

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

In the Matter of Evergy Missouri West,)	
Inc. d/b/a Evergy Missouri West's)	
Request For Waiver of the Rules and)	Case No. EE-2023-0081
Regulations, Chapter 8, Electric Power)	
and Energy Curtailment Plan)	

PUBLIC COUNSEL'S RESPONSE

COMES NOW the Office of the Public Counsel (“Public Counsel”) and for its response to Evergy Missouri West, Inc. d/b/a Evergy Missouri West’s (“Evergy”) August 25, 2022 Amended Application, states:

1. On August 25, 2022, Evergy filed its *Amended Application for Variances and Motion for Expedited Treatment*, requesting “variances from portions of Rules and Regulations, Chapter 8, Electric Power and Energy Curtailment Plan, tariff sheet No. R-55 through sheet No. R-58.”

2. Revisions to Evergy’s tariff sheets R-55 through R-58 is a pending issue in Evergy’s rate case, Case No. ER-2022-0130. Public Counsel discussed these changes with Evergy and the Commission Staff and anticipates the parties will propose additional changes to these same tariff sheets in a partial settlement agreement in the rate case, which the parties could file as early as today. These revisions should make the requested waivers unnecessary, and would be in place before winter, which is when Evergy indicated the current tariff language could be an issue.

3. In addition, Evergy has not cited to a statute, rule, or tariff that authorizes the Commission to grant the requested waivers. Evergy states, “20 CSR 4240-2.060 (4) provides for a waiver of any specified portion of the Company’s tariffs by application to the Commission for good cause shown.” Public Counsel disagrees with Evergy’s interpretation of 20 CSR 4240-2.060(4) because it only provides the requirements for requesting a waiver, and does not itself provide waiver authority.

4. Public Counsel anticipates the parties will be able to resolve their differences in the rate case, but out of an abundance of caution requests the Commission direct the parties to propose a procedural schedule for resolving the issues of this case. This will give the parties additional time to resolve the issues or provide a procedure for a resolution of Evergy’s application.

WHEREFORE, the Office of the Public Counsel respectfully offers this response to Evergy’s application.

Respectfully submitted,

/s/ Marc Poston

Marc Poston (Mo Bar #45722)
Missouri Office of Public Counsel
P. O. Box 2230
Jefferson City MO 65102
(573) 751-5318
(573) 751-5562 FAX
marc.poston@opc.mo.gov

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed, emailed or hand-delivered to all counsel of record this 30th day of August 2022.

/s/ Marc Poston
