sus- -- expect that we will continue  
14 to improve our levels of service for our customers in  
15 other ways as well. In addition to these six metrics,  
16 we're also looking at other metrics that we provide on  
17 a monthly basis to staff; such things as how often are  
18 we having to cancel re-bill customers? You know, how  
19 often are we having complaints come into the  
20 Commission Staff? So those are other metrics that we  
21 look at on a regular basis.

22 So we'll -- we'll continue to advance the  
23 service levels for our customers. I fully expect us  
24 to be serving our customers well. That's what we're  
25 here for.

1           Q.     And -- and do those things by themselves  
2 define adequate service?

3           A.     Do they by themselves? I mean, we're --  
4 we're required to provide service in multiple  
5 different ways. You know, my area is around customer  
6 service, but you know, there's reliability standards  
7 that we also are focused on, making sure that our  
8 infrastructure and all of those things are also in  
9 place for our customers. So it's -- it's -- it's  
10 actually just one piece of what we're required to do  
11 as a utility.

12          Q.     I just have one more question for you,  
13 Ms. Walt. In the -- in the Global Stipulation and  
14 Agreement, there is discussion about arrearage  
15 forgiveness. Where does the money for that come from?  
16 Is that from shareholders? Is it -- some split with  
17 shareholders and customers? How -- how is that  
18 funded?

19          A.     As I understand it and it's -- might be a  
20 better question for my colleague here. But as I  
21 understand it, is the 8.5 million dollars would be  
22 given to customers who are struggling with their past  
23 due balances.

24                   As we ask for rate recovery, we do a  
25 five-year average for uncollectible expense. And so

1 we'll continue to ask for that recovery over the  
2 five-year average as we file future rate cases. So in  
3 the future, those dollars would be recovered, but it  
4 would be as we file future rate cases. And it would  
5 be dependent on what uncollectible expense looks like  
6 at that time.

7 Q. Okay. And then is there another witness  
8 that you think I should ask the same question?

9 A. Yes. Charlotte Emery is here and you  
10 probably could ask her. She might have a more  
11 eloquent answer.

12 Q. Okay. Just want to make sure I  
13 understand it.

14 A. Yes. For sure.

15 COMMISSIONER MITCHELL: Judge, I don't  
16 have any more questions for Ms. Walt.

17 JUDGE HATCHER: Thank you, Commissioner.  
18 The Chair has questions.

19 QUESTIONS BY CHAIR HAHN:

20 Q. Good morning, Ms. Walt.

21 A. Good morning.

22 Q. As Commissioner Mitchell highlighted in  
23 his questions, you know, we're very interested in  
24 customer experience. I think the Supplemental  
25 Stipulation did a good job in identifying the billing

1 components of that.

2 And so when we're talking about customer  
3 experience and those metrics, I think one of the  
4 issues that's continued to sort of come up is the  
5 Aurora office.

6 Even in the meantime while this case has  
7 been pending, we have received inquiries into our call  
8 center regarding the Aurora center, folks not being  
9 notified that it's open, not being able to accept  
10 payment.

11 And I do understand that, you know, there  
12 are additional logistics that have to go with  
13 accepting payment. But as part of improving customer  
14 experience, I'm really hoping that the metrics that  
15 are developed and the Commission may look at in the  
16 future could have some measure of, you know, in-person  
17 customer experience.

18 Are there -- are you all contemplating  
19 additional improvements at the Aurora center or your  
20 payment centers or any -- that you could share?

21 A. So we have expanded our -- I will call  
22 them third party. So as the customers will go  
23 shopping at Wal-Mart, they can make their payment. As  
24 they walk into a CVS store, they can make a payment.

25 You know, so looking at options where

1 it's more convenient for them to make a payment versus  
2 coming into one of our centers. So that's really what  
3 we've been trying to do is create more of a  
4 convenience for our customers that actually then is a  
5 more cost-effective option for the rest of the  
6 customers who aren't, you know, using those walk-in  
7 centers.

8 We did understand that you know, our  
9 customers have experienced challenges from a billing  
10 perspective and some of those challenges can be  
11 complex and some of them have been struggling to get  
12 answers over the phones.

13 And so that is the primary purpose of why  
14 we are reopening Aurora, to just see what is happening  
15 out there. Are there still these more complex issues  
16 out there that our customers are struggling to get  
17 responses?

18 From an industry perspective, we are  
19 outside of the norm to continue to have walk-in  
20 centers. That isn't really the norm of the industry  
21 anymore. I do understand why we have them is because  
22 we really struggled with our deployment of our  
23 Customer First system and so we really wanted to make  
24 sure that we were out there and offering an option for  
25 our customers to have an in-person option.

1 But these other opportunities should  
2 actually be more convenient for them to go into the  
3 Wal-Marts, to go into the CVSs. And as those stores  
4 and those footprints grow, we're also growing with  
5 them.

6 Our provider has told us that if there's  
7 a -- you know, some of these communities are smaller.  
8 They might not have a big Wal-Mart there, they might  
9 not have a CVS. They're very much willing to work  
10 with a smaller, you know, Mom and Pop liquor store or  
11 a grocery store that's smaller that's in the area that  
12 they will accept payments -- you know, set up an  
13 arrangement where we can accept payments from there.

14 And so we're very much wanting to work  
15 with our customers, but as you've seen, opening an  
16 office is quite an expense to us as a company. And  
17 logistically with, you know, having to take -- set up  
18 credit cards through a third party and armored cars  
19 and all those things for cash is definitely an expense  
20 for us as a company.

21 Q. I understand and acknowledge those  
22 expenses. I think we're in a place of customer  
23 experience where we want to be helpful, but then when  
24 the person comes in to get help, we may not be being  
25 as helpful as we could be to the customer.

1                   And so I really would encourage thinking  
2 about trying to expand those -- at least in the short  
3 term -- payment options at any in-person center until  
4 customer experience improves in the long-term. So  
5 I'll be looking forward to looking at those metrics in  
6 May.

7                   A.     Appreciate that. And appreciated your  
8 feedback and --

9                   Q.     Yeah.

10                  A.     -- that's one of the reasons why we did  
11 the Aurora experiment, so that we could really see  
12 what the need is out there. So appreciate your  
13 feedback.

14                  Q.     Thank you.

15                           JUDGE HATCHER: Thank you, Chair.

16                           Are there any other Commissioner  
17 questions for Witness Walt? Commissioner Coleman, go  
18 ahead.

19                           COMMISSIONER COLEMAN: Thank you.

20                           QUESTIONS BY COMMISSIONER COLEMAN:

21                   Q.     Excuse Mis- -- excuse me, Ms. Walt. I  
22 may have just been having one of my "senior moments"  
23 when you answered the question from Chair Hahn, so I  
24 might have missed this.

25                           I do know that the number of complaints



1 that we received are still centering around the  
2 offices. Did I miss you explaining anything relative  
3 to customers being able to pay in the office? Is that  
4 the part that Chair Hahn is questioning because of the  
5 inability to pay in the offices?

6 A. They can pay in all of our existing  
7 walk-in offices. We -- based on some feedback, we  
8 actually reopened our Aurora office. It had been  
9 closed for five years. We reopened that office as  
10 a -- as a bit of an information-gathering experiment.

11 And so we've opened it two days a week  
12 and we were offering it for customers to come in who  
13 had complex billing challenges. We did not set up all  
14 the logistics at that Aurora office in order to take  
15 payments at that one office.

16 Because it had been closed for five  
17 years, we have already set up our third-party pay  
18 arrangements with the Wal-Marts and the CVSs and all  
19 of that in the area. And so we felt -- we felt the  
20 need was really about ensuring that those customers  
21 who had complex issues could have those one-on-one  
22 conversations.

23 And so we've reopened the office to allow  
24 for those one-on-one conversations. We did not open  
25 the office to allow for payments, given the logistics

1 that would need to be necessary, the security. We  
2 only have one person there. I wouldn't be able to do  
3 that if I have cash there. We'd have to have multiple  
4 people there for security for, you know, controls  
5 around the cash. We'd have to have armored car.

6 We cannot take credit cards at -- at --  
7 our own internal people at Liberty cannot take credit  
8 cards, we can't touch credit cards, only a third party  
9 can. So we'd have to set up all that.

10 So it would have been a very lengthy time  
11 as well to get all of that set up. And we understand  
12 the need is -- is now when our customers were  
13 experiencing these more challenging issues, so we  
14 wanted to get set up very quickly.

