

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

In the Matter of Requests for Customer)
Account Data Production) **File No. EO-2024-0002**

**STAFF’S OBJECTION TO
AMEREN MISSOURI’S APPLICATION TO INTERVENE**

COMES NOW, the Staff of the Missouri Public Service Commission (“Staff”), by and through counsel, and for its *Objection to Ameren Missouri’s Application to Intervene* (“*Application*”), states as follows:

1. On June 30, 2023, Evergy Metro, Inc. d/b/a Evergy Missouri Metro (EMM) and Evergy Missouri West, Inc. d/b/a Evergy Missouri West (EMW) (collectively, “Evergy”) filed its *Motion to Establish Docket for Further Consideration of Data Production* (“*Evergy’s Motion*”).

2. This EO docket was established to consider certain data requested by the Staff of the Commission pursuant to a *Stipulation and Agreement* entered into by Evergy which requires it to “provide the reason why it cannot provide the requested data and its individual estimate of the cost to provide each set of requested data, for the further consideration of the parties and the Commission.” That *Stipulation and Agreement* which is at the heart of this matter, was entered into by Staff, Evergy, and various other Signatories¹, and in particular, as it relates to this docket, requires Evergy to “identify and provide data requested in the direct testimony of Sarah Lange.”

¹ The other signatories included the Office of the Public Counsel, Nucor Steel Sedalia, LLC, the City of St. Joseph, Missouri, Midwest Energy Consumers Group, and Renew Missouri Advocates. Evergy was the only electric utility corporation that was a party to the *Stipulation and Agreement*. Neither Ameren Missouri nor the Empire District Electric Company d/b/a Liberty were parties or signatories to the *Stipulation and Agreement*.

3. Specifically, the “requested data,” as outlined in Ms. Lange’s Direct testimony during the rate case which preceded this EO docket being established is as follows²:

1. Identify and provide the data required to determine: line transformer costs and expenses by rate code; primary distribution costs and expenses by voltage; secondary distribution costs and expenses by voltage; primary voltage service drop costs and expenses; line extension costs, expenses, and contributions by rate code and voltage; and meter costs by voltage and rate code;

2. For each rate code, provide the total number of customers served on that rate schedule on the first day of the month and the last day of the month;

a. For each rate schedule on which customers may take service at various voltages, the number of customers served at each voltage on the first day of the month and the last day of the month;

3. For each rate code, the number of customers served on that rate schedule on the first day of the month and the last day of the month for which interval meter readings are obtained;

a. For each rate code on which customers may take service at various voltages, the number of customers served at each voltage on the first day of the month and the last day of the month which interval meter readings are obtained;

4. For each rate code for which service is available at a single voltage, the sum of customers’ interval meter readings, by interval;

a. For each rate code on which customers may take service at various voltages, the sum of customers’ interval meter readings, by interval and by voltage;

² ER-2022-0129 and ER-2022-0130, Sarah Lange, Direct Testimony, pp. 61-64, June 22, 2022.

5. If any internal adjustments to customer interval data are necessary for the company's billing system to bill the interval data referenced in parts 4. and 4.a., such adjustments should be applied to each interval recording prior to the customers' data being summed for each interval;

6. From time to time the Commission may designate certain customer subsets for more granular study. If such designations have been made, the information required under parts 1 – 5 should be provided or retained for those instances.

7. Individual customer interval data shall be retained for a minimum of fourteen months. If individual data is acquired by the Company in intervals of less than one hour in duration, such data shall be retained in intervals of no less than one hour.

8. Evergy shall:

a. Retain individual hourly data for use in providing bill-comparison tools for customers to compare rate alternatives.

b. Retain coincident peak determinants for use in future rate proceedings.

c. Provide to Staff upon request:

1) the information described in part 1;

2) a minimum of 12 months of the data described in parts 2-5;

3) for rate codes with more than 100 customers, a sample of individual customer hourly data, and identified peak demands for those 100 customers in the form requested at that time (i.e. monthly 15 minute non-coincident, annual 1 hour coincident);

4) for rate codes with 100 or fewer customers, individual customer hourly data, and identified peak demands for those customers in the form requested at that time (i.e. monthly 15 minute non-coincident, annual 1 hour coincident).

d. For purposes of general rate proceedings, Evergy shall provide all data described above for a period of not less than 36 months, except that Staff does not request individual customer data for 36 months except as described in part 8.c.3.

