

**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 West for Approval of )	
a Special High Load Factor Market )	Case No. EO-2022-0061
Rate for a Data Center Facility in )	
Kansas City, Missouri )	

**STATEMENT OF POSITION**

COMES NOW the Office of the Public Counsel (“OPC”) and for its *Statement of Position*, states as follows:

**Issue 1: Should the Commission approve the Special High Load Factor Market Rate (“Schedule MKT”) tariff proposed by [Evergy Missouri West (“EMW”)]?**

The Commission should only approve the Schedule MKT tariff proposed by EMW to the extent that the Commission also orders the modifications proposed by Staff and the OPC. This tariff will allow specific customers to benefit from a unique rate schedule. It would be inherently unjust and inequitable for the customers who qualify for this tariff (and hence the unique rate schedule) to benefit at the expense of non-participating customers. Therefore, this tariff should only be allowed to the extent that non-participants are held harmless. The modifications proposed by the OPC aim at achieving this end. Thus, the Commission should only approve this tariff to the extent that it also orders the modifications proposed by, or other modifications substantially similar to those proposed by, the OPC and Staff.

**Sub-Issue A: Is the Schedule MKT tariff lawful?**

Any concerns regarding the lawfulness of Schedule MKT will be addressed in briefs.

**Issue 2: If yes, what if any modifications to the Schedule MKT tariff proposed by EMW or other conditions should the Commission order?**

The Commission should order the modifications proposed by witnesses for Staff and the OPC. Dr. Geoff Marke, witness of the OPC, outlined several “redline” style changes to Evergy’s proposed Schedule MKT on pages eleven through sixteen of his rebuttal testimony. Dr. Geoff Marke, *Rebuttal Testimony*, pgs. 11 – 16. In addition, the OPC’s witness Ms. Lena Mantle offered three additional modifications in her surrebuttal testimony. Lena Mantle, *Surrebuttal Testimony*, pgs. 3, 5 – 6. Many of these changes either mirror or compliment the proposed modifications offered by Staff witnesses. See Robin Kliethermes, *Surrebuttal Testimony*, Schedule RK-s1 pg. 4 of 5. They are also primarily taken directly from Evergy West’s existing Schedule SIL tariff sheet. See, e.g., Lena Mantle, *Surrebuttal*, pg. 5 lns. 7 – 8. The Commission should therefore order these modifications.

WHEREFORE, the Office of the Public Counsel respectfully requests the Commission accept this *Statement of Positions* and rule in the OPC’s favor on all issues herein addressed.

Respectfully submitted,

By:           /s/ John Clizer            
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CERTIFICATE OF SERVICE

I hereby certify that copies of the forgoing have been mailed, emailed, or hand-delivered to all counsel of record this twentieth day of January, 2022.

          /s/ John Clizer