15 And so we've set up, we have it opened as  
16 we speak. To date, again, we've seen -- well,  
17 actually as of the 6th, we had three more customers.  
18 So we've seen 11 customers in those offices.

19 We have posted on Facebook, we have it on  
20 our website. We are trying to communicate more that  
21 the office is available and what it's available for,  
22 but do appreciate the feedback around potentially  
23 needing to look at, you know, how can we take payments  
24 there as well.

25 But again, our thinking was we have these

1 other actually more convenient options for them to  
2 make payments, but we'll -- we'll take a look at that.

3 Q. So in Missouri, how many walk-in offices  
4 do you have in your service territory, do you know?  
5 Down in -- you're in Joplin, I assume?

6 A. Yes. We're in Joplin, absolutely. I do  
7 not have that number off the top of my head. I -- I  
8 believe it's like -- but Charlotte probably does have  
9 that number off the top of her head, so you could ask  
10 her that exact number.

11 But yes, we do have staff -- I believe  
12 it's five or six, but we can -- we'll get that exact  
13 number for you.

14 Q. Thank you very much.

15 COMMISSIONER COLEMAN: Thank you, Judge.

16 JUDGE HATCHER: Thank you, Commissioner.  
17 The Judge has just a couple quick questions before we  
18 get to cross-examination.

19 QUESTIONS BY JUDGE HATCHER:

20 Q. I would like to confirm in the  
21 Supplemental Stipulation there is no recovery, zero,  
22 of Customer First until after the metrics are met; is  
23 that correct?

24 A. That's correct. There's nothing in the  
25 original 97 million dollars that we're going to

1 receive after we consistently receive -- three months  
2 of consistent performance of those billing metrics  
3 still does not have Customer First recovery.

4 Not until we set up the additional  
5 customer service metrics that we've talked about  
6 setting up in May. That's when the Customer First  
7 recovery kicks in.

8 MR. COOPER: Judge, just so we don't get  
9 too confused by that, if it's okay, Ms. Emery probably  
10 would be the right person to talk to about -- about  
11 those rate issues, because that -- that second step  
12 really is a regulatory asset. There's no rate change  
13 associated with that until potentially a future rate  
14 case.

15 JUDGE HATCHER: Thank you. I appreciate  
16 that.

17 BY JUDGE HATCHER:

18 Q. And I did misspeak. That was in the  
19 global. And I just wanted to confirm that the  
20 supplemental did not modify that.

21 A. That's correct.

22 Q. Okay. My second question is, the metrics  
23 that are in the supplemental, did Empire start  
24 tracking those on January 1st?

25 A. That's correct.

1 Q. Okay. Thank you.

2 JUDGE HATCHER: We will go to  
3 cross-examination. And for the information of the  
4 parties, I've made up my own schedule. I -- I tried  
5 to look at our procedural order from the evidentiary  
6 hearing, could not locate the cross-exam order. And  
7 in the couple minutes that we had before we started, I  
8 even tried to look it up in the rule.

9 So from my memory, the rule states  
10 something that the cross-exam goes by order of, I  
11 guess, disagreement with the party of that witness.  
12 So for Company witnesses, I have the Commission asking  
13 questions; and then MCEG; Influent, who is not in  
14 attendance; Staff; CCM; and OPC. Does anyone have any  
15 objections to that order?

16 Excellent. We'll go with that. So we'll  
17 open this up for cross-examination. We'll start with  
18 Mr. Opitz.

19 MR. OPITZ: No, thank you, Your Honor.

20 JUDGE HATCHER: Thank you. We'll move to  
21 Staff.

22 MR. VANDERGRIFF: Yes, Your Honor.

23 CROSS-EXAMINATION BY MR. VANDERGRIFF:

24 Q. Earlier you were asked about, you know,  
25 the Customer Call Centers. And you said that you've

1 only had 11 customers whose visited. My question for  
2 you is what time frame were those 11 visitors visiting  
3 the call centers?

4 A. I'm sorry. That was just for Aurora.  
5 That's just since we opened Aurora. So that was in  
6 December when we opened that and that was through  
7 January 6th.

8 Q. Have you had more visitors at other  
9 locations? Do you have that number?

10 A. I do not have that number --

11 Q. Okay.

12 A. -- but yes.

13 Q. You said that, you know, you decided that  
14 the need was now and that you have several venues to  
15 pay, Wal-Mart, so on, so forth.

16 Is that a forever plan or is there any  
17 plans on having that -- that availability at your --  
18 at your call centers to pay in Aurora?

19 A. I would say the current plan was to  
20 further expand the third-party network for the  
21 convenience of customers to make payments. There  
22 was -- there's currently not plans to expand walk-in  
23 centers for the -- on the utility property.

24 Q. Moving onto the metrics, there's two  
25 different sets of metrics, one in the Non-Unanimous

1 Global Stipulation and Agreement, the other in the  
2 Supplemental. You're going to be keeping track of  
3 these metrics, but who will decide ultimately when  
4 these metrics are met and when you will be allowed  
5 to -- to start collection?

6 A. We submit the metrics on a monthly basis  
7 to the Commission Staff. And the Staff reviews those  
8 metrics and they determine whether we've met the  
9 metrics or not.

10 Q. But does Staff actually decide when the  
11 rates go in effect or is it another body that does?

12 A. I'm not sure of that.

13 Q. Okay. No further questions.

14 JUDGE HATCHER: Thank you. That will  
15 take us to Consumers Council.

16 MR. COFFMAN: Thank you, Your Honor.

17 CROSS-EXAMINATION BY MR. COFFMAN:

18 Q. Good morning, Ms. Walt.

19 A. Good morning.

20 Q. Let me -- let me first ask a question  
21 about the arrearage forgiveness part of the original  
22 Non-Unanimous Stipulation that you referred to.

23 That is a -- as I understand it, a  
24 one-time 8.5 million dollar forgiveness of -- of  
25 arrearages. And that -- that's -- and the way that

1 that money would be spent is yet to be determined; is  
2 that right?

3 A. That's correct.

4 Q. And is that -- and under the stipulation,  
5 it states that the Company will forgive the  
6 8.5 million dollars through a targeted relief  
7 initiative. And is your understanding that that is  
8 something that the Company would absorb and not  
9 necessarily the ratepayers, at least as regards as  
10 this rate case goes?

11 A. I'll let Charlotte answer that, just to  
12 make sure that it's answered appropriately. Just to  
13 make sure --

14 Q. That's a question for the rates  
15 department?

16 A. That's correct, yes.

17 Q. Okay. Understood. Okay. Well, let me  
18 go back to the -- the metrics that are in the  
19 Supplemental Stipulation. And those are the ABCDE  
20 ones that you went through. And -- or ABCDF.

21 And is it -- would you agree with me that  
22 all except for one of those is targeting basic  
23 compliance with the rules that are -- that are the  
24 Commission's billing rules in Chapter 13?

25 A. That's correct.



1           Q.     And I think Commissioner Mitchell was  
2 asking what part of that relates to customer service  
3 instead of just billing. And I wasn't sure I  
4 understood your answer. Is there -- which one of the  
5 those ABCDEF metrics do you believe relates to the  
6 customer experience or customer service generally?

7           A.     I think they all relate to how the  
8 customer experiences us, because I think that bill  
9 that they receive every month is a reflection of how  
10 they -- how we build trust with our customers. They  
11 expect an accurate and a timely bill each and every  
12 month from us. That's what these metrics look at.

13                     What I understood the question to be was  
14 specifically about our call center performance or how  
15 our customer service agents are handling service for  
16 our customers. And that is not reflected in these  
17 particular metrics, but we do provide visibility to  
18 that to the Staff and to OPC and others on a monthly  
19 basis.

20           Q.     So you -- and so you mentioned that you  
21 are tracking the 30 seconds to answer the phone.

22           A.     Correct.

23           Q.     And you know what the progress is on  
24 that. Is that something that you believe would be  
25 appropriately put into a metric that could condition

1 the rate increase?

2 A. As we think about the Customer First or  
3 the SAP system, I -- I would anticipate through  
4 those -- through that dialogue that that would most  
5 likely be -- some level of that will be included in  
6 that portion of the agreement.

7 Q. And then you also mentioned that tracking  
8 the number of complaints at the Public Service  
9 Commission would also be a potential metric?

10 A. I think there's discussions happening --  
11 you know, we need to have those discussions. Those  
12 metrics have yet to be determined. And I'm very open  
13 to the feedback from Staff and others as to what those  
14 metrics should be for our customers.

