

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

In the Matter of the Tariff Filings of)
Evergy Metro, Inc. d/b/a Evergy)
Missouri Metro and Evergy Missouri)
West, Inc. d/b/a Evergy Missouri West)

File No. ET-2023-0290

MOTION FOR RECONSIDERATION AND MOTION TO EXPEDITE

COMES NOW Velvet Tech Services, LLC (“Velvet Tech Services”), and for its Motion for Reconsideration of this Commission's March 21, 2023 Order, respectfully states as follows:

1. On February 21, 2023, Evergy filed new substitute tariff sheets related to the PED tariff.
2. On March 20, 2023, Staff filed a Motion to Suspend Tariffs and Motion for Expedited Treatment.
3. On March 21, 2023, the Commission issued its “Order Suspending Tariffs.”
4. Pursuant to 20 CSR 4240-2.160, Velvet asks the Commission to reconsider its Order based on the facts herein.
5. The legislature originally enacted Section 393.1640, RSMo, which authorized Evergy’s Limited Large Customer Economic Development Discount Rider (Schedule PED) in 2018.
6. The legislature made modifications to Section 393.1640, RSMo, which became effective on August 28, 2022. These modifications include extending the life of the rider to ten years and making the issuance mandatory under the new provisions. *See* Senate Bill 745, Laws 2022.

7. Evergy sought to update its PED tariff based on the changes made by the legislature, filing an updated tariff on February 21, 2023. *See* Tracking No. JE-2023-0162.

8. In paragraph 7 of its Motion, Staff claimed it was not “aware of any negative effect...on EMW’s customers” however Staff fully participated in Case EO-2022-0061, in which it learned that Velvet intends to take service under the LPS tariff (and utilize Schedule PED) in mid-2023.¹ Staff did not serve Velvet with its Motion in this case.

9. None of the issues raised by Staff justify suspending the tariff.
- a. Staff lists 11 definitions in the updated tariff that “need to be more clearly defined” – yet similar terms exist in the current tariff (e.g., qualifying incremental demand (current))

¹ *See* EO-2022-0061, Direct Testimony of Darren R. Ives Testimony, Schedule DRI-3, p. 2 (Ex. 2, Doc 48) (“If Velvet proceeds with construction of the data center, it will take service under the Evergy Large Power Service rate, Schedule LPS and the Limited Large Economic Development Rider, Schedule PED during our initial ramp up and, pursuant to the Market Rate Contract and subject to Commission approval of the pricing and terms, Evergy would provide electric service to the project under Schedule MKT beginning November 2025.”)

See EO-2022-0061, Transcript, Vol 2 (January 31, 2022) (Doc. 41) P36:LN1 – P37LN2:

During the ramp-up period, Velvet will be eligible for the Economic Development Rider, which I sometimes refer to as the EDR, which is authorized by Section 393.1640, and Evergy's EDR tariffs which will called the Missouri West Limited Large Customer Economic Development Discount Rider Schedule PED. This is a very important provision to Velvet and other large data customers that would be building in Missouri. After the ramp-up period, which may last approximately two years, then Velvet would be eligible for the special high load factor market rate that is the subject of this proceeding.

- vs. qualifying demand (new tariff)) and were not challenged by Staff when the original tariff was implemented (or since).
- b. Staff wants a single word added to Item 4b “Non-Coincident” – a word that is not required by the statute.
 - c. The change Staff proposes to 155C is unnecessary. Staff wants language to make clear the under 10 megawatt discount is only available for five years, but the language already refers to Section 3a of the tariff and that section makes clear the discount is only for five years. In any event, there is no reason to believe Evergy wouldn’t simply consent to such change.

10. While Staff desires additional definitions and clarifications, none are required by statute.

11. Section 393.1640 requires the discount to be offered to qualifying customers, like Velvet:

Subject to the limitations provided for in subsection 2 of this section, and upon proper application by an eligible customer prior to public announcement of a growth project, a new or existing account meeting the criteria in this subsection shall qualify for one of the discounts set forth in subdivision (1) or (2) of this subsection...

12. Evergy’s existing PED tariff is inconsistent with and conflicts with Section 393.1640. The revised PED tariff is required under Section 393.1640, RSMo.

13. Suspending the revised PED tariff, arguably making it unavailable to eligible customers, is unlawful under 393.1640. The Commission should reconsider its March 21, 2023 order and expedite any

review of the updated tariff such that the same is available no later than May 15, 2023.

WHEREFORE, Velvet respectfully requests that the Commission reconsider its March 21, 2023 Order, and for such other and further relief as the Commission deems just and proper.

Respectfully submitted,

ELLINGER BELL LLC

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served upon all of the parties of record or their counsel, pursuant to the Service List maintained by the Data Center of the Missouri Public Service Commission on March 31, 2023.

 /s/ Stephanie S. Bell
Stephanie S. Bell