

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

In the Matter of Evergy Metro, Inc.)	
d/b/a Evergy Missouri Metro's)	
Request for Authority to Implement A)	Case No. ER-2022-0129
General Rate Increase for Electric)	
Service)	

In the Matter of Evergy Missouri)	
West, Inc. d/b/a Evergy Missouri)	
West's Request for Authority to)	Case No. ER-2022-0130
Implement A General Rate Increase)	
for Electric Service)	

OPC'S RESPONSE TO COMPLIANCE TARIFFS

COMES NOW the Office of the Public Counsel ("OPC") and for its *Response to Compliance Tariffs*, states as follows:

Procedural Background

1. On Friday, December 2, 2022, after the close of business hours, Evergy Metro, Inc. d/b/a Evergy Missouri Metro ("Evergy Metro") and Evergy Missouri West, Inc. d/b/a Evergy Missouri West ("Evergy West") (collectively "Evergy" or "the Company") filed compliance tariffs in the above styled cases with the effective date of the next Tuesday, December 6, 2022, along with a *Motion for Approval of Compliance Tariff Sheets on Less than 30 Days' Notice*.

2. Both the Staff of the Commission and the Midwest Energy Consumer's Group filed objections to the motion for expedited treatment on December 5, 2022.

3. The Commission filed an *Order Directing Expedited Staff Review* on December 5, 2022, that stated, among other things, “[t]he Commission’s experience with reviewing compliance tariffs indicates that more than eight business hours are needed for the parties to review the tariff pages and file meaningful responses.” The Commission further noted that the Commission itself “also needs sufficient time to review the tariff pages and any responses of the parties.” Finally, the Commission noted “approval of tariff sheets, even on an expedited basis, will generally require a ten-day effective date.” (Order Directing Expedited Staff Review, pg. 1 – 2, ER-2022-0129, EFIS Item No. 654; Order Directing Expedited Staff Review, pg. 1 – 2, ER-2022-0130, EFIS Item No. 669).

4. The Commission subsequently ordered that, while no other party is required to respond, “any party that wishes to respond to the compliance tariff filings shall do so no later than December 19, 2022.” *Id.* at pg. 2.

5. On the same day (December 5, 2022), Evergy also filed its *Motion for Reconsideration or in the Alternative, Application for Rehearing*.

6. The Commission ruled on Evergy’s *Motion for Reconsideration or in the Alternative, Application for Rehearing* three days later on December 8, 2022, when it filed its *Amended Report and Order* that made significant substantive changes to its initial *Report and Order*, as requested by Evergy. These changes materially altered the revenue requirement and hence required additional revisions to the proposed compliance tariffs.

7. Evergy then filed substitute tariff sheets in case ER-2022-0129 a week later on December 15, 2022, at around 5:30 pm.

8. This was followed by new substitute tariffs filed in both cases on Sunday, December 18, 2022.

9. In addition, the OPC has itself filed a *Motion for Reconsideration or in the Alternative, Application for Rehearing* on December 16, 2022.

Concerns Related to Compliance Tariffs

10. The OPC identified a number of concerns regarding the original compliance tariffs filed by Evergy on December 5, 2022, related to the implementation of the *Stipulations and Agreements* entered into in this case.

11. Namely, the OPC identified issues related to the inclusion of solar subscription revenues and the inclusion of REC revenues in the definition of emissions in Evergy's FAC tariff sheets and a failure to modify tariff language regarding agreed-to changes to late fees, among others.

12. The OPC expressed these concerns to the Company prior to the filing of the Company's substitute tariffs.

13. Evergy's communication with OPC regarding these concerns has been sparse.

14. The Company did not provide the OPC with a copy of its proposed substitute tariffs prior their filing in EFIS or otherwise provide the OPC with clear indications of what changes it was proposing to make.

15. Its initial overview of the substitute tariffs leads the OPC to believe that these concerns are still relevant.

Relief Requested

16. The OPC has not had sufficient time to review the substitute tariff sheets filed by the Company on December 18, 2022, as it has had less than eight business hours to do so.

17. In addition, the OPC has several concerns regarding the initial compliance tariffs filed on December 5, 2022, which appear to still be at issue.

18. Further, the OPC notes that its outstanding *Motion for Reconsideration or in the Alternative, Application for Rehearing* may materially alter the revenue requirement (and hence these tariff sheets) yet again and that the Commission should not permit tariff sheets to go into effect until the Commission's *Report and Order* has become final.

19. Finally, the OPC notes that, given the timing of the present situation, it will be extremely difficult for the Commission to approve the tariff sheets (which presently bear an effective date of January 1, 2023), "even on an expedited basis," without what the Commission itself identified as a generally required ten-day effective date. (Order Directing Expedited Staff Review, pg. 1 – 2, ER-2022-0129, EFIS Item No. 654; Order Directing Expedited Staff Review, pg. 1 – 2, ER-2022-0130, EFIS Item No. 669).

20. The OPC therefore requests the Commission grant an extension of ten days for the OPC to review the substitute tariff sheets filed in this case and to

continue discussions with the Company regarding the resolution of the issues that the OPC has identified in the proposed substitute tariff sheets.

21. Given the current holiday season, the OPC further requests that the ten days be ordered as business days, with the recommendation ordered to be filed on January 4, 2023.

22. Finally, the OPC requests the Commission to direct the parties to meet in order to address the outstanding tariff issues and prevent further delay.

WHEREFORE, the Office of the Public Counsel respectfully requests the Commission grant all parties to this case an extension of time, up to January 4, 2023, to respond to Evergy's substitute tariff sheets, to direct the parties to meet in order to address the outstanding tariff issues, and to grant any such further relief as may be just and reasonable under the circumstances.

Respectfully submitted,

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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 nineteenth day of December, 2022.

 /s/ John Clizer