15 But at the end of the day, I'm here to  
16 improve service for our customers even outside of  
17 these arrangements and so that is something that I do  
18 watch and track and make sure that I understand.

19 Q. Is that -- do you track those contacts  
20 with the Public Service Commission differently as far  
21 as complaints and inquiries or different types -- do  
22 you make a distinction between contacts that are  
23 complaints and other types of contacts?

24 A. I'm not sure. The report that I see I  
25 believe are informal complaints.

1 Q. Okay.

2 A. Informal complaints that come into the --  
3 the PUC.

4 Q. Okay. Are there any other metrics that  
5 you think might be appropriate and helpful with regard  
6 to customer service --

7 A. So the --

8 Q. -- to be considered?

9 A. The metrics that I've spoke about in  
10 my -- in my testimony and the ones that I -- I share  
11 on a monthly basis can continue to be ones that I  
12 watch, which are the first call resolution, customer  
13 satisfaction with our agents, you know, cancel  
14 re-bills and average speed of answering -- you know,  
15 those -- those types of metrics.

16 Q. Is -- is there any sort of data that the  
17 utility collects from customers rating their  
18 experiences on the phone?

19 A. That it -- that is specifically from the  
20 customers. When we say: Are you satisfied with the  
21 service from the agent that you spoke to, that is one  
22 of the metrics that we measure and monitor. And our  
23 customers have said that they are 86 percent satisfied  
24 with speaking with that agent, which is an  
25 improvement. Ever since August, we've been above

1 80 percent success on that particular metric, and that  
2 is actual feedback from our customers.

3 Q. Is -- is that a metric that you've been  
4 reporting to the Staff or Public Counsel?

5 A. Yes. Yes, on a monthly basis.

6 Q. What about the idea of tracking customer  
7 service based on a third-party entity such as JD Power  
8 and Associates? Do you think that could be a metric  
9 that would be worth considering?

10 A. I -- I have been exploring that actually  
11 with JD Power. Some of you may be aware, we've used  
12 JD Power in the past. What I have learned from them  
13 is that only two of the utilities within the Liberty's  
14 29 separate utilities are actually large enough to be  
15 measured against their methods and how they use them.

16 So we -- I'm in talks with them as we  
17 speak to figure out how we could use them as a -- as a  
18 method for us to do an assessment, but I would say  
19 currently the price tag is pretty steep for only two  
20 utilities to be able to measure.

21 Q. So JD Power and Associates requires the  
22 utility to pay them to be monitored?

23 A. That's correct. A lot.

24 Q. Right. Is there any monitoring that  
25 you're aware of that JD Power and Associates does

1 without the utility subscribing or paying for  
2 services?

3 A. I have not been able to get any free  
4 service from them, no.

5 Q. Okay. Are you -- what -- what services  
6 are you currently subscribing to?

7 A. We currently do not have any. We  
8 canceled our agreement in March of 2025 with them. So  
9 they were doing some assessments up until March of  
10 2025.

11 Since then, we have not been using them.  
12 And I've just recently been engaging in conversations,  
13 like I said, to try to understand what it is they  
14 could potentially do for us.

15 Q. What was the reason for the cancellation?

16 A. The price tag.

17 Q. Okay. That's all I have. Thank you.

18 JUDGE HATCHER: Thank you.

19 Mr. Williams.

20 MR. WILSON: Public Counsel stands on its  
21 objection and does not intend to waive it by engaging  
22 in cross.

23 JUDGE HATCHER: Okay. Redirect from the  
24 Company.

25 MR. COOPER: Thank you, Your Honor.

1 REDIRECT EXAMINATION BY MR. COOPER:

2 Q. Ms. Walt, and you may have said this in  
3 response to -- to Mr. Coffman's questions, but would  
4 you describe the metrics in the Supplemental  
5 Stipulation as being focused on correct and timely  
6 billing?

7 A. Yes.

8 Q. And do you believe that that's a part of  
9 good customer service?

10 A. Absolutely.

11 Q. Is there any benefit to the call center  
12 and its ability to respond to the customer interaction  
13 and complaints from a reduction -- or an improvement  
14 of billing accuracy and timeliness?

15 A. Sorry. Say that again.

16 Q. Well, I'm -- I guess -- I'm trying to get  
17 around to the i- -- to the question of whether the  
18 things you have done so far, whether the metrics show  
19 that the complaints that you've received have reduced  
20 over the course -- or did reduce over the course of  
21 2025?

22 A. Yes. We've seen a significant reduction  
23 in complaints through 2025. We see less than  
24 20 complaints coming in now. I think for the month of  
25 December only four or five complaints, versus a peak

1 of over 100 complaints earlier in 2025.

2 Q. And earlier when you testified in the  
3 primary evidentiary hearing here, I think you talked a  
4 little bit about you did take time to review comments  
5 that were provided in the local public hearings,  
6 correct?

7 A. Yes. And I attended the public hearings  
8 as well.

9 Q. And did you hear a lot of complaints at  
10 those hearings about billing accuracy and timeliness?

11 A. I did.

12 Q. That's all the questions I have.

13 MR. COOPER: Thank you, Your Honor.

14 JUDGE HATCHER: Thank you, Mr. Cooper.

15 Ms. Walt, you are excused from the  
16 witness stand.

17 The next witness will be Charlotte Emery,  
18 please.

19 (Witness sworn.)

20 JUDGE HATCHER: Thank you.

21 And I didn't ask the previous witness,  
22 but her name was spelled A-m-y W-a-l-t.

23 Would you please spell your name for our  
24 court reporter?

25 MS. EMERY: Yes. It's Charlotte,

1 C-h-a-r-l-o-t-t-e, and it's Emery, E-m-e-r-y.

2 JUDGE HATCHER: Thank you. And we will  
3 begin with Commissioner questions. Chair Hahn.

4 QUESTIONS BY CHAIR HAHN:

5 Q. Yeah. Just to follow up on a couple  
6 things we talked about already.

7 Customer First recovery. As mentioned  
8 earlier, this -- is it your understanding that in this  
9 case, there is no recovery for Customer First until a  
10 future rate case; and in a future rate case, if  
11 metrics are met by month, it offers the potential,  
12 though not guaranteed, option for recovery? Something  
13 for the Commission to consider in a future rate case,  
14 not in this one; is that right?

15 A. That is an accurate understanding. This  
16 97 million does not include any dollars associated  
17 with Customer First.

18 And if you look at that first Global  
19 Settlement, it pulls out roughly 20 million I believe  
20 that's associated with C-1. And the only portion that  
21 will be allowed, if we meet and when we meet the  
22 metrics, is that -- related to the 13 million.

23 The six million is forever gone.  
24 We're -- the company is going to forego ever being  
25 able to recover those expenses associated with



1 Customer First.

2                   However, if and when we determine those  
3 metrics and we meet them on a monthly basis, we would  
4 record that in a regulatory asset and that regulatory  
5 asset would be brought forth in a future rate case  
6 proceeding.

7                   And at that time, that is when the  
8 Commission, the Staff, all parties would get an  
9 opportunity to evaluate whether it would be  
10 appropriate to include that balance in customer rates  
11 at that time.

12               Q.     Thank you. The Customer First metrics,  
13 the Global Stipulation says that the parties -- I'm  
14 assuming that's the parties to the stipulation -- come  
15 up with the metrics; is that correct?

16               A.     That is the company's understanding, yes.

17               Q.     So it's only the parties that are  
18 signatories to the stipulation determine those  
19 metrics?

20               A.     It is -- that is the Company's  
21 understanding. Of course, it is up to the --  
22 ultimately up to the Commission to approve whether or  
23 not those metrics are satisfactory.

24               Q.     Yeah, thank you for that clarification.

25                   Okay. Can you describe generally the

1 phase-in of rates?

2 A. Sure. So the phase-in is essentially a  
3 third a year of the 97 million is how it's  
4 contemplated.

5 And so that first year, customer  
6 rates -- we would file tariffs that would increase  
7 rates by essentially a third, roughly 32 million, I  
8 believe. And then those rates would stay into effect  
9 for one year.

10 And then the next year, we would have an  
11 additional third added on to that. So then customers  
12 would be at that point paying two-thirds of the  
13 97 million. And then that third and final year is  
14 when rates would fully reflect the 97 million.

15 And then the -- the deferral that's  
16 happening -- because that first year if you're only  
17 collecting from customers one-third, the two-thirds is  
18 getting hung up in a deferred regulatory account that  
19 will be brought forth in a subsequent -- subsequent  
20 rate case.

