

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service Commission held at its Office in Jefferson City on the 17th day of December, 2019.

In the Matter of the Application of Evergy Missouri)	
West for Approval of a Special Rate for a)	<u>File No. EO-2019-0244</u>
Facility Whose Primary Industry is the Production or)	Tariff No. YE-2020-0092
Fabrication of Steel in or Around Sedalia, Missouri)	

**ORDER DENYING MOTION TO REJECT TARIFF, DENYING
MOTION TO MODIFY TARIFF, AND APPROVING TARIFF**

Issue Date: December 17, 2019

Effective Date: December 27, 2019

On November 13, 2019,¹ the Public Service Commission issued a Report and Order that approved a Special Incremental Load Rate Contract between Evergy Missouri West (EMW, f/k/a KCP&L Greater Missouri Operations Company) and Nucor Steel Sedalia, LLC. That report and order rejected the implementing Special Incremental Load tariff that EMW had filed along with its initial application, but authorized the utility to file for approval the exemplar tariff that was attached to the stipulation and agreement approved as part of the Commission's Report and Order. EMW issued that tariff on November 27, to be effective on December 27.

In response to that tariff filing, the Commission ordered its Staff to file a recommendation about the tariff no later than December 9. The Commission also directed that any other party wishing to offer a recommendation do so no later than December 9. Staff filed its recommendation on December 9, advising the Commission to approve the

¹ All dates are in 2019, unless otherwise indicated.

tariff as being in compliance with the Commission's Report and Order. The Midwest Energy Consumers Group (MECG) also responded to the tariff on December 9, filing a motion asking the Commission to reject EMW's tariff.

MECG's motion contends the tariff improperly requires the Commission to delegate its ratemaking authority to EMW. Specifically, MECG urges the Commission to require EMW to file a new application if it seeks to offer an incremental cost based rate to another customer. The Commission ordered that any party wishing to respond to MECG's motion do so no later than December 12.

Staff responded to MECG's motion on December 11, and EMW responded on December 12. Both point out that the tariff filed by EMW, specifically tariff sheet 157.1, requires that before it can serve any customer under the Special Incremental Load Rate tariff, EMW must submit the proposed Special Incremental Load Rate contract to the Commission for approval. Thus, both contend that what MECG wants included in the tariff is already in the tariff. Both urge the Commission to deny MECG's motion and approve the tariff.

At 4:20 p.m. on December 16, MECG filed a pleading purporting to withdraw its motion to reject EMW's tariff and replacing it with a motion asking the Commission to modify that tariff. MECG now agrees that its motion to reject tariff was without merit, but raises a new argument contending that the provision of the tariff that would require EMW to file any Special Incremental Load Rate Contract for Commission approval at least 60 days before it would become effective would not allow the Commission sufficient time to consider such a contract before it became effective. Because it was filed literally on the eve of the

Commission's agenda meeting, no other party has had an opportunity to respond to MECG's motion.

MECG's motion is untimely, as a previous Commission order, issued on December 2, directed that any party wishing to offer a recommendation regarding EMW's tariff do so no later than December 9. MECG was certainly aware of this deadline as it filed its original motion to reject the tariff on December 9. Aside for its untimeliness, the Commission finds MECG's motion to modify EMW's tariff to be without merit.

After reviewing the tariff and considering the contentions of the parties, the Commission finds that MECG's motions are without merit and should be denied. The Commission will approve the tariff to be effective on its December 27 effective date. This order will be made effective in ten days to match the effective date of the tariff.

THE COMMISSION ORDERS THAT:

1. The Motion to Reject Tariff, filed by the Midwest Energy Consumers Group on December 9, 2019, is denied.
2. The Motion to Modify Tariff, filed by Midwest Energy Consumers Group on December 16, 2019, is denied.
3. Evergy Missouri West, Inc.'s Special Rate for Incremental Load Service Schedule SIL tariff, PSC MO No. 1 Original Sheet Nos. 157-157.3 (Tariff Tracking No. YE-2020-0092), is approved to be effective on December 27, 2019.

4. This order shall be effective on December 27, 2019.

BY THE COMMISSION



Morris L. Woodruff

Morris L. Woodruff
Secretary

Silvey, Chm., Rupp, and Coleman, CC., concur;
Kenney, absent.

Woodruff, Chief Regulatory Law Judge