

**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	)	

**THE MISSOURI OFFICE OF THE PUBLIC COUNSEL'S OBJECTION TO  
EXHIBITS 88 AND 89**

**COMES NOW** the Office of the Public Counsel ("OPC") and for its *Objection to Exhibits 88 and 89*, states as follows:

1. The Public Service Commission ("PSC" or "the Commission") issued an order on September 15, 2022, that requested, among other things, that Evergy Missouri Metro ("Evergy") file "Tucker work papers identifying the Hydro PPA's costs and revenues she referenced in live testimony, from both the current and 2018 cases" as an exhibit in the present case. The Commission filed a second order on September 16, 2022, that further requested "Evergy witness Nunn's work papers in regards to the Hydro PPA's costs and revenues" to be filed by Evergy as well.

2. Evergy complied with the Commission's orders by filing the Tucker workpapers relating to the 2018 rate case as exhibit 89 and the Nunn workpapers as exhibit 88.

3. Both versions of the Commission's orders stated that "[a]ny objections to any late-filed exhibits shall be filed on or before Thursday, September 22, 2022."

4. Pursuant to the Commission's order, the OPC now files this objection to exhibits 88 and 89 to the extent that any portion of those exhibits are used to bind or prejudice the OPC's position on the issue of the Central Nebraska Public Power and Irrigation District ("CNPPID") hydro purchased power agreement ("PPA") in contravention of the *Non-Unanimous Partial Stipulation and Agreement* entered into by parties and approved by the Commission in case ER-2018-0145. (Order Approving Stipulations and Agreements, pg. 3 ¶1, ER-2018-0145, EFIS Item No. 467).

5. Said *Non-Unanimous Partial Stipulation and Agreement* included provisions that established the revenue requirement and FAC base numbers that would be used for Evergy (then known as KCP&L) in that rate case. (Non-Unanimous Partial Stipulation and Agreement, pg. 1 ¶ 1, pg. 7 ¶ 13, ER-2018-0145, EFIS Item No. 251). The *Non-Unanimous Partial Stipulation and Agreement* does not explicitly state whether the CNPPID hydro PPA was included in the agreed revenue requirement. *Id.*

6. Said *Non-Unanimous Partial Stipulation and Agreement* further included a provisions stating as follows:

This Stipulation is being entered into solely for the purpose of settling the issues/adjustments in this case explicitly set forth above. Unless otherwise explicitly provided herein, none of the Signatories to this Stipulation shall be deemed to have approved or acquiesced in any ratemaking or procedural principle, including, without limitation, any cost of service methodology or determination, method of cost determination or cost allocation or revenue-related methodology.

This Stipulation is a negotiated settlement. Except as specified herein, the Signatories to this Stipulation shall not be prejudiced, bound by, or in any way affected by the terms of this Stipulation: (a) in any future proceeding; (b) in any proceeding currently pending under a separate docket; and/or (c) in this proceeding should the Commission decide not to approve this Stipulation, or in any way condition its approval of same. No Signatory shall assert the terms of this agreement as a precedent in any future proceeding.

*Id.* at pg. 12 ¶ 24, 25.

7. Any argument raised by a party to this case that seeks to establish that the CNPPID hydro PPA was included in the revenue requirement approved by the Commission in the 2018 rate case based on the revenue requirement and FAC base numbers agreed to by parties in the *Non-Unanimous Partial Stipulation and Agreement*, which appears to be the *prima facie* purpose of exhibits 88 and 89, would constitute an attempt to prejudice and bind the OPC to terms to which it did not approve or acquiesce in any ratemaking or procedural principle in that *Non-Unanimous Partial Stipulation and Agreement*.

8. This would constitute a clear violation of the terms of the *Non-Unanimous Partial Stipulation and Agreement* and the Commission's order approving that agreement

9. The OPC therefore objects to exhibits 88 and 89 to the extent that they have been offered or may be employed by any party to that end, or relied upon by the Commission to make a finding that is contrary to the OPC's position(s).

10. The OPC does not object to the introduction of these exhibits to the extent that they are not used in a manner that violates the terms of the *Non-Uniform Partial Stipulation and Agreement* filed in ER-2018-0145.

WHEREFORE, the Office of the Public Counsel respectfully requests the Commission accept this *Objection*, and limit the use of Exhibits 88 and 89 as set forth herein.

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 twenty-second day of September, 2022.

  /s/ John Clizer