

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service Commission held by telephone and internet audio conference on the 17th day of February, 2021.

Barbara Edwards,)
)
 Complainant)
)
 v.)
)
 Evergy Missouri West, Inc.,)
 d/b/a Evergy Missouri West,)
)
 Respondent)

File No. EC-2020-0252

ORDER SETTING EVIDENTIARY HEARING

Issue Date: February 17, 2021

Effective Date: February 17, 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). After a hearing set for July 2020 was continued because of the COVID-19 pandemic, the Commission conducted a hearing on September 24, 2020, at the Commission's offices in Jefferson City, with some witnesses appearing in person and several other witnesses appearing remotely by telephone or video.

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

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. The Commission's October 30 order also suspended the obligation to file post-hearing briefs.

On November 30, 2020, Staff reported its investigation was underway and it required additional time to complete its investigation and file a supplemental report. On December 21, 2020, Staff filed its supplemental report and reported Staff's conclusion that Evergy West had violated Commission rules and approved tariffs.

The Commission finds that before the case may be submitted to the Commission for decision, an additional hearing is necessary to enable the Commission to receive, on the record, information that has been developed after the September 24, 2020 hearing.

The additional hearing in this case will address: (1) the materials offered in proposed Exhibit Nos. 105 and 106, filed on October 9, 2020; (2) the affidavits filed on

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

November 6, 2020; and (3) the facts and conclusions reported by the *Supplemental Report of Staff*, filed on December 21, 2020.

An additional hearing will allow all parties and the Commission to question witnesses and develop additional facts necessary for the Commission's determination of this case. Specifically, the hearing will provide an opportunity to offer testimony to establish the foundation for Exhibit Nos. 105 and 106, rather than relying on affidavits. The hearing will also allow the Commission to ask additional questions about those documents to assist the Commission in deciding this case. Finally, the hearing will allow all parties to respond to and question Staff's supplemental report and will allow the Commission to ask questions about Staff's investigation and conclusions.

The hearing scheduled for April 30, 2021 does not constitute a re-hearing of the matters already addressed in the full-day hearing conducted in this case on September 24, 2020. Matters previously addressed may be revisited, in the presiding officer's discretion, only to the extent that those matters are related to the proposed exhibits and Staff's supplemental report.

In addition, the Commission will provide for the prehearing exchange of exhibits between the parties, as allowed by Commission Rule 20 CSR 4240-2.130. The parties will exchange exhibits before the hearing as provided below. During the hearing, exhibits may be offered on the record by reference. The obligation to file post-hearing briefs remains suspended, and a deadline for filing post-hearing briefs will be established after consultation with the parties during the hearing.

Because of the COVID-19 pandemic, the hearing will be conducted by telephone and video conference, accessible by Webex.

THE COMMISSION ORDERS THAT:

1. The following procedural schedule is established:

- Exhibit and witness lists April 12, 2021
- Joint exhibit disclosure (as described below) April 23, 2021
- Evidentiary hearing April 30, 2021

2. No later than April 12, 2021, Staff shall file a list of proposed exhibits and witnesses to be offered by each of the parties at the April 30, 2021 hearing.

3. The parties shall exchange proposed exhibits before the hearing. No later than April 23, 2021, the parties shall file a joint statement confirming that all parties have exchanged proposed exhibits. The statement shall be accompanied, as an attachment, by a joint disclosure of exhibits, which shall include a copy of all exhibits that may be proposed by each party at hearing that are not already included in any filing in EFIS in this case. The disclosure shall be in PDF form, if possible, and page numbered or otherwise organized to allow identification of individual documents by reference. The purpose of the disclosure is to provide a secure file that can be consulted by the Commission and the parties for purposes of conducting a hearing.

4. Exchange of documents and filing of a joint disclosure of exhibits under this order does not constitute admission to the record. Proposed exhibits must be referenced during the evidentiary hearing to be offered on the record. Documents included in filings in this case in EFIS may be identified by reference during the hearing.

5. An evidentiary hearing shall be held on **April 30, 2021**, via telephone and/or video conference accessible by Webex. The hearing shall begin at **8:15 a.m.** All parties shall appear.

6. Parties shall appear at the hearing by telephone or video conference. The telephone conference can be accessed by dialing, toll-free, **1 (855) 718-6621** and entering access code **177 907 7549**, followed by #, at the appropriate time. Any individual who is unable to connect via the toll-free number may dial **1 (650) 479-3207** and enter the access code above, followed by #.

7. Parties who wish to attend the hearing via video conference may do so by accessing Webex through the internet at www.webex.com, or via the Cisco Webex Meeting mobile or computer application, and selecting “join a meeting” from the menu. The hearing may be accessed via Webex by entering meeting number **177 907 7549** and, when prompted, the password **0252**. Parties who are unsuccessful in connecting via Webex should connect by telephone as provided above.

8. Those who require additional accommodations to participate in this hearing may call the Public Service Commission’s hotline, before the hearing, at 1 (800) 392-4211 (voice) or Relay Missouri at 711.

9. 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

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

Jacobs, Regulatory Law Judge