BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

In the Matter of Vicinity Energy Kansas) File No. HT-2022-0212
City, Inc.'s Adjustment to its PACC Tariff) Tariff No. YH-2022-0218

MOTION TO AMEND PROCEDURAL SCHEDULE

COMES NOW the Staff of the Missouri Public Service Commission (Staff), through counsel, and moves the Commission to amend the procedural schedule the Commission ordered on April 13, 2022.

- 1. The Commission approved a stipulation on March 24, 2021 in Vicinity's prior Production Adjustment Cost Clause (PACC) filing (Case No. HT-2021-0245) setting its PACC surcharge at \$0 per million pounds (mlb), deferring into a regulatory liability account \$731,938 due its customers, and deferring into a regulatory asset account accrued, but unpaid extraordinary gas costs, that would otherwise be charged to purchased gas expense in 2021.¹
- 2. On February 1, 2022, Vicinity filed in the instant case two tariff sheets and the *Direct Testimony of Scott Stordahl* proposing a revised PACC surcharge of \$2.10 per mlb. Vicinity did not initially include the amount of the regulatory liability, stating that "[t]he purpose of the deferral was to allow the deferred amounts to be flowed back to customers concurrently with the full amounts billed and paid for gas used during Winter Storm Uri."² Vicinity proposed to return these funds to customers in a future PACC filing after litigation with Symmetry Energy Solutions, LLC is resolved.³

1

¹ Stipulation and Agreement Resolving Issues Arising from Gas Price Spikes of February 2021, HT-2021-0245 (Mar 12, 2021).

² Direct Testimony of Scott Stordahl, HT-2022-0212, 10:19-21 (Feb 1, 2022).

³ *Id*. at 11:1-4.

3. On March 11, 2022, Staff recommended that the Commission reject Vicinity's proposed tariff sheets and direct Vicinity to file substitute tariff sheets that include refunding the \$731,938 regulatory liability to its customers.

4. On March 18, 2022, Vicinity stated that it does not oppose Staff's recommendation.

5. On April 13, 2022, the Commission ordered a procedural schedule. Consistent with this schedule, Vicinity filed revised direct testimony of Scott Stordahl and a substitute tariff sheet on April 29, 2022.

6. According to the procedural schedule, Staff is to file rebuttal testimony or a recommendation regarding the proposed substitute tariff sheets by May 13, 2022.

7. Staff and Vicinity are working together to finalize the proposed tariff sheets. The parties believe that they can resolve this in two weeks and that Staff can file a recommendation by May 27, 2022. Staff will file a recommendation earlier, if possible.

8. Staff requests that the Commission amend the procedural schedule as follows:

May 27, 2022: Staff files Rebuttal Testimony, or Recommendation regarding proposed substitute tariff sheets

June 7, 2022: Vicinity files Surrebuttal Testimony, if necessary

June 17, 2022: List of Issues, Order of Witnesses, Order of Cross Examination, if necessary

June 15, 2022: Position Statements, if necessary

June 27, 2022: Evidentiary Hearing, if necessary

July 14, 2022: Initial Briefs

July 21, 2022: Reply Briefs

9. Counsel for Vicinity told the undersigned counsel that Vicinity does not oppose this motion.

WHEREFORE, Staff requests that the Commission amend the procedural schedule as set forth above.

Respectfully submitted,

/s/ Karen E. Bretz

Karen E. Bretz
Deputy Counsel
Missouri Bar No. 70632
Attorney for the Staff of the
Missouri Public Service Commission
P.O. Box 360
Jefferson City, MO 65102
573-751-5472 (Voice)
573-751-9285 (Fax)
Karen.Bretz@psc.mo.gov

CERTIFICATE OF SERVICE

I certify that copies of the foregoing have been electronically mailed to all parties and/or counsel of record on this 12th day of May, 2022.

/s/ Karen E. Bretz