

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

In the Matter of the Application of KCP&L)
Greater Missouri Operations Company for)
Approval of a Special Rate for a Facility) EO-2019-0244
Whose Primary Industry is the Production or)
Fabrication of Steel in or Around Sedalia,)
Missouri)

**KCP&L GREATER MISSOURI OPERATIONS COMPANY REPLY
TO THE MIDWEST ENERGY CONSUMERS GROUP RESPONSE
TO STAFF'S MOTION TO DISMISS**

COMES NOW KCP&L Greater Missouri Operations Company (“GMO”)¹ and for its reply to the Midwest Energy Consumers Group (“MECG”) response to Staff’s motion to dismiss respectfully states as follows:

1. On September 24, 2019 Staff filed its Motion to Dismiss Purported Party arguing, understandably, that it was confused as to whom the Midwest Energy Consumers Group, Inc. (MECG) actually represented in this case. This confusion was brought on by MECG's contradictory statements that it has no members and does not represent any other entities², while simultaneously purporting in its application to intervene that GMO represents the interests of GMO large commercial and industrial customers in this case and publishing a list of "participating members" on its website.

2. On September 25, 2019 Staff filed its Notice of Deposition, which sought to depose MECG on the issue of who, if anyone, MECG actually represents in this case. In a subsequent

¹ Effective October 7, 2019, Evergy Missouri West, Inc. d/b/a Evergy Missouri West adopted the service territory and tariffs of GMO. However, since this application was filed under the GMO name, GMO will be used in this Reply.

² See, *MECG's Motion to Quash Deposition*, P. 2 (Quoting the transcript of the Procedural Conference held on July 13, 2019. Tr. 6-7).

filing, GMO supported this deposition, believing it could yield important information for the Commission to consider in weighing MECG's involvement and positions in this case.

3. On September 30, 2019 MECG filed its Motion to Quash Deposition, arguing that the deposition was pointless because MECG had already made clear, despite the inconsistency within its application to intervene, that it did not have members and was not, in fact, representing any actual commercial or industrial customers of GMO as MECG's clients in this case.

4. On October 1, 2019 the Commission issued its Order granting MECG's motion to quash. In that Order, the Commission based its decision to quash the deposition on MECG's representations regarding its lack of actual clients or members, to wit: "The problem for Staff's position is that it is already quite clear that MECG does not claim to represent any entity other than itself." Order Granting Motion to Quash Deposition at 4. The Commission thus seems to be rejecting MECG's representation of itself in its application for intervention, "As a group of large commercial and industrial customers of KCPL-GMO ..." MECG Application for Intervention at 2.

5. Given the Commission's October 1, 2019 order and the unique procedural posture of this case³ GMO submits that there is insufficient time to ascertain a number of issues, including what interests MECG may be representing in this proceeding, whether MECG's situation is analogous to that of the NAACP, Renew Missouri or other entities or whether MECG has an interest in this proceeding that is different than that of the general public that warrants intervention. GMO therefore suggests that the hearings should move forward, as scheduled.

³ The unique procedural posture involves GMO having initially questioned MECG's intervention and then withdrawing its objection and MECG then being granted intervention; evidentiary hearings starting in less than ten days in order to achieve a tariff effective date no later than January 1, 2020; and only direct testimony having been filed by GMO and Nucor with no pre-filed rebuttal or surrebuttal testimony having been filed thereafter.

6. Should the Commission issue an order rejecting Staff's motion to dismiss, it should be narrowly tailored to this case only, as the record is not complete as to what entities, if any, MECG represents and how such a determination impacts MECG's intervention status.

WHEREFORE, GMO respectfully requests that, based on the unique procedural posture of this proceeding, the Commission proceed with holding evidentiary hearings as scheduled and if an order is issued rejecting Staff's motion to dismiss that it be narrowly tailored to this case only.

Respectfully submitted,

/s/ Roger W. Steiner

Robert J. Hack, MBN 36496
Lead Regulatory Counsel
Phone: (816) 556-2791
E-mail: rob.hack@evergy.com
Roger W. Steiner, MBN 39586
Corporate Counsel
Phone: (816) 556-2314
E-mail: roger.steiner@evergy.com
Kansas City Power & Light Company
1200 Main – 16th Floor
Kansas City, Missouri 64105
Fax: (816) 556-2787

James M. Fischer, MBN 27543
Fischer & Dority, P.C.
101 Madison Street, Suite 400
Jefferson City, MO 65101
(573) 636-6758 (Phone)
(573) 636-0383 (Fax)
jfischerpc@aol.com

**Attorneys for KCP&L Greater Missouri
Operations Company**

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served by electronic mail, or First Class United States Postal Mail, postage prepaid, on this 8th day of October 2019, to all counsel of record.

/s/ Roger W. Steiner

Roger W. Steiner