

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

Barbara Edwards,)	
)	
Complainant)	
)	
v.)	<u>File No. EC-2020-0252</u>
)	
Evergy Missouri West, Inc.)	
d/b/a Evergy Missouri West,)	
)	
Respondent)	

**NOTICE OF PROPOSED PARTIAL DISMISSAL OF COMPLAINT
AND ORDER SETTING TIME FOR RESPONSES**

Issue Date: April 13, 2021

Effective Date: April 13, 2021

On February 24, 2020, Barbara Edwards filed a complaint with the Commission against Evergy Missouri West, Inc. d/b/a Evergy Missouri West (Evergy West). The Commission conducted an evidentiary hearing on September 24, 2020.

During the hearing, the parties agreed to submission of additional exhibits after the hearing, subject to possible objection. As agreed, the Commission on September 28, 2020, ordered Evergy West to submit a proposed exhibit, to be marked Exhibit No. 105, to include the billing records for Ms. Edwards' Evergy West account beginning January 2018 through and including September 11, 2020. The Commission also ordered Evergy West to submit a proposed exhibit, to be marked Exhibit No. 106, providing a record of Ms. Edwards' electricity consumption on an annual basis for 2017, 2018, and 2019.¹

¹ The Commission's September 28, 2020 *Order on Post-Hearing Briefs and Exhibits* was amended on October 1, 2020, to correct an error.

On October 9, 2020, Evergy West filed proposed exhibits, marked Exhibit Nos. 105 and 106, in response to the Commission's order. In addition, Evergy West on November 6, 2020, filed affidavits associated with the proposed exhibits, as required by Commission order on October 26, 2020.

On October 30, 2020, the Commission directed the Staff of the Commission to clarify its investigation of Evergy West's compliance, in relation to Ms. Edwards' account, with Commission rules governing billing and payment standards and billing adjustments. The Commission's order directed Staff to investigate as needed and file a supplemental report to address five issues associated with Commission rules 20 CSR 4240-13.020, 20 CSR 4240-13.025 and related provisions of Evergy West's tariffs.

In particular, the Commission's order directed Staff to investigate and file a supplemental report to address:

(1) Whether Evergy West, during the relevant time period, had an estimating procedure in its filed and Commission-approved tariffs, pursuant to Commission Rule 20 CSR 4240-13.020(C)1;

(2) If so, whether Evergy West's use of bills based on estimated usage on Ms. Edwards' account in 2018 and 2019 complied with such an approved procedure;

(3) Whether Staff recovered from Evergy West an accurate record of Evergy West's attempts to secure an actual reading for Ms. Edwards' account in 2018 and 2019, consistent with Commission Rule 20 CSR 4240-13.020(2)(C)4;

(4) Whether Evergy West's use of bills based on estimated usage on Ms. Edwards' account in 2018 and 2019 complied with Commission Rule 20 CSR 4240-13.020 in full, specifically addressing 20 CSR 4240-13.020(2)(B) and (2)(C); and

(5) The specific “date of discovery, inquiry, or actual notification of the utility” applied by Staff in this case to determine the 12-billing period limitation on undercharge billing pursuant to 20 CSR 4240-13.025, and how that date is applied in this case to identify the 12 billing periods that fall within the limitation.

On December 21, 2020, Staff filed its supplemental report and reported Staff’s conclusion that Evergy West had violated Commission rules and approved tariffs.

On February 17, 2021, the Commission set an additional hearing to enable the Commission to receive, on the record, (1) the materials offered in proposed Exhibit Nos. 105 and 106, filed on October 9, 2020; (2) the affidavits filed on November 6, 2020; and (3) the facts and conclusions reported by the *Supplemental Report of Staff*, filed on December 21, 2020.

On April 12, 2021, Staff filed, on behalf of Ms. Edwards and Evergy West, a *Joint Request to Cancel Evidentiary Hearing*. The filing states that Evergy West has offered to provide Ms. Edwards a “goodwill credit of \$310.51 to resolve the billing issues and avoid the need for a supplemental hearing,” and that Ms. Edwards has agreed to accept the offer of a “goodwill credit of \$310.51 as a resolution of the billing issue arising from Exhibits 105, 106, and [Staff’s] Supplemental Report.”²

Based on the Ms. Edwards’ agreement to accept a credit of \$310.51, the parties’ joint request asks the Commission to cancel the April 30, 2021 hearing.

The Commission now provides notice to the parties that the Commission understands the *Joint Request to Cancel Evidentiary Hearing* to constitute a proposed settlement of some of the bases of Ms. Edwards’ complaint against Evergy West.

² *Joint Request to Cancel Evidentiary Hearing*, ¶¶11-12 (April 12, 2021).

Commission Rule 20 CSR 4240-2.116(1) provides that once “prepared testimony has been filed or oral evidence has been offered,” as it has in this case, a person bringing a complaint may dismiss any action only by leave of the Commission or by written consent of all the parties.

Before accepting the proposed partial settlement as a written consent of all the parties under Commission Rule 20 CSR 4240-2.116, the Commission issues this notice. By this notice, the Commission advises all parties that the Commission understands the proposed partial settlement is intended to resolve all pending questions of Evergy West’s compliance with Commission rules and company tariffs in relation to the billing of Ms. Edwards’ account. The result of such a settlement would be to withdraw those issues from Commission consideration, leaving for resolution the rest of Ms. Edwards’ complaint, which includes her allegations regarding the meter installed on her property and “health, trespass, property rights and other items ... addressed at the September 24, 2020 evidentiary hearing.”³

The Commission will allow time for Ms. Edwards to inform the Commission if she does not agree that the proposed partial settlement is intended to withdraw from her complaint and from Commission consideration all pending questions of Evergy West’s compliance with Commission rules and company tariffs in relation to the billing of Ms. Edwards’ account. Any party may respond within the period provided.

THE COMMISSION ORDERS THAT:

1. Any responses to this notice shall be filed no later than April 26, 2021.

³ *Joint Request to Cancel Evidentiary Hearing*, ¶ 12 (April 12, 2021).

2. Responses may be filed online through the Commission's electric filing and information system (EFIS) or by mail to:

Secretary
Missouri Public Service Commission
P.O. Box 360
Jefferson City, MO 65102

Submission by mail must be received no later than April 26, 2021, and will be posted to EFIS. EFIS may be accessed from the Commission's website, <https://psc.mo.gov>.

3. This order shall be effective when issued.



BY THE COMMISSION

A handwritten signature in black ink that reads "Morris L. Woodruff".

Morris L. Woodruff
Secretary

Jana C. Jacobs, Regulatory Law Judge,
by delegation of authority pursuant to
Section 386.240, RSMo (2016).

Dated at Jefferson City, Missouri,
on this 13th day of April, 2021.