21 So for -- from the -- the effective date  
22 of the rates in this case until the Commission changes  
23 rates again, they would not be recovering above the 97  
24 million.

25 Q. Okay. And with any of those deferrals,

1 with the -- are there carrying costs associated with  
2 that?

3 A. No. It's zero percent.

4 Q. Okay. Earlier, Commissioner Mitchell  
5 asked about the customer forgiveness program, the  
6 8.5 million.

7 A. Uh-huh.

8 Q. I think I might have asked before, but I  
9 want to ask for updated information. So I think the  
10 last time, if I recall, 8.5 million was going to be  
11 all shareholder dollars, but there was about a  
12 15 million dollar overall customer arrearage.

13 Is the 15 million dollar overall  
14 arrearage, is that current or what's the current  
15 overall arrearage?

16 A. I don't have the current overall  
17 arrearage. At that point in time, that was -- when we  
18 spoke in October, I believe that was the arrearage at  
19 that time. So it could have grown. I -- I can't  
20 speak to what the balance is today. But I can  
21 speak -- provide a little bit more clarity on the  
22 8.5 million.

23 Q. Great.

24 A. I -- I testified in October that that  
25 8.5 million would be shareholder supported. And so

1 how it would be brought forth in a rate case, it would  
2 be a subsequent rate case. Depending on how the  
3 accounting team records it, whether they record that  
4 8.5 million below the line or above the line.

5 And so in the world of -- of accounting,  
6 if it's above the line, for rate-making purposes, I  
7 would need to remove that so it doesn't get reflected  
8 in customer rates going forward.

9 But if it's recorded below the line, then  
10 no adjustment's needed inside of a revenue requirement  
11 because below the line accounts are not included in a  
12 revenue requirement calculation.

13 I may have -- I -- I may have spoke a  
14 little bit too much accounting like, so apologies.

15 Q. I do struggle.

16 So I think now my question is, it could  
17 potentially come before the Commission in a -- it  
18 won't come --

19 A. It should not -- not as far as be- -- we  
20 would -- if it's recorded above the line, I would have  
21 to make -- the Company would make an adjustment to  
22 remove it from its revenue requirement calculation.  
23 So then it should not actually be requested to be  
24 included in rates that would come before the  
25 Commission for -- for approval.

1           Q.     Okay. I just want to make sure that  
2 what -- however it's recorded, it would not come  
3 before the Commission to be considered in a future  
4 rate case?

5           A.     Yes. I will, on the record, indicate  
6 that that is not an item that should be recovered from  
7 customers in their rates.

8           Q.     Thank you.

9           A.     You're welcome.

10                   JUDGE HATCHER: Any other Commissioner  
11 questions? Go ahead, Commissioner.

12 QUESTIONS BY COMMISSIONER KOLKMEYER:

13           Q.     Good morning.

14           A.     Good morning.

15           Q.     Okay. Of this 97 million, how does that  
16 adjustment -- does that affect the fuel surcharge at  
17 all?

18           A.     It do- -- in essence, it does because the  
19 fuel cost as part of the settlement has -- I think  
20 it's thirteen-ninety-seven is the new FAC base rate.  
21 So that's -- you know, 97 million includes fuel.

22                   So we do -- we have modified when those  
23 rates -- the 97, once that's actually met the criteria  
24 of those three months of the billing metrics, the FAC  
25 will be adjusted to reflect a FAC base amount of

1 \$13.97.

2 Q. Okay. Thank you. I -- you answered --  
3 or between the Chair and you, you answered several of  
4 my questions that I had.

5 But I also want to go back to the Staff's  
6 question a while ago about who's going to make that  
7 determination and then that determination then goes on  
8 the books. It doesn't go into rates, correct? Is  
9 that the way I understood it?

10 A. So the determination of whether or not --

11 Q. The metrics have been met for a month and  
12 then the Staff's going to approve or not approve,  
13 disallow it and then it goes on the books. You don't  
14 immediately then get to charge that. Is that the --  
15 what -- is that the way I'm understanding it?

16 A. So -- so to go back to how I understood  
17 the conversation with Staff in respect to who's making  
18 the ultimate decision, we are providing -- the  
19 stipulation requires that we provide on a monthly  
20 basis by the 15th our metrics and support for that.

21 And then we also agree to fully cooperate  
22 with Staff in giving them the evidence to make sure  
23 that they are comfortable with if we've satisfied it.

24 But ultimately at the end of the day,  
25 that comes back to the Commission. The Staff will

1 give their recommendation that it -- from their work,  
2 their evaluation of it, it appears that the Company  
3 has met the metrics.

4 But ultimately the authority to change  
5 rates lies within the Commission, not within the  
6 Staff's determination of whether or not we've met  
7 that -- those metrics.

8 However, please -- please know that that  
9 first -- let's hypothetically say that we actually  
10 meet the first -- first month's metrics. There isn't  
11 anything financially happening; nothing. And second  
12 month, we meet it; nothing happens financially for the  
13 Company or for the customers. Rates are staying the  
14 same. The Company is still not able to change its  
15 rates. So it's only charging customers the tariffs  
16 that were actually authorized from the '21 case.

17 That third month, if it's met, we  
18 actually still don't record anything. We don't change  
19 anything on our financials until those new rates take  
20 effect by the Commission order.

21 Q. Okay. Okay.

22 A. Hope that helps.

23 Q. Yes, it does.

24 A. Okay.

25 Q. Yes, it does. Because I was wondering if

1 it would go into effect if the Staff said -- you know.

2 A. No. It -- it requires the approval from  
3 the Commission.

4 Q. Yes, thank you.

5 A. You're welcome.

6 JUDGE HATCHER: Thank you.

7 Commissioner Mitchell.

8 QUESTIONS BY COMMISSIONER MITCHELL:

9 Q. In the determination of the three months,  
10 they're three consecutive months, correct?

11 A. Correct.

12 Q. So if you miss a month, it sort of  
13 becomes a rolling three months?

14 A. Yeah. The clock restarts if we miss a  
15 month.

16 Q. Okay. I had just one other question for  
17 you. And -- and if you're not the appropriate witness  
18 for it, let me know and -- and -- but the Global  
19 Stipulation refers to an external audit -- engaging an  
20 independent auditor to conduct external audits to  
21 include, but not be limited to customer billing  
22 accuracy, timeliness, customer service and  
23 satisfaction levels across all channels.

24 What is the purpose of that audit and how  
25 does it relate to determining whether the metrics have



1 been met? Or -- or does it relate to it at all?

2 A. I think indirectly it could relate to --  
3 to the metrics, but the purpose of -- of that  
4 paragraph inside the settlement was to -- to come in  
5 and make sure that we're actually looking and  
6 measuring things correctly.

7 As we have discovered throughout the --  
8 the pendency of this case, the investigation and  
9 several other ways, there's a significant amount of  
10 data now in SAP, our -- our new software.

11 And if you aren't using the right  
12 criteria, like the fields, you might pull in something  
13 and it may distort the data at the end of it because  
14 you pulled in a -- an account instead of a customer --  
15 a customer account level, you're doing it at the  
16 parent level instead of at the customer level.

17 So what we were evaluating or considering  
18 with the purpose of that is to go in and make sure all  
19 the definitions that we're using to measure stuff is  
20 right.

21 And then on top of that, we just wanted  
22 to make sure that they're going to go in and look to  
23 make sure that we're in compliance with all the rules,  
24 regulations, tariffs. Just have a third pers- --  
25 party come in and independently evaluate that for us

1 and -- and help us see if there was something that,  
2 you know, we could be doing better along the way to  
3 improve this customer satisfaction at the end of the  
4 day.

5 Q. So I'm trying to resolve in my mind  
6 whether -- if that audit should determine that the  
7 metrics weren't met prior, is there a backward look to  
8 correct that?

9 A. I don't believe it was contemplated to go  
10 backwards and look at that. Of course, the metrics,  
11 we just developed that since the discussion in  
12 November. So I don't -- I think it would be  
13 inappropriate to say it was designed to do that  
14 because we didn't design the metrics until the  
15 December-ish time frame.

16 But I will say that the metrics that  
17 we -- we have agreed to inside of the -- the  
18 Supplemental Settlement, those are -- are metrics that  
19 Staff -- you know, they're very qualified in being  
20 able to determine whether or not the company has met  
21 those.

