

**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	)	Case No. ER-2021-0312
Tariffs Increasing Rates for Electric	)	
Service Provided to Customers in its	)	
Missouri Service Area	)	

**PUBLIC COUNSEL’S RESPONSE IN OPPOSITION  
TO EVERGY’S APPLICATION TO INTERVENE**

COMES NOW the Office of the Public Counsel (“OPC”) and, for its Response in Opposition to Evergy’s Application to Intervene, states:

1. Liberty initiated this general electric rate case by filing proposed tariff sheets and testimony on May 28, 2021. The Commission issued its *Order Suspending Tariff, Directing Notice, Delegating Authority, Setting a Deadline to Intervene, and Scheduling a Prehearing Conference*, on June 2, 2021, by which it, among other things, ordered, “Applications to intervene shall be filed no later than June 22, 2021.”<sup>1</sup>

2. Evergy (collectively Evergy Metro, Inc. d/b/a Evergy Missouri Metro and Evergy Missouri West, Inc. d/b/a Evergy Missouri West) timely filed to intervene on June 14, 2021.

3. Commission Rule 20 CSR 4240-2.075 governs interventions. In pertinent part to OPC’s opposition, it provides:

(2) A motion to intervene or add new member(s) shall include:

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<sup>1</sup> Commission Rule 20 CSR 4240-2.075 refers to motions to intervene.

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(E) A statement of the proposed intervenor's or new member's interest in the case and reasons for seeking intervention or to be added; and

\* \* \* \*

(3) The commission may grant a motion to intervene or add new member(s) if—

(A) The proposed intervenor or new member(s) has an interest which is different from that of the general public and which may be adversely affected by a final order arising from the case; or

(B) Granting the proposed intervention would serve the public interest.

4. Evergy's application to intervene does not disclose either Evergy Missouri Metro's or Evergy Missouri West's "interest in in [this] case" that subpart (2)(E) of rule 20 CSR 4240-2.075 requires, and should be denied for that failure.

5. Further, Evergy's failure to comply with subpart (2)(E) leaves the Commission with nothing from which to find Evergy "has an interest which is different from that of the general public" as required by rule subpart 3)(A). Moreover, if Evergy were to have such an interest, this case is not a rulemaking or other case where the Commission's final order will be of general applicability. Therefore, there also is nothing before the Commission from which it can find that its final orders in this case may adversely affect such an Evergy subpart 3)(A) interest, another requirement of subpart (3)(A).

6. Finally, as to subpart (3)(B), Evergy has provided nothing from which the Commission can find that allowing either Evergy Missouri Metro or Evergy Missouri West to intervene would serve the public interest. The closest they come to doing so is their allegation "[A]llowing Evergy to participate will assist in creating the record for a Commission decision in this

case.” By past Liberty rate cases, the Commission, and the automatic parties in this case—Liberty, the Commission’s Staff, and OPC, have shown that they are capable of creating a sufficient record. Allowing Evergy to intervene as parties in this case would allow them to oppose settlements and complicate the proceeds which could slow and hamper this already large, contested proceeding to which, so far, five other entities, or groups, with disparate interests identifiable to Liberty customers, or to former Liberty employees and spouses have also sought to intervene.

6. OPC urges the Commission to deny Evergy intervention for their failure to satisfy Commission Rule 20 CSR 4240-2.075. As shown above, Evergy has not alleged what interest they have that differs from that of the general public, that Evergy may be adversely affected by a final Commission order in this case, or for Evergy to intervene would further the public interest. Evergy are fully capable of raising and furthering all of their issues in their own cases, rate and otherwise, or in general rulemaking, workshop, or other general proceedings before the Commission.

**WHEREFORE**, the Office of the Public Counsel, for the reasons above, respectfully requests the Commission to deny Evergy’s application to intervene.

Respectfully,

/s/ Nathan Williams

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Attorney for the Office  
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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 22<sup>nd</sup> day of June 2021.

/s/ Nathan Williams