

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

In the Matter of a Working Case Regarding Utility)
Actions Related to Securing Funding from the) File No. AW-2023-0156
Infrastructure Investment and Jobs Act and the)
Inflation Reduction Act of 2022)

**JOINT UTILITIES RESPONSE TO
THE OFFICE OF PUBLIC COUNCIL'S MOTION**

COMES NOW Evergy Metro, Inc. d/b/a Evergy Missouri Metro and Evergy Missouri West, Inc. d/b/a Evergy Missouri West, The Empire District Electric Company, The Empire District Gas Company, Liberty Utilities (Midstates Natural Gas) Corp., Liberty Utilities (Missouri Water) LLC, Summit Natural Gas of Missouri, Inc., and Union Electric Company d/b/a Ameren Missouri (collectively the "Joint Utilities"), and respond to the Missouri Public Service Commission's ("Commission") *Order Directing Staff to Respond to Public Counsel's Motion to Open a Working Case, And Establishing A Date To File Other Responses* effective November 15, 2022, which directs any stakeholder wishing to respond to the Office of Public Counsel's ("OPC") motion to open a working case to do so no later than November 22, 2022. The Joint Utilities provide the following response:

1. On November 10, 2022, the OPC filed its Motion requesting the Commission initiate a working case. OPC's Motion explains that 18 other states have opened dockets to address opportunities under the Infrastructure Investment and Jobs Act ("IIJA") and the Inflation Reduction Act ("IRA"). Joint Utilities note that most of the dockets were opened earlier this year in the spring with a defined scope. For example, the Illinois Commerce Commission issued a notice of inquiry on June 9, 2022, seeking information on what available programs under the IIJA that Illinois utilities are eligible to apply for and for which they intend to apply or already applied. In

its non-docketed notice of inquiry, the Illinois Commerce Commission did not impose reporting requirements on the utilities.

2. Accompanying OPC's Motion was Appendix A, which is a memorandum recognizing some of the opportunities under the IIJA and IRA. OPC requests the Commission to direct utilities to provide specific information and then provide quarterly updates in addition to participating in workshops.

3. As a preliminary matter, the Joint Utilities do not oppose OPC's Motion to open a working case. The Joint Utilities, however, oppose OPC's proposed scope for initial comments and request for quarterly updates. For example, topic A as listed on page 4 of Appendix A to OPC's Motion is extremely broad and would yield cumulative information. Topic A asks every Investor-Owned Utility ("IOU") to identify all federal programs, public-private partnerships, grants, loans, contract opportunities, and funding available (collectively, "Programs") to IOUs under the IIJA and the IRA and explain the process IOUs must complete for the Programs. Topic A is not specific to the IOU submitting the comments and seems to require every IOU to try to summarize the same pieces of legislation even those beyond their own operational models. For example, Topic A is written to require water IOUs to identify all the EV-charging programs available under the IIJA and the IRA when such programs would be well beyond the water IOUs' operational models.¹ The scope is too broad and should be narrowed. OPC's proposal for reporting also disregards the potential duplication of information that may already be addressed in current or will be addressed in future dockets before the Commission, such as applications for Certificates of Convenience and Necessity and tariff program submissions.

¹ Very helpful information is also publicly available already. The Department of Energy provides a comprehensive matrix of the various Programs under bill provisions of the IIJA, the Type of Announcement for each Program, Status of the Program, Announcement Date and Response Due Date at: <https://www.energy.gov/clean-energy-infrastructure/bipartisan-infrastructure-law-programs-0>

4. The Joint Utilities support OPC's request that the Commission conduct an in-person workshop allowing IOUs to present an overview of what areas of the IJJA and IRA applies to each IOU and what opportunities under the IJJA and IRA each IOU is pursuing. This would also allow each IOU to highlight what dockets might address the impact of the IJJA and IRA on utility operations.

5. The Joint Utilities respectfully request the Commission recognize the efforts already underway by the IOUs to evaluate the applicability of the IJJA and IRA to each specific utility and narrow the scope of OPC's request. OPC's request can be accommodated through the administrative efficiencies of a workshop where each IOU provides a presentation regarding the applicability of the IJJA and IRA to the individual IOU. After the presentations, the Commission can determine whether specific follow-up is needed. This approach will eliminate the need for reporting that is rendered duplicative by other Commission proceedings and will allow sufficient flexibility to accommodate different reasonable applications of the laws and circumstances of individual IOUs.

6. For the following reasons, the Joint Utilities do not object to opening of the working docket, but respectfully request the scope be narrowed and the Commission set a date for the utilities to present an update of the applicability of the IJJA and IRA and the opportunities the Joint Utilities are either pursuing or evaluating based on developing frameworks for implementing the new federal legislation.

Respectfully submitted,

/s/ Jermaine Grubbs

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Dated: November 22, 2022

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been emailed to the parties of record on this 22nd day of November 2022.

/s/ Jermaine Grubbs
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