22 Those are Chapter 13 rules and  
23 regulations. Staff has numerous years and experience  
24 in being able to determine what's -- if a Company is  
25 meeting those requirements or not.

1           Q.     But at the end of the day, they rely on  
2 the Company's data to make that determination and the  
3 audit will then collect that data?

4           A.     They abs- -- yeah, they absolutely rely  
5 on the data. They do a very thorough audit on the  
6 data and they ask questions. And that's why, you  
7 know, there -- they see discrepancies at times.

8                     And that's why we end up having to -- to  
9 dig into the data a little bit more along the way  
10 and -- and figure out, hey, did we pull in the wrong  
11 field because this other data point that we provided  
12 to Staff looks a little different.

13                    So it -- Staff does a very good audit on  
14 it to make sure that what we're providing at the end  
15 of the day is -- is satisfactory.

16           Q.     Thank you.

17           A.     You're welcome.

18                    JUDGE HATCHER: Thank you, Commissioner.  
19 Are there any other Commission questions for  
20 Ms. Emery?

21                    Hearing none, we will start with our  
22 cross-examination and we will go first to MECG. And I  
23 note the attendance of Renew Missouri, and I left you  
24 off of my cross-exam list. Ms. Mers, would you please  
25 state your name for the record as representative of

1 Renew Missouri?

2 MS. MERS: Sure. It's Nicole Mers with  
3 Renew Missouri. And my information is in the record.  
4 And it is okay that you missed me because I have no  
5 questions. Thank you.

6 JUDGE HATCHER: Thank you, ma'am. I  
7 appreciate that. Let's move to Staff.

8 CROSS-EXAMINATION BY MR. VANDERGRIFF:

9 Q. You were asked about internal audits from  
10 the Commission. And you stated that Staff is a -- is  
11 a good party to do that audit.

12 What complications or issues do you have  
13 with -- what's the time frame for -- sorry if this is  
14 compound -- for using a internal audit as opposed to  
15 Staff?

16 A. I believe that that particular portion of  
17 the Stipulation -- I could pull it up here, but I  
18 think it indicates that it was the external audit.  
19 And it would be done within a year of -- of the rates  
20 being effective.

21 Q. So --

22 A. My -- sorry. I -- I would elaborate that  
23 it -- it's using -- we're going to do an RFP process,  
24 use the help of the -- the other signees on the  
25 settlement agreement to make sure that the scope of

1 the work and scope of that audit is appropriate.

2 Q. So is it fair to say that if you did have  
3 to use an external audit, then that would mean that  
4 you wouldn't be able to collect on anything until  
5 after a year?

6 A. So I -- I was saying that I don't -- I do  
7 not believe that the intention of that paragraph was  
8 to guide the metrics associated with the three  
9 consecutive months or the metrics that's -- that's  
10 held in the supplemental.

11 Because that -- that part of the  
12 paragraph or that paragraph was contained within the  
13 original -- original agreement, which was formed in  
14 October. The supplemental metrics came in in -- after  
15 the discussion in November.

16 I don't believe there was any intention  
17 for a -- for that particular paragraph stipulation to  
18 govern the supplemental. However, I do think that  
19 there -- there was some discussion that perhaps  
20 depending on the timing, they could look at the -- the  
21 metrics associated with the Customer First, which was  
22 designed to come in in May of 2026.

23 Q. Thank you. No further questions.

24 A. You're welcome.

25 JUDGE HATCHER: Thank you,

1 Mr. Vandergriff.

2 Next on my list, Consumers Council.

3 MR. COFFMAN: No questions. I think my  
4 questions have been asked. Thanks.

5 JUDGE HATCHER: Thank you, Mr. Coffman.  
6 I appreciate that.

7 And, Mr. Williams.

8 MR. WILLIAMS: Stand on our objection.

9 JUDGE HATCHER: Thank you, Mr. Williams.  
10 Ms. Emery -- redirect from the Company.

11 MR. COOPER: Thank you, Your Honor.

12 REDIRECT EXAMINATION BY MR. COOPER:

13 Q. Real quickly and not to be too  
14 repetitive, but just so that we're all on the same  
15 sheet of music in terms of the metrics. We really  
16 have been talking about two sets of metrics, correct?

17 A. Correct.

18 Q. And the first set there included -- or  
19 that will be applied first that are included in the  
20 Supplemental Stipulation apply to Empire getting a  
21 rate -- a rate increase, correct?

22 A. Yes.

23 Q. And separately -- and -- and you  
24 described that rate increase and the phase-in and all  
25 those aspects of it, correct?

1 A. Yes.

2 Q. Okay. And then there's a second set of  
3 metrics yet to be determined that were originally  
4 described at a high level in the base Stipulation --  
5 or the original Non-Unanimous Global Stipulation,  
6 correct?

7 A. Yes.

8 Q. And it's those metrics -- the consequence  
9 of achieving those metrics are the potential for  
10 recording some dollars into a regulatory asset,  
11 correct?

12 A. Yes, yeah.

13 Q. And -- and that's the -- one of the  
14 potential regulatory assets that could be considered  
15 in the next rate case that you discussed with -- with  
16 Chair Hahn, correct?

17 A. Correct.

18 Q. Okay. Do you have the base stipulation  
19 with you?

20 A. I do. Let me get it pulled up here.  
21 Okay.

22 Q. And if you would turn to page six and  
23 paragraph 19?

24 A. Okay.

25 Q. And that's -- would you agree that's the

1 external audits paragraph that was being discussed  
2 recently in your testimony?

3 A. Yes.

4 Q. Okay. And if you would look down to the  
5 third line of that paragraph, there's a sentence that  
6 says: The primary goal. Would you read that  
7 sentence?

8 A. Sure. The primary goal of these audits  
9 is to evaluate Liberty's current policies and  
10 performance against industry standards and peer  
11 utility benchmarks with the intent of identifying  
12 opportunities for improvement and establishing  
13 measurable criteria for future success.

14 Q. And the sentence after that establishes  
15 the time frame for that audit, correct? What's the  
16 time frame?

17 A. Yep. The audits will be completed within  
18 one year from the effective date of new rates  
19 established in this proceeding.

20 Q. Okay.

21 MR. COOPER: That's all the questions  
22 that I have, Your Honor.

23 JUDGE HATCHER: Thank you, Mr. Cooper.

24 Before we excuse our witness, we do have  
25 one more question from the Chair. That does mean that



1 we will go back through cross-examination and  
2 redirect. Chair Hahn.

3 FURTHER QUESTIONS BY CHAIR HAHN:

4 Q. Sorry. I'm back on the arrearage  
5 forgiveness program. Absent this Stipulation and  
6 Agreement, would that arrearage forgiveness program  
7 exist?

8 A. No.

9 Q. Follow-up. If this stipulation is  
10 adopted, when would that arrearage forgiveness program  
11 be made available to customers?

12 A. So inside of the -- this settlement term,  
13 it indicates that we would need to work with the  
14 parties to -- to determine how to apply it. You know,  
15 there's -- at the end of the day, we have the  
16 8.5 million, but there's -- there's different views  
17 among the parties on how that should -- which  
18 customers -- how to let that benefit. So we'll start  
19 working with the parties on that.

20 However, I would say the 8.5 million  
21 going out the door and being applied to customer  
22 accounts will align with the effective date of rates.  
23 So the -- when the 97 million comes in, that that's  
24 when the 8.5 million would essentially be owed to  
25 apply to customer accounts. To me, it -- it aligns

1 with the matching principle and that 97 million aligns  
2 with the eight million on that.

3 So said another way, if the Company meets  
4 all three months -- so we meet it in January, meet it  
5 in February and meet it in March, during those time  
6 frames -- during that time we need to be working with  
7 the parties to determine what that forgiveness program  
8 actually looks like.

9 And then in a perfect world, let's say  
10 we -- we sign off, we give all the documentation to  
11 Staff by April 15th of -- for March's data. And then,  
12 you know, administratively it -- let's just say it  
13 takes a couple of weeks to do what they need to do, so  
14 then they get to the end of April. They give their  
15 recommendation to the Commission that hey, it looks  
16 like the Company has met all the criteria.

17 You all agree with that and let's say you  
18 issue an order in April to make those new rates  
19 effective. That's when we would go out and apply --  
20 if -- if the parties had -- had fully reached an  
21 agreement on how the 8.5 million should be sent out or  
22 applied to customer accounts, that's when we would do  
23 that at that point in time.

