

**STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION**

At a session of the Public Service Commission held at its office in Jefferson City on the 10<sup>th</sup> day of August, 2022.

In the Matter of the Application of Evergy )  
Missouri West, Inc. d/b/a Evergy Missouri )  
West for a Financing Order Authorizing the )  
Financing of Extraordinary Storm Costs )  
Through an Issuance of Securitized Utility )  
Tariff Bonds )

**File No. EF-2022-0155**

**ORDER DENYING MOTION FOR RECONSIDERATION OR  
CONTINGENT ENFORCEMENT OF PROCEDURAL ORDER**

Issue Date: August 10, 2022

Effective Date: August 10, 2022

On July 20, 2022, the Commission issued an order requiring the Staff of the Commission (Staff) to file a proposed financing order. On July 27, 2022, Evergy Missouri West, Inc. d/b/a Evergy Missouri West (Evergy) filed its *Motion for Reconsideration or, in the alternative, for Contingent Enforcement of Procedural Order* requesting that the Commission reconsider and rescind that order.

Evergy's motion argues that the Commission's order that Staff file a draft financing order and allowing other parties to file a draft order or suggestions is contrary to the Commission's procedural schedule. Evergy filed a proposed financing order attached to its pre-filed direct testimony for witness Steffen Lunde. Evergy argues that Staff or other parties should have filed any proposed financing order with their pre-filed rebuttal testimony. Evergy cites to Commission's Rule 20 CSR 4240-2.130(7)(C), concerning rebuttal testimony, that states that rebuttal includes "all testimony which explains why a

party rejects, disagrees or proposes an alternative to the moving party's direct case..." in support of its motion.

Staff responded to Evergy's motion on August 8, 2022. Staff notes that the subject of a draft financing order was a topic of extensive testimony, both in written form and orally, at the evidentiary hearing. Staff believes a draft financing order would assist the Commission in its understanding of the testimony regarding the importance of the financing order. Staff states: "Asking parties to document their arguments in the form of an order for complicated cases is appropriate and is representative of recent past Commission procedure as demonstrated by the most directly applicable proceeding," referring to File Nos. EO-2022-0040 and EO-2022-0193.<sup>1</sup> The Commission's order is not dissimilar from the above cases, where the Commission ordered both the Company and Staff to file proposed financing orders with their initial and reply briefs respectively.

Commission rules specifically provide that the Commission may require the production of further evidence upon any issue<sup>2</sup> and admit post-hearing exhibits into the record of the hearing.<sup>3</sup> However, Evergy mistakes the Commission's directive to file a draft financing order as an order to submit further evidence or testimony about the parties contested issues.

The Commission is an administrative body and not a Missouri state court. The Commission does look to Missouri courts for guidance concerning its practices, and it is common for courts to allow or direct the submission of proposed orders. Missouri courts, addressing proposed orders, have stated: "Proposed findings and conclusions have

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<sup>1</sup> Liberty's request to securitize costs related to Winter Storm Uri and the closing of the Asbury power plant.

<sup>2</sup> Commission Rule 20 CSR 240-2.130(16).

<sup>3</sup> Commission Rule 20 CSR 240-2.130(17).

always been and will continue to be of valuable assistance to the court in arriving at an expeditious and correct decision.” and “As long as, there are no inconsistencies between the findings of fact and the actual facts, and the findings and conclusions are sufficiently specific to permit meaningful review, there is no error.”<sup>4</sup>

The securitization statute, Section 386.1700 RSMo, is a new statute and the Commission has yet to issue a financing order pursuant to it. Due to the highly technical requirements of the statute for a financing order, and additional requirements necessary for ratings agencies to give the securitized bonds issued pursuant to the financing order the highest rating, the Commission finds that the submission of proposed orders would assist it in drafting a financing order. For those reasons, the Commission concludes that its previous order was necessary, fair to all parties, and consistent with Commission rules and Missouri court practices. The motion for reconsideration will be denied.

**THE COMMISSION ORDERS THAT:**

1. Everyg’s *Motion for Reconsideration or, in the alternative, for Contingent Enforcement of Procedural Order* is denied.
2. This order shall be effective when issued.



**BY THE COMMISSION**

A handwritten signature in cursive script that reads "Morris L. Woodruff".

Morris L. Woodruff  
Secretary

Silvey, Chm., Rupp, Coleman, Holsman, and  
Kolkmeier CC., concur.

Clark, Senior Regulatory Law Judge

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<sup>4</sup> *Goad v. State*, 839 S.W.2d 749 at 751 (Mo.App. W.D. 1992).


**STATE OF MISSOURI**

**OFFICE OF THE PUBLIC SERVICE COMMISSION**

**I have compared the preceding copy with the original on file in this office and I do hereby certify the same to be a true copy therefrom and the whole thereof.**

**WITNESS my hand and seal of the Public Service Commission, at Jefferson City, Missouri, this 10<sup>th</sup> day of August, 2022.**



  
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**Morris L. Woodruff**  
**Secretary**

**MISSOURI PUBLIC SERVICE COMMISSION**

**August 10, 2022**

**File/Case No. EF-2022-0155**

**Missouri Public Service Commission**

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***Enclosed find a certified copy of an Order or Notice issued in the above-referenced matter(s).***

***Sincerely,***

A handwritten signature in black ink that reads "Morris L. Woodruff". The signature is written in a cursive style with a large, prominent "M" and "W".

**Morris L. Woodruff  
Secretary**

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Recipients listed above with a valid e-mail address will receive electronic service. Recipients without a valid e-mail address will receive paper service.