

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

In the Matter of the Request of The Empire)
District Electric Company d/b/a Liberty for)
Authority to File Tariffs Increasing Rates)
for Electric Service Provided to Customers)
in Its Missouri Service Area)

Case No. ER-2024-0261

Public Counsel’s Response to Liberty’s Reconciliation and Notice of Election to Not Appeal

COMES NOW the Office of the Public Counsel and for its response to Liberty’s reconciliation and for its notice of decision not to appeal the Commission’s January 14, 2026, *Report and Order* states:

1. By its January 30, 2026, *Order Directing Reconciliation*, the Commission ordered, “The Empire District Electric Company shall file the reconciliation required by Section 386.420.4, or a request for an extension of time, no later than February 12, 2026.”

2. On February 12, 2026, Liberty filed a reconciliation of parties’ positions on the contested before the Commission decided those contested issues by its January 14, 2026, *Report and Order*. Liberty’s reconciliation includes no more information than the reconciliation Public Counsel filed as an appendix to its initial brief.

3. Section 386.420.4, RSMo., requires that “the commission shall cause to be prepared, with the assistance of the parties to such proceeding, and shall approve, after allowing the parties a reasonable opportunity to provide written input, a detailed reconciliation containing the dollar value and rate or charge impact of each contested issue decided by the commission.”

4. Section 386.420.4, RSMo., also requires that “the commission shall cause to be prepared, with the assistance of the parties to such proceeding, and shall approve, after allowing the parties a reasonable opportunity to provide written input, . . . the customer class billing

determinants used by the commission to calculate the rates and charges approved by the commission.”

5. Section 386.420.4, RSMo., directs that the information in the reconciliation and customer class billing determinants “be sufficient to permit a reviewing court and the commission on remand from a reviewing court to determine how the public utility's rates and charges, including the rates and charges for each customer class, would need to be temporarily and, if applicable, permanently adjusted to provide customers or the public utility with any monetary relief that may be due in accordance with the procedures set forth in section [386.520](#).” And further, “[i]n the event there is any dispute over the value of a particular issue or the correctness of a billing determinant, the commission shall also include in the reconciliation a quantification of the dollar value and rate or charge impact associated with the dispute.”

6. While the reconciliation Liberty has provided is not “sufficient to permit a reviewing court and the commission on remand from a reviewing court to determine how [Liberty]'s rates and charges, including the rates and charges for each customer class, would need to be temporarily and, if applicable, permanently adjusted to provide customers or the [Liberty] with any monetary relief that may be due in accordance with the procedures set forth in section [386.520](#),” because Public Counsel has decided not to appeal the Commission’s *Report and Order*, a section 386.420.4, RSMo., reconciliation would not serve the purpose of informing a reviewing court or the Commission on remand from a court.

Wherefore, the Office of the Public Counsel responds to Liberty’s reconciliation filed in response to the Commission’s order that Liberty file the detailed reconciliation required by [§386.420.4, RSMo.](#) as set forth above, and notifies the Commission that the Office of the Public Counsel is not appealing from the Commission’s January 14, 2026, *Report and Order* in this case.

Respectfully,

/s/ Nathan Williams

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or electronically mailed to all counsel of record this 19th day of February 2026.

/s/ Nathan Williams