24 Q. So if you don't meet the metrics, when  
25 would you plan to apply the program?

1           A.     If we never meet the metrics?

2           Q.     Or on the timeline you described.  Maybe  
3 it takes longer.  When would the customer arrearage  
4 program be available?

5           A.     Again, I -- I believe that it is when the  
6 effective date -- that -- that is how -- we haven't  
7 actually discussed it, so this is just Charlotte's --  
8 Charlotte's opinion.

9                     We can certainly work with the parties,  
10 work with the Commission on -- on the timing of it.  
11 But in my head, it was -- it goes with the matching of  
12 the 97 million.  So when the Company has rates  
13 designed to collect 97 million, even if it's phased  
14 over three years, that's when the obligation to pay  
15 that out and put that on customer bills or apply it to  
16 their accounts would occur.

17          Q.     I'm glad you stated that, because that's  
18 not the way I had contemplated it or thought that it  
19 might work.

20          A.     That particular paragraph is silent in  
21 regards to the effective date.  If you look throughout  
22 many portions of the paragraphs and stipulated items,  
23 it -- it -- many other areas say like effective -- a  
24 year from the effective date of rates or -- but that  
25 particular item is silent.

1 I suspect -- I -- well, not suspect. I  
2 know that sitting here today was not contemplated when  
3 we put that stipulation together in that particular  
4 term.

5 Generally speaking, if it -- if the  
6 settlement would have been approved without the  
7 additional supplemental and the rates would have went  
8 into effect, it would have just been effective at the  
9 date of the Commission order as well.

10 This is a unique situation in the fact  
11 that we have a settlement term that isn't -- it's  
12 silent in regards to it. So frankly, at the end of  
13 the day, I -- I suppose it -- it is ultimately up to  
14 the Commission. If you wanted to order us to be --  
15 that that becomes effective at the effective date of  
16 the order, it could be.

17 Q. I'm contemplating that it could be  
18 applied prior to performance metrics being met. It's  
19 apparent that customers have significant arrearage  
20 now, potentially as a result of billing discrepancies.

21 A. Uh-huh.

22 Q. And so I think that the Commission will  
23 just need to contemplate how that program is applied.  
24 Thank you.

25 A. You're welcome.

1 JUDGE HATCHER: Any other Commissioner  
2 questions for Ms. Emery?

3 Hearing none, we will go back through our  
4 cross-examination list. We will start first with  
5 MECG.

6 MR. OPITZ: No, thank you, Your Honor.

7 JUDGE HATCHER: Renew Missouri. Staff.

8 MR. VANDERGRIFF: No, thank you, Your  
9 Honor.

10 JUDGE HATCHER: CCM.

11 MR. COFFMAN: Yes, thank you, Your Honor.

12 CROSS-EXAMINATION BY MR. COFFMAN:

13 Q. I just want to make sure that we're on  
14 the same page on this arrearage forgiveness, you know,  
15 paragraph 28 of the original base stipulation. And as  
16 the Company's stipulation here, which is now a  
17 position statement, the wording is -- the first  
18 sentence is: The Company will forgive 8.5 million in  
19 customer arrears through a targeted relief initiative.

20 I don't see anything in that paragraph  
21 that conditions that on any particular revenue  
22 requirement being phased in; is that right?

23 A. Yes. That's -- that's what I indicated.

24 Q. Okay. And so even though there might  
25 have been a different contemplation, there's nothing

1 in either the first stipulation or the supplemental  
2 stipulation that conditions that. Am I --

3 A. Correct.

4 Q. Okay. Thank you.

5 JUDGE HATCHER: Thank you, Mr. Coffman.  
6 And Office of Public Counsel.

7 MR. WILLIAMS: Stand on our objections.

8 JUDGE HATCHER: Thank you, Mr. Williams.  
9 And redirect.

10 MR. COOPER: No further redirect. Thank  
11 you, Your Honor.

12 JUDGE HATCHER: Thank you. Ms. Emery,  
13 you are excused from our witness stand.

14 The Commission would like to now turn to  
15 Staff witnesses. The Commission would like to call up  
16 Mr. Tyrone Thomason.

17 And while Mr. Thomason makes his way to  
18 the witness stand, I just wanted to remind everyone in  
19 the room and listening online, we will be  
20 adjourning -- I'm sorry, we will be recessing at about  
21 10:40, assuming we do not get through all of the  
22 witnesses in that time. And that is to make time for  
23 agenda and then we have a rulemaking hearing. We will  
24 likely adjourn to one o'clock. I am sorry for the  
25 delay.

1 Mr. Thomason, please raise your right  
2 hand.

3 (Witness sworn.)

4 JUDGE HATCHER: Please have a seat and  
5 state and spell your name for the record.

6 THE WITNESS: My name is Tyrone Thomason,  
7 T-y-r-o-n-e T-h-o-m-a-s-o-n.

8 JUDGE HATCHER: Thank you, sir.

9 And are there any Commissioner questions  
10 for Mr. Thomason?

11 COMMISSIONER COLEMAN: May I ask one?

12 JUDGE HATCHER: Commissioner Coleman, go  
13 ahead.

14 COMMISSIONER COLEMAN: Since he's gone  
15 through the trouble of getting sworn in.

16 QUESTIONS BY COMMISSIONER COLEMAN:

17 Q. So good morning.

18 A. Good morning.

19 Q. You've heard the testimony this morning  
20 from Ms. Lalt -- excuse me, I got to go back and make  
21 sure I say her name right -- Walt and Ms. Emery. And  
22 they were asked about the billing questions and  
23 customer service metrics that must be met before  
24 Empire can get anything and then another metric for  
25 Customer First.

1 Can you give me your perspective on  
2 what's been said about these metrics or your opinion?

3 A. To be specific, just Staff's opinion on  
4 how the metrics were designed or how this is going to  
5 work.

6 Q. How it's going to work.

7 A. Okay. So Staff chose these six metrics  
8 because during the course of the -- well, some of the  
9 metrics -- some of these issues are discussed in  
10 testimony in this case. A few of these issues are  
11 issues that were covered over the course of the  
12 investigation. They're essentially rule and tariff  
13 violations that Staff has found that occurred more or  
14 less continuously since April of 2024.

15 And so our thought was that if we can  
16 provide metrics that have the Company, like, fix these  
17 issues, then that would show improvement from the  
18 starting point of April 2024. So that is what -- for  
19 the -- just for the 97 million, that is what we're  
20 doing for just the rule -- the rule violations.

21 This will not cover all of the other  
22 customer service issues, many of which you will find  
23 in my testimony in this case. Those will be covered  
24 in the Customer First asset metrics that will be  
25 developed by the end of May of 2025 -- 2026, sorry.



1           Q.     In your opinion, what happens if the  
2 customer service metrics are not met? What are our  
3 options?

4           A.     For the 97 million?

5           Q.     Yes.

6           A.     The Company -- my understanding is they  
7 don't receive the 97 million increase unless they're  
8 met for three consecutive months.

9           Q.     I'm sorry. Say that again. I couldn't  
10 hear you very well.

11          A.     My -- my understanding is that they would  
12 not receive their revenue requirement increase if they  
13 do not meet those metrics for three consecutive  
14 months.

15          Q.     Okay.

16          A.     And I can add onto that, that Staff's  
17 intention is to roll in these metrics into the  
18 Customer First metrics as well. So compliance won't  
19 be just for the three months. It will be going  
20 forward as well.

21          Q.     Okay. Thank you.

22                   COMMISSIONER COLEMAN: Thank you, Judge.

23                   JUDGE HATCHER: Thank you, Commissioner.

24                   Are there any other Commissioner  
25 questions for Mr. Thomason? Commissioner Kolkmeier,

1 go ahead.

2 COMMISSIONER KOLKMEYER: Yes, thank you,  
3 Judge.

4 QUESTIONS BY COMMISSIONER KOLKMEYER:

5 Q. Good morning, Mr. Thomason. For the most  
6 part, have you agreed with the procedures that the two  
7 customer -- Company witnesses have set forth? Have  
8 you agreed with that process? I don't want you to go  
9 back over it, but have you agreed with what they have  
10 said?

11 A. Yes.

12 Q. Okay. Thank you.

13 JUDGE HATCHER: Thank you, Commissioner.  
14 Any other Commission questions for Mr. Thomason?

15 We will go to cross-examination. Let me  
16 check my list. For Staff witnesses, the order I have  
17 written down is Empire, MECG, Renew, CCM and OPC. So  
18 we will turn first to the Company.

