

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

In the Matter of the Application of Evergy)
Missouri West, Inc. d/b/a Evergy Missouri for) File No. EO-2022-0061
Approval of a Special High Load Factor Market Rate)

OBJECTION TO NONUNANIMOUS STIPULATION AND AGREEMENT

COMES NOW Velvet Tech Services, LLC ("Velvet"), pursuant to 20 CSR 4240-2.115(2)(B), and for its Objection to the Nonunanimous Stipulation and Agreement filed by OPC, Staff and MEGC, respectfully states as follows:

1. On November 2, 2021, Evergy filed its Application requesting Commission authority for approval of a special high load factor market rate for a Data Facility in Kansas City, Missouri.

2. Velvet Tech Services, LLC filed a Motion to Intervene in this matter which the Commission subsequently granted on November 9, 2021.

3. On January 24, 2022, OPC, Staff and MEGC filed a Nonunanimous Stipulation and Agreement in this matter ("OPC Nonunanimous Stipulation and Agreement").

4. Evergy Missouri West (EMW) and Velvet also filed a Nonunanimous Stipulation and Agreement in this matter on January 24, 2022 ("EMW Nonunanimous Stipulation and Agreement").

5. Velvet objects to and opposes the OPC Nonunanimous Stipulation and Agreement with respect to each and every provision of the Stipulation and attached tariff which differs from the EMW Nonunanimous Stipulation and Agreement and tariff attached thereto. In addition, among other grounds, Velvet opposes the OPC Nonunanimous Stipulation and Agreement on the following grounds:

- If the Commission were to adopt the tariff as attached to the OPC Nonunanimous Stipulation and Agreement, Evergy has stated that they do not intend to offer a contract to any customer under Schedule MKT;
- OPC's hold harmless provision attempts to exclude from the Commission's consideration important information regarding benefits and related revenue when reviewing the costs and benefits of Schedule MKT in future proceedings. Among

other potential benefits, Velvet's \$800 million capital investment, over 50 direct, full-time jobs, 1,000 construction jobs and service as an anchor for the Golden Plains Technology Park will provide direct and indirect benefits to EMW customers;

- The OPC Nonunanimous Stipulation and Agreement's provision regarding the RESRAM potentially shifts additional costs onto future MKT customers who provide their own renewable attributes, making schedule MKT less attractive and a less competitive option for future MKT customers; it further ignores a solution through a variance that protects all parties from any potential additional costs;
- The OPC Nonunanimous Stipulation and Agreement raised a new issue (excluding the availability of Schedule MKT for customers utilizing Schedule PED) that was not in Rebuttal Testimony, Surrebuttal Testimony, the List of Issues, or presented by OPC, Staff or MECG in their Statements of Position;
- Preventing future MKT customers from taking service under Schedule PED is inconsistent with Section 393.1640, RSMo, and eliminates the short-term solution for competitive pricing needed to attract future MKT customers; and
- The inclusion of charges related to securitization in the OPC Nonunanimous Stipulation and Agreement is premature.

6. Commission Rule 20 CSR 4240-2.115(2)(B) provides that "each party shall have seven (7) days from the filing of a nonunanimous stipulation and agreement to file an objection to the nonunanimous stipulation and agreement."

7. Once an objection is filed, the Commission rule provides that the nonunanimous stipulation "shall be considered to be merely a position of the signatory parties to the stipulated position, except that no party shall be bound by it. All issues remain for determination after hearing." The Commission is required to hold a hearing and make specific findings of fact and conclusions of law on all of the issues addressed by the stipulation to which an objection has been lodged.

8. Velvet hereby objects to the terms of the OPC Nonunanimous Stipulation and Agreement.

WHEREFORE, Velvet respectfully submits this Objection to the January 24, 2022, Nonunanimous Stipulation and Agreement filed by OPC, Staff and MECG and prays that this

