

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

In the Matter of the Application of Evergy )  
Missouri West, Inc. d/b/a Evergy Missouri )  
West for Approval of a Wholesale Energy ) Case No. EO-2022-0061  
Market Rate for a Data Center Facility in )  
Kansas City, Missouri )

**POSITION STATEMENTS OF  
MIDWEST ENERGY CONSUMERS GROUP**

COMES NOW the Midwest Energy Consumers Group (“MECG”), and submits the following Position Statements based on the List of Issues previously filed herein:

**Issue No. 1: Should the Commission approve the Special High Load Factor Market Rate (“Schedule MKT”) tariff proposed by Evergy Missouri West (“EMW”)?**

**a. Is the Schedule MKT tariff lawful?**

Position: For numerous reasons that will be fully detailed based upon the evidence elicited at hearing, the Schedule MKT is unlawful and should be rejected by the Commission.

**Issue No. 2: If yes, what if any modifications to the Schedule MKT tariff proposed by EMW or other conditions should the Commission order?**

Position: As indicated above, Schedule MKT is unlawful. Therefore, no conditions can fix the unlawful nature of the tariff. That said, however, if the Commission approves the unlawful tariff, the Commission should approve conditions set forth in the testimony of Staff and OPC as well as those developed in the hearing. Of utmost concern, the Commission should approve conditions that protect legacy EMW customers from absorbing any of the incremental costs incurred to serve the Schedule MKT customers,

from allowing any of the Schedule MKT customers from utilizing EMW assets that are otherwise paid by legacy EMW customers (i.e., being a freerider); or from being made to pay costs that are stranded in the event that a Schedule MKT customer leaves the system.

Respectfully submitted,



---

David L. Woodsmall, MBE #40747  
308 East High Street, Suite 204  
Jefferson City, Missouri 65101  
(573) 797-0005 (telephone)  
[david.woodsmall@woodsmalllaw.com](mailto:david.woodsmall@woodsmalllaw.com)

ATTORNEY FOR THE MIDWEST  
ENERGY CONSUMERS GROUP

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that I have this day served the foregoing pleading by email, facsimile or First Class United States Mail to all parties by their attorneys of record as provided by the Secretary of the Commission.



---

David L. Woodsmall

Dated: January 20, 2022