19 MR. COOPER: No questions, Your Honor.

20 JUDGE HATCHER: Mr. Opitz, Ms. Mers.  
21 Consumers Council.

22 MR. COFFMAN: Thank you, Your Honor.

23 CROSS-EXAMINATION BY MR. COFFMAN:

24 Q. Good morning, Mr. Thomason.

25 A. Good morning.

1 Q. I want to -- first, I want to clarify  
2 that I heard you correctly earlier. You were -- you  
3 were talking about the metrics relating to Customer  
4 First. And I think you said something about how you  
5 expected those metrics to go forward into the future?

6 A. Yes.

7 Q. Could you explain what you meant by that?

8 A. So the six metrics that we have here in  
9 the Supplemental Stipulation, Staff's intention is  
10 that when we do the Customer First assets, the ones --  
11 Customer First metrics, those metrics that will be  
12 developed by the end of May --

13 Q. Uh-huh.

14 A. -- it will be these six metrics with  
15 additional metrics, the customer service metrics.

16 Q. Okay. So you -- so you're saying that  
17 you would anticipate that the -- the -- that the  
18 Supplemental Stipulation metrics that are proposed as  
19 a condition to any rate increase going in effect would  
20 also -- would then also be part of the Customer First  
21 metrics?

22 A. Yes.

23 Q. Okay. All right. I understand. And let  
24 me ask you about the Staff investigation into  
25 Liberty's -- the -- the separate case that the -- that

1 I believe you're involved with?

2 A. Yes, I am.

3 Q. And the -- when we were here for the  
4 regular hearing, you said that you were expecting a  
5 report by December 31st and that the delay up until  
6 then had been because new issues kept resurfacing and  
7 the scope --

8 MR. COOPER: Judge, before we finish this  
9 question -- I'm sorry, Mr. Coffman -- I'm going to  
10 make an objection just because I think this is beyond  
11 the Commission questions that were asked of  
12 Mr. Thomason.

13 JUDGE HATCHER: Mr. Coffman?

14 MR. COFFMAN: Well, I think they're  
15 pretty relevant. They're just about the -- about  
16 billing issues and -- and, you know, what's -- you  
17 know, issues that we think aren't -- aren't  
18 sufficiently included in the current metrics.

19 JUDGE HATCHER: This has been a pretty  
20 convoluted -- convoluted case and this on-the-record  
21 has been scheduled rather late in the process. So  
22 I'm -- I'm willing to -- to give Consumers Council a  
23 little latitude. Go ahead.

24 BY MR. COFFMAN:

25 Q. Okay. Anyway, regardless of what the

1 reason for the delay to December 31st, there -- you  
2 asked for another delay -- the Staff asked for another  
3 delay and the Commission granted it until February,  
4 right? So those of us that are parties to this case  
5 will not have the benefit of that report until after a  
6 rate case decision is made in this rate case, right?

7 A. That's most likely, yes.

8 Q. Well, first of all, what is the -- what  
9 was the reason for -- that Staff requested another  
10 delay in that report?

11 A. I believe in the motion for the status  
12 report, the reasons were continued discovery and press  
13 of business.

14 Q. Okay. Are there any billing issues that  
15 you've seen in the investigation thus far that would  
16 be relevant --

17 JUDGE HATCHER: I'm -- I'm sorry.  
18 Mr. Coffman, I misunderstood. I thought you had asked  
19 about heat rates, which is paragraph 42 of the Global  
20 Stipulation. I did not --

21 MR. COFFMAN: No, Your Honor.

22 JUDGE HATCHER: -- understand that you  
23 intended to ask about a separate case.

24 MR. COFFMAN: Well, it was a case about  
25 the very topic we're here discussing, the -- the

1 billing issues of this utility. And I mean the  
2 witness --

3 JUDGE HATCHER: How many more questions  
4 do you have, Mr. Coffman?

5 MR. COFFMAN: Just -- I don't know. A  
6 couple, depending on the answers I get. And let me  
7 say the question that I want to ask is, are there  
8 other issues that have popped up in the investigation  
9 that Staff has made that are not being addressed in  
10 either of these stipulations?

11 JUDGE HATCHER: Mr. Coffman, on its face,  
12 that does not seem like an appropriate question to me.  
13 Do you have another question?

14 MR. COFFMAN: No, that's -- that's what I  
15 had.

16 JUDGE HATCHER: Okay. Thank you.

17 MR. COFFMAN: I understand. Thank you.

18 JUDGE HATCHER: Public Counsel,  
19 Mr. Williams.

20 MR. WILLIAMS: Public Counsel stands on  
21 its objection.

22 JUDGE HATCHER: Thank you, sir. And we  
23 will go back to redirect.

24 REDIRECT EXAMINATION BY MR. VANDERGRIFF:

25 Q. Good morning, Mr. Thomason. You were

1 asked earlier do you agree with the positions that the  
2 Company witnesses had, you know, portrayed before the  
3 Commission before. I want to turn back to the  
4 question regarding who will agree on -- on the  
5 metrics.

6 Do you have the -- the Original  
7 Non-Unanimous Global Stipulation and -- and Agreement  
8 available to you?

9 A. Yes, I do.

10 Q. If you turn to page two, paragraph six,  
11 would you mind reading the first sentence in -- in  
12 that section, in that paragraph?

13 A. It says: The parties will confer on the  
14 appropriate and reasonably achievable monthly  
15 normalized performance metrics and targets in a  
16 separate investigation and reach agreement by  
17 May 31st, 2026.

18 Q. Do you agree -- or do you find anything  
19 in that sentence that limits the approval process to  
20 the signatories? Or does it include all parties,  
21 including parties like the OPC and Consumers Council?  
22 I'll rephrase it.

23 Will the OPC and Consumer Council be  
24 involved with conferring on the appropriate and  
25 reasonably achievable monthly normalized performance

1 metrics and targets?

2 A. I'm not aware of anything in the -- in  
3 this agreement that would say otherwise.

4 Q. And are we still, the parties, working on  
5 the new conditions to be met for Customer First or --  
6 or has that been established?

7 A. Those discussions have not started yet.

8 MR. VANDERGRIFF: No further questions.

9 JUDGE HATCHER: Thank you.

10 And thank you, Mr. Thomason. You are  
11 excused from the witness stand.

12 Commissioners, we have one more witness  
13 that I have on my list. We are up against our time to  
14 try and get in activities of the Commissioners and  
15 then agenda at 11:00. Would the Commissioners like to  
16 go ahead and call one witness or would the  
17 Commissioners prefer to recess until one o'clock?

18 (Discussion held off the record.)

19 JUDGE HATCHER: Okay. We have a  
20 decision. We will recess in just a minute and we will  
21 come back at 11:30. I previously had mentioned  
22 one o'clock. That is incorrect. 11:30. I have it on  
23 good advice that agenda will be relatively short today  
24 and so we are coming back at 11:30.

25 Any questions before I bang the gravel



1 and we go into recess? Excellent. We are at recess.

2 (Recess was held.)

3 JUDGE HATCHER: All right. Let's go back  
4 on the record. We have had a complicated morning. We  
5 have had our internet go out, we have reestablished  
6 our internet connection and our WebEx.

7 We are continuing the on-the-record  
8 evidentiary proceeding in Case Number ER-2024-0261.  
9 This is the general rate increase request of the  
10 Empire District Electric Company, doing business as  
11 Liberty.

12 Commission will call this next witness,  
13 Ms. Kim Bolin, please.

14 (Witness sworn.)

15 JUDGE HATCHER: Thank you. Please state  
16 and spell your name for the record.

17 THE WITNESS: My name is Kimberly Bolin,  
18 and Bolin is spelled B-o-l-i-n.

19 JUDGE HATCHER: Thank you. Are there any  
20 Commissioner questions for Ms. Bolin? Chair Hahn?  
21 Oh, I'm sorry, Commissioner Coleman.

22 COMMISSIONER COLEMAN: Thank you.

23 QUESTIONS BY COMMISSIONER COLEMAN:

24 Q. Ms. Bolin, this is probably -- this is a  
25 general question. We've heard testimony this morning

1 from Empire, from our Staff. And based on the talk  
2 about the performance metrics in relation to billing  
3 requirements that needs to be complied with regarding  
4 existing Commission rules, do you have any input, any  
5 information you can provide to us about your  
6 perspective?

