

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

In the Matter of the Application of Evergy)
Metro, Inc. d/b/a Evergy Missouri Metro and)
Evergy Missouri West, Inc. d/b/a Evergy)
Missouri West for Permission and Approval)
of a Certificate of Public Convenience and)
Necessity Authorizing It to Construct,)
Install, Own, Operate, Maintain and)
Otherwise Control and Manage Solar)
Generation Facilities in Kansas City,)
Missouri)

Case No. EA-2022-0043

MOTION FOR EXTENSION OR, IN THE ALTERNATIVE, REQUEST FOR HEARING

COMES NOW the Office of the Public Counsel (the “OPC”) and in response to the Public Service Commission of the State of Missouri’s (the “Commission”) Order Directing Staff to File a Recommendation and Setting a Time for Responses (the “January 11, 2022 Order”) (Doc. 9) and pursuant to 20 CSR 4240-2.050(3)(A) and RSMO § 393.170(3) respectfully states:

Due to the overlap between the issues presented in this case and the issues raised in Evergy Metro, Inc. d/b/a Evergy Missouri Metro (“Evergy Metro”) and Evergy Missouri West, Inc. d/b/a Evergy Missouri West’s (“Evergy West” and collectively with Evergy Metro, “Evergy”) general rate cases, Case Numbers ER-2022-0129 and ER-2022-0130, the OPC requests an additional fourteen (14) days to review this matter, including the Staff of the Commission’s (“Staff”) Recommendation (Doc. 11). In the alternative, the OPC requests that the Commission set a hearing.

I. Background

On December 14, 2021, Evergy filed an Application for Certificate of Public Convenience and Necessity (the “Application”) and accompanying Direct Testimony. (Docs. 2–4). In the Application, Evergy requests a Certificate of Public Convenience and Necessity (“CCN”)

“authorizing it to construct, install, own, operate, maintain and otherwise control and manage electrical solar production and related facilities in Kansas City, Missouri.” (Appl. 1, Doc. 2).

On January 7, 2022, Evergy Metro and Evergy West filed proposed tariff sheets and Direct Testimony to implement a rate increase. (*See* Case Nos. ER-2022-0129; ER-2022-0130).

On January 11, 2022, the Commission ordered Staff to file a Recommendation regarding Evergy’s requested CCN no later than March 10, 2022, and ordered that “[a]ny responses to Staff’s recommendation or Evergy’s CCN application shall be filed no later than March 21, 2022.” (Jan. 11, 2022 Order 1, Doc. 9).

On March 10, 2022, Staff filed its Recommendation, stating that it “has concerns with the amount the Companies have exceeded the minimum spend requirement by without requesting that portion be included in the CCN,” but ultimately recommending that the Commission approve Evergy’s requested CCN, subject to fifteen conditions. (Recommendation 2–6, Doc. 11).

On March 18, 2022, Evergy requested additional time to respond to Staff’s Recommendation. (Doc. 13). On that same day, the Commission granted Evergy’s request and extended the deadline for Evergy to respond to Staff’s Recommendation to April 7, 2022. (Doc. 14).

II. Legal Authority

The Commission’s Rules addressing computation of time provide a standard by which the Commission may grant an extension of time. Specifically, 20 CSR 4240-2.050(3) states:

When an act is required or allowed to be done by order or rule of the commission at or within a specified time, the commission may—

- (A) Order the period enlarged before the expiration of the period originally prescribed or as extended by a previous order; or
- (B) After the expiration of the specified period, permit the act to be done where the failure to act was the result of excusable neglect or for other good cause shown.

Section 393.170(3) of the Revised Statutes of Missouri describes the Commission’s power to grant a CCN and the statute includes reference to a hearing. Specifically, the statute provides that “[t]he commission shall have the power to grant the permission and approval herein specified whenever it shall after due hearing determine that such construction or such exercise of the right, privilege or franchise is necessary or convenient for the public service.” RSMo. § 393.170(3).

III. Analysis

Issues overlap between Evergy Metro and Evergy West’s general rate cases and Evergy’s CCN Application in this matter. Therefore, the OPC requests additional time to review this matter or, in the alternative, a hearing.

Before a deadline has passed, the Commission may “[o]rder the period enlarged.” 20 CSR 4240-2.050(3)(A). In its January 11, 2022 Order, the Commission ordered responses to Staff’s Recommendation or Evergy’s Application be filed no later than March 21, 2022. (Doc. 9). The Commission then granted Evergy’s requested extension and extended Evergy’s deadline to respond to Staff’s Recommendation to April 7, 2022. (Doc. 14). The OPC’s response deadline has not passed. Due to the overlapping issues between this case and the general rate cases and so that it may fully review this matter, the OPC requests that the Commission enlarge the period of time to respond to Staff’s Recommendation and Evergy’s Application by an additional fourteen (14) days.

In the alternative, the OPC requests that the Commission set a hearing in this matter pursuant to RSMo § 393.170(3).

IV. Conclusion

WHEREFORE, the Office of the Public Counsel respectfully requests that the Commission enlarge the time to respond to Staff's Recommendation and Evergy's Application by fourteen (14) days or, in the alternative, schedule a hearing in this matter.

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 21st day of March 2022.

/s/ Lindsay VanGerpen