

BEFORE THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS

In the Matter of the Complaint Against Empire)
District Electric Company by Brooke Lynn) Docket No. 17-EPDE-079-COM
Sheppard and Ricky Dale Sheppard)

RESPONSE TO STAFF'S REPORT AND RECOMMENDATION

The Empire District Electric Company, a Liberty Utilities Company ("Empire"), submits the following response to the Kansas Corporation Commission ("Commission") Staff's ("Staff") report and recommendation filed in the above-captioned docket on August 10, 2017.

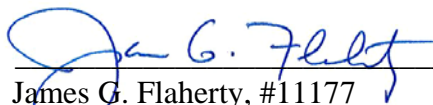
1. Empire concurs with that portion of Staff's recommendation that Empire appropriately applied its tariff's terms and conditions regarding security deposits with respect to the Complainant. Empire also concurs with that portion of Staff's recommendation that the Commission find the meter serving the Complainant's residence accurately recorded electric usage for the time period addressed in the Complaint.

2. For purposes of this Complaint, Empire elects not to challenge that portion of Staff's recommendation that the Commission order Empire to reimburse Brooke Sheppard \$147.88 for the billing charges that occurred after March 5, 2015, and through April 20, 2015. The reason Empire requested that Mrs. Sheppard call in to confirm her email request to terminate service was to avoid an inadvertent disconnection. Although not specifically stated in Empire's tariff, Empire has a policy to verbally confirm any written request for disconnection with the customer in order to protect the customer from an unauthorized disconnection. That is the reason why Empire made its request to Mrs. Sheppard on March 5 and March 6, 2015, to confirm the request for termination of service before proceeding with scheduling the disconnection. As stated in Staff's report, Mrs. Sheppard indicated that she called Empire to confirm her request to terminate service in response to Empire's request for

confirmation. Although Empire believes that if it would have received that call from Mrs. Sheppard around March 6, 2015, it would have been its practice to schedule the disconnection, because of its 120-day record retention policy, it is unable to produce a record showing whether it received the call from Mrs. Sheppard. Therefore, Empire elects not to challenge that portion of Staff's recommendation regarding the payment to Mrs. Sheppard and agrees to reimburse her the \$147.88 recommended by Staff.

WHEREFORE, based upon the reasons set forth herein, Empire requests that the Commission issue an order finding that (1) Empire appropriately applied its tariff's terms and conditions regarding security deposits with respect to the Complainant; (2) the meter serving the Complainant's residence accurately recorded electric usage for the time period addressed in the Complaint; and (3) for purposes of this Complaint Empire has elected not to challenge that portion of Staff's recommendation that Empire reimburse Brooke Sheppard \$147.88 for the billing charges that occurred after March 5, 2015, and through April 20, 2015.

Respectfully submitted,



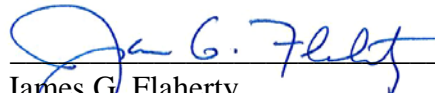
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Attorneys for The Empire District Electric Company

VERIFICATION

STATE OF KANSAS, COUNTY OF FRANKLIN, ss:

James G. Flaherty, of lawful age, being first duly sworn on oath, deposes and says he is attorney for The Empire District Electric Company above named; that he has read the above and foregoing Response to Staff's Report and Recommendation; and the statements contained therein are true.


James G. Flaherty

SUBSCRIBED AND SWORN to before me this 21st day of August, 2017.





Notary Public

Appointment/Commission Expires:

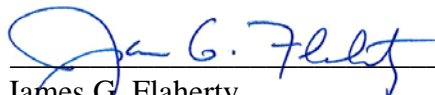
CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing was sent via U.S. Mail, postage prepaid, hand-delivery, or electronically, this 21st day of August, 2017, addressed to:

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Brooke Lynn Sheppard
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James G. Flaherty