9. Develop the determinants for assessment of an on-peak demand charge to replace the current monthly billing demand charge, and for potential implementation for customers not currently subject to a demand charge; and

10. EMM and EMW begin to retain and study data related to the reactive demand requirements of each rate code, and sample customers within each rate code.

4. On July 6, 2023, the Commission issued an *Order* directing any party wishing to intervene in the above-captioned case to do so by July 27, 2023.³

5. On July 7, 2023, Union Electric Company d/b/a Ameren Missouri (“Ameren Missouri”) filed its *Application to Intervene* pursuant to Commission Rule 20 CSR 4240-2.075 and this Commission’s July 6, 2023 *Order*, and asserted the following:

a. That it “has an interest in this case to efficiently address data availability issues,” in that the Commission issued a Report and Order on June 14, 2023, in its general rate case, No. ER-2022-0337, which did not

³ *Order Directing Notice, Setting Deadline for Intervention Requests, and Setting Prehearing Conference*, issued and effective July 6, 2023.

involve either of the Evergy companies, “that Ameren Missouri [] prepare a study of customer specific information by account, rate schedule and voltage by its next rate case.” It went on to assert that “many aspects of the data ordered for this study are similar to the data requested by Staff from Evergy;”

- b. That its “interest are different than that interest of the general public, and such interests may be negatively or positively impacted by a final order arising from this case regarding provisions of detailed data;” and
- c. That “Ameren Missouri has not determined its position on the issues in this case.”

6. Rule 20 CSR 4240-2.075 provides in pertinent part:

(3) The commission may grant a motion to intervene or add new member(s) if—

(A) The proposed intervenor or new member(s) has an interest which is different from that of the general public and which may be adversely affected by a final order arising from the case; or

(B) Granting the proposed intervention would serve the public interest.

7. Rule 20 CSR 4240-2.075(3)(A) describes intervention as a matter of right.

In the absence of a statute or regulation specifically granting a party a right to intervene, “intervention of right exists when one seeking to intervene claims an interest relating to the transaction that is the subject of the action that is not adequately represented by existing parties and the disposition of the action may as a practical matter impair or impede the applicant's ability to protect that interest.” **Matter of Missouri-Am. Water Co. v. Hall**, 470 S.W.3d 761, 764–65 (MoApp WD 2015). The proposed intervenor bears the

burden of establishing all of the elements required for intervention as a matter of right. *Id.*; **Prentzler v. Carnahan**, 366 S.W.3d 557, 561 (MoApp WD 2012).

8. Rule 20 CSR 4240-2.075(3)(B) describes permissive intervention. The Commission, in its discretion, may allow Ameren Missouri to intervene if doing so would serve the public interest.

9. Staff worked with Evergy and the signatories to the *Stipulation and Agreement* for specific deliverables. Furthermore, Evergy's motion to establish this EO docket concerns Evergy's difficulty and cost in providing the data as related to specific systems in which its data is stored internally. Ameren Missouri was not and is not a party to the *Stipulation and Agreement*. Ameren Missouri does not possess relevant information concerning how or why Evergy can or cannot cost-effectively provide Evergy's internal data cross-referenced with Evergy's internal systems. Ameren Missouri does not possess relevant information concerning Evergy's cost estimates for providing Evergy's internal data cross-referenced with Evergy's internal systems. Therefore, Ameren Missouri's interests cannot be positively or negatively impacted by intervening in this matter and should not be allowed entry into this docket.

10. Furthermore, Staff negotiated with Evergy and the other signatories for specific deliverables in the context of that particular *Stipulation and Agreement* to which Ameren Missouri was not a party. Staff is open to working with each utility, whether it is Ameren Missouri or Liberty to obtain the information sought, but it is not interested in surrendering the procedural progress it has made to date with Evergy by including Ameren Missouri in this particular docket. As such, Ameren Missouri should not have procedural rights in this Evergy matter.

11. Finally, Ameren Missouri's alleged interest in this Evergy proceeding to address the Commission Report and Order issued on June 14, 2023, in Ameren Missouri's general rate case, No. ER-2022-0337, may constitute a collateral attack on that Report and Order.

WHEREFORE, Staff prays that Ameren Missouri's *Application to Intervene* will be denied outright or, if it is not, then the Commission should issue notice and set a hearing on the issue of Ameren Missouri's *Application to Intervene*; and grant such other and further relief as is just and reasonable under the circumstances.

Respectfully submitted,

/s/ Carolyn H. Kerr

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served by electronic mail, or First Class United States Postal Mail, postage prepaid, on this 12th day of July, 2023, to all counsel of record.

/s/ Carolyn H. Kerr