

**BEFORE THE MISSOURI PUBLIC SERVICE COMMISSION**

In the Matter of Application of Evergy Metro, Inc. )  
d/b/a Evergy Missouri Metro and Evergy Missouri )  
West, Inc. d/b/a Evergy Missouri West Request ) File No. EE-2022-0071  
For a Waiver for Various Tariffs and Regulations )  
Related to Automated Metering Infrastructure )

**EVERGY MISSOURI METRO’S AND EVERGY MISSOURI WEST’S  
MOTION FOR RECONSIDERATION AND REQUEST  
FOR PROCEDURAL CONFERENCE**

**COMES NOW**, Evergy Metro, Inc. d/b/a Evergy Missouri Metro (“Evergy Missouri Metro”) and Evergy Missouri West, Inc. d/b/a Evergy Missouri West (“Evergy Missouri West”) (collectively, “Evergy” or the “Company”), and pursuant to 20 CSR 4240-2.160(2), requests that Missouri Public Service Commission (“Commission”) grant reconsideration of its July 7, 2022 *Order Denying Variance* and schedule a procedural conference with the parties to discuss a procedural schedule for the case. In support of its *Motion For Reconsideration and Request For Procedural Conference* (“Motion ”), the Company respectfully states:

1. On January 25, 2022, Evergy filed an Application for variances from Commission Rules 20 CSR 4240-13.050(9), 13.055(3)(C) and (D), including exemplar tariffs reflecting proposed changes to disconnection and reconnection procedures that would be implemented if the variances are granted.

2. On June 17, 2022, Staff recommended that the Commission deny Evergy’s application because the premature retirement of AMI meters without remote disconnect capability is at issue in Evergy’s current rate cases, ER-2022-0129 and ER-2022-0130. These rate cases were filed before this matter, and a Commission decision on this issue has the potential to affect Evergy’s AMI-SD remote meter deployment.

3. On July 7, 2022, the Commission issued its *Order Denying Variance* which stated:

The Commission has reviewed and considered Evergy’s application and Staff’s recommendation and finds that a decision granting a variance in this case may inappropriately affect issues currently at issue in Evergy’s ongoing

rate cases. Thus, the Commission will deny Evergy's application at this time. This decision does not prevent Evergy from again requesting appropriate variances after the related issues have been resolved in the rate cases.

4. Evergy respectfully requests that the Commission reconsider its decision and schedule a procedural conference so that the parties may recommend a procedural schedule for resolution of the issues in this case on the merits. The procedural schedule may be developed so that this case does not affect or otherwise impact the issues raised in the pending rate case.

5. Evergy hopes that by keeping this case alive, it will be in a position to settle the issues raised by its requests for variance without undue delay after the rate cases are resolved. If this case is dismissed now, there will be a substantial delay if a new application for variance is required to be filed. This approach will not promote judicial economy, and will result in a delay for Evergy's customers to receive the benefits of the use of AMI meters with remote service disconnect and reconnect capabilities. As explained in Evergy's Application, the Company is seeking variances to maximize benefits for consumers related to the capabilities of AMI meters, including remote disconnect and reconnect services.

6. Since the Commission dismissed the Company's Application without the benefit of testimony or a hearing, the Order Denying Variance is not supported by competent and substantial evidence as required by law. All orders of the Commission must be supported by competent and substantial evidence upon the record as a whole, as required by Article V, Section 18 of the Missouri Constitution. *State ex rel. Mo. Public Serv. Co. v. Fraas*, 627 S.W.2d 882, 886 (Mo. App. W.D. 1981); *State ex rel. Alma Tel. Co. v. PSC*, 40 S.W.3d 381, 387 (Mo. App. W.D. 2001).

**WHEREFORE**, Evergy respectfully requests that the Commission reconsider its *Order Denying Variances* issued on July 7, 2022, and schedule a procedural conference to permit the parties to recommend a procedural schedule in this case.

Respectfully Submitted,

*/s/ Roger W. Steiner*

Roger W. Steiner, MBN 39586  
Evergy, Inc.  
1200 Main Street  
Kansas City, MO 64105  
Phone: (816) 556-2791  
Fax: (816) 556-2787  
[roger.steiner@evergy.com](mailto:roger.steiner@evergy.com)

James M. Fischer, MBN 27543  
Fischer & Dority, P.C.  
101 Madison, Suite 400  
Jefferson City, MO 65101  
Phone: (573) 353-8647  
[jfischerpc@aol.com](mailto:jfischerpc@aol.com)

**Attorneys for Evergy Missouri Metro and  
Evergy Missouri West**

**CERTIFICATE OF SERVICE**

I hereby certify that copies of the foregoing have been mailed, hand-delivered, or transmitted by facsimile or electronic mail to counsel of record as reflected on the certified service list maintained by the Commission in its Electronic Filing Information System this 15<sup>th</sup> day of July 2022.

*/s/ Roger W. Steiner*

Roger W. Steiner