7 A. I'm not quite sure I understand your  
8 question.

9 Q. Well, I guess relative to the purposes of  
10 the Commission rules, which I believe is to ensure  
11 that adequate service is provided. So does the  
12 compliance with the listed Commission rules and the  
13 Stipulation ensure that Empire customers are receiving  
14 adequate service?

15 A. For the supplemental metrics, it goes to  
16 proper billing, the customers are receiving a timely  
17 and accurate bill. So I believe that is part of  
18 adequate customer service.

19 There are other things, you know,  
20 reliability and other metrics too that go into  
21 adequate customer service. But I believe these  
22 metrics meet the billing timeliness and billing  
23 accuracy metrics we would like to see.

24 Q. I know that it was mentioned a couple  
25 times by the Empire witnesses that -- and even

1 Mr. Thomason noted also Staff participation. And I'm  
2 looking forward I think to there being some  
3 significant oversight regarding the Stipulation.  
4 And -- and I suspect that the attitude of Staff, your  
5 department, will certainly be on top of all of this  
6 also.

7 A. Absolutely. We -- we take these metrics  
8 very seriously and we will be evaluating these very  
9 thoroughly.

10 Q. Thank you.

11 COMMISSIONER COLEMAN: Thank you, Mis- --  
12 Judge.

13 JUDGE HATCHER: Thank you, Commissioner.

14 Any other Commissioner questions for  
15 Ms. Bolin? Chair Hahn?

16 QUESTIONS BY CHAIR HAHN:

17 Q. Good morning, Ms. Bolin.

18 A. Good morning.

19 Q. One, just want to say appreciate you  
20 working with the Company to try to develop some  
21 metrics that we can measure performance by. I think  
22 ultimately we are interested in performance.

23 This is a unique stipulation in a lot of  
24 ways. It has metrics, performance, targets, no  
25 immediate increase, deferrals. I am a short -- I have

1 been a short-timer, but it seems unique.

2 And because it is so unique, do you think  
3 that these are the best possible positions that the  
4 Commission could adopt to result in just and  
5 reasonable rates?

6 A. Yes, I do.

7 Q. In your experience, have you seen similar  
8 stipulations like this?

9 A. Not to this level and all the definitions  
10 of metrics and developing metrics for a later case. I  
11 have seen phase-ins, but this is a unique case in my  
12 experience.

13 Q. I don't -- I think that's all.

14 JUDGE HATCHER: Thank you, Chair. Any  
15 other Commissioner questions for Ms. Bolin?

16 QUESTIONS BY JUDGE HATCHER:

17 Q. I have just a couple. I just want to ask  
18 confirmation questions. We heard from Empire  
19 witnesses that they felt that the metrics started  
20 being tracked on January 1st of 2026. Is that also  
21 your view?

22 A. That is my understanding, yes.

23 Q. And is it also Staff's view that there is  
24 no recovery of Customer First until after the metrics  
25 are met and then submitted in a rate case?

1           A.       Which set of metrics are you talk -- we  
2 have the original -- the one in the supplemental,  
3 those we know for sure they are tracking January 1st.  
4 We agreed to that.

5                   The ones that are in the Non-Unanimous  
6 Global Stipulation, those metrics are yet to be  
7 determined.

8           Q.       Yes. My question is, did you agree with  
9 the earlier witnesses that there is no recovery of the  
10 Customer First asset?

11           A.       Until those -- the metrics that are  
12 included in the Global Stipulation are met.

13           Q.       Thank you very much. That's all the  
14 questions I have.

15                   JUDGE HATCHER: I'll ask one more time,  
16 any Commissioner questions for Ms. Bolin? We will go  
17 to cross-examination. And we will start with the  
18 Company.

19                   MR. COOPER: No questions.

20                   JUDGE HATCHER: Thank you. MEEG.

21                   MR. OPITZ: No, thank you.

22                   JUDGE HATCHER: Renew Missouri.

23                   MS. MERS: No questions, thank you.

24                   JUDGE HATCHER: Mr. Coffman with  
25 Consumers Council.

1 MR. COFFMAN: Yes, thank you.

2 CROSS-EXAMINATION BY MR. COFFMAN:

3 Q. I still have some confusion regarding the  
4 timing of the metrics and -- and the phase-in. As --  
5 and the -- my confusion stem from trying to read these  
6 two documents together, the original Stipulation and  
7 the Supplemental Stipulation.

8 And so with regard to the -- the metrics  
9 that are a condition of getting any rate increase, in  
10 the -- that are -- that's the -- the -- the metrics  
11 that are specified in the Supplemental Stipulation.  
12 When -- when those are met for three consecutive  
13 months, does that start year one as far as the  
14 phase-in in the original Stipulation?

15 A. Yes, it does.

16 Q. Okay. So in other words, if Liberty --  
17 if it takes 12 months for Liberty to meet those  
18 metrics in the Supplemental Stipulation, year one  
19 would start 12 months -- you know, at that point?

20 A. That is correct.

21 Q. So the rate increase that would occur at  
22 that time would be the 32.3 million, not the  
23 64.6 million?

24 A. That is correct, right.

25 Q. Okay. That helps clarify -- or at least

1 I guess what Staff's position is on this.

2 And when -- when the -- that phase-in  
3 goes in in year one, that is -- that's a revenue  
4 requirement increase, right?

5 A. The 32 million is a revenue requirement  
6 increase, yes.

7 Q. But in the -- and in the original base  
8 Stipulation, referring to it, it is mentioned that  
9 there will be a phase-in of rates as agreed to by  
10 these parties. This will result in a regulatory  
11 asset.

12 Could you clarify to me how you  
13 understand what this means in paragraph eight?

14 A. When you have a phase-in, the Company --  
15 if you didn't have a phase in, the Company would  
16 normally earn 97 million dollar increase over rates.  
17 In the case of the phase-in, they will not earn that  
18 two-thirds or roughly 62 million dollars, so that  
19 62 million dollars will go into a deferred asset to be  
20 recovered in a future rate case.

21 Q. Okay. So when -- when this document says  
22 this will result in a regulatory asset, it's referring  
23 to the difference between the year one, 32.3 million  
24 and --

25 A. The 97 million, yes.

1 Q. Okay.

2 A. And then in year two, it would be the  
3 difference between the 97 million and the 60 --  
4 roughly 62 million -- or 64.6 million, excuse me.

5 Q. Is that specified anywhere in these two  
6 documents?

7 A. I think that is normally how a phase-in  
8 works.

9 Q. Okay. And --

10 A. I'm not sure if it is exactly spelled out  
11 that way in the document.

12 Q. Okay. So do you believe it would be  
13 important for the Commission to specify how they're  
14 interpreting that sentence?

15 A. If the Commission feels they need to,  
16 that would be fine.

17 MR. COFFMAN: Okay. That's all I have.  
18 Thank you.

19 JUDGE HATCHER: Thank you, Mr. Coffman.  
20 And the Office of the Public Counsel,  
21 Mr. Williams.

22 MR. WILLIAMS: Stand on our objection.

23 JUDGE HATCHER: Thank you, sir.

24 And we have redirect.

25 MR. VANDERGRIFF: No redirect, Your



1 Honor.

2 JUDGE HATCHER: Thank you.

3 Ms. Bolin, thank you. You are excused  
4 from the witness stand.

5 I know that a lot of employees of the  
6 various parties have made themselves available to be  
7 here today and I sincerely appreciate that. The  
8 Commission has been working on the questions and how  
9 to approach this and we were unable to give anyone a  
10 heads-up that they would or would not be called.

11 So with that said, I really appreciate  
12 and thank all of the online folks that have appeared,  
13 all of the folks that are here in the back prepared to  
14 testify, but that does conclude the witnesses that the  
15 Commission would like to call.

16 Is there anything else from the parties?

17 Okay. With that, any announcements from  
18 the Bench? I'm ready to adjourn our proceeding.

19 Okay. Thank you all. We are adjourned  
20 and off the record.

21 (Whereupon, the proceedings concluded at  
22 11:45 a.m.)

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CERTIFICATE OF REPORTER

I, Tracy Thorpe Taylor, CCR No. 939, within the State of Missouri, do hereby certify that the testimony appearing in the foregoing matter was duly sworn by me; that the testimony of said witnesses was taken by me to the best of my ability and thereafter reduced to typewriting under my direction; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this matter was taken, and further, that I am not a relative or employee of any attorney or counsel employed by the parties thereto, nor financially or otherwise interested in the outcome of the action.

*Tracy T Taylor*

Tracy Thorpe Taylor, CCR, RPR

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