

**STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION**

At a session of the Public Service Commission held at its office in Jefferson City on the 31<sup>st</sup> day of August, 2022.

In the Matter of Evergy Missouri West, Inc. )  
d/b/a Evergy Missouri West's Request For )  
Waiver of the Rules and Regulations, )  
Chapter 8, Electric Power and Energy )  
Curtailment Plan )

**File No. EE-2023-0081**

**ORDER DENYING MOTION FOR EXPEDITED TREATMENT  
AND DIRECTING FILING**

Issue Date: August 31, 2022

Effective Date: August 31, 2022

On August 24, 2022, Evergy Missouri West, Inc. d/b/a Evergy Missouri West, filed a request for a waiver<sup>1</sup> from a portion of its tariff found at P.S.C. MO. No. 1, Rules and Regulations, Chapter 8, Electric Power and Energy Curtailment Plan, Sheet No. R-55 through Sheet No. R-58. This tariff provision requires certain actions be taken when Evergy Missouri West's coal supply reaches specified levels set out in section 8.01(E).<sup>2</sup>

Evergy Missouri West states that coal inventories being below the thresholds set out in section 8.01(E) do not represent a concern that rises to the level of an emergency through the remainder of the summer months. However, Evergy Missouri West states that in the coming winter months, if current coal delivery issues are not alleviated, the coal

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<sup>1</sup> Evergy Missouri West uses the terms "variance" and "waiver" in its amended application interchangeably. The Commission interprets the application as a request for waiver because Evergy Missouri West is requesting that it not be required to comply with the particular provision of its tariff. This is opposed to a request to vary the way it complies with the provision, which would be considered a variance.

<sup>2</sup> Specifically, 8.01(E) states:

The voluntary phase of this curtailment program will be initiated when Company's coal supply in Company's storage facilities is equivalent to an estimated thirty (30) days' supply. The mandatory phase of this curtailment program will be initiated when Company's coal supply in Company's storage facilities is equivalent to an estimated twenty (20) days' supply.

supply levels could trigger the emergency energy conservation procedures in the Electric Power and Energy Curtailment Plan. Evergy Missouri further states that these procedures are outdated and it has proposed to update the Electric Power and Energy Curtailment Plan with revised tariff sheets filed in its current general rate case proceeding, File No. ER-2022-0130. The revised tariff sheets in that proceeding will update the procedure and align it with the processes required by the North American Electric Reliability Corporation (NERC) and the Southwest Power Pool (SPP) concerning grid emergencies. Thus, Evergy Missouri West requests a waiver of this portion of its tariff until the effective date of revised tariffs in File No. ER-2022-0130.

Evergy Missouri West also requested expedited treatment so that the Commission's decision was effective no later than September 9, 2022. Evergy Missouri West states that should the outdated current requirements be implemented, it would cause undue alarm and confusion among Evergy Missouri West customers and the public in general. Therefore, Evergy Missouri West argues that good cause exists to approve this waiver request on an expedited basis.

The Commission shortened the time for responses to 3:00 pm, Tuesday, August 30, 2022. Responses in opposition to the waiver and motion for expedited treatment were received from the Office of the Public Counsel (Public Counsel) and from the Staff of the Commission (Staff).

Public Counsel states that it discussed these changes with Evergy Missouri West and 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 would be filing as early as that day. Public Counsel states that the agreed to revisions should make the

requested waivers unnecessary and would be in place before winter, which is when Evergy Missouri West indicated the current tariff language could be an issue. Public Counsel suggested that the Commission direct the parties to propose a procedural schedule for resolving the issues of this case in order to give the parties additional time to resolve the issues or provide a procedure for a resolution of Evergy Missouri West's application.

The Commission has reviewed the motion for expedited treatment and request for a waiver and Public Counsel's and Staff's responses. Evergy Missouri West has not shown in its motion for expedited treatment any reason why it is requesting Commission action by September 9, 2022. To the contrary, the motion seems to say that the tariff provision is not a concern until the winter months. Further, as Public Counsel states, the parties appear to have reached an agreement as to changes to make to this provision in the general rate case, which should be resolved before winter. Therefore, the Commission will deny the motion for expedited treatment and direct the parties to file a procedural schedule appropriate to resolve the issues in this case.

**THE COMMISSION ORDERS THAT:**

1. The motion for expedited treatment filed by Evergy Missouri West on August 25, 2022, is denied.
2. The parties shall file a joint procedural schedule designed to resolve the issues of this matter no later than September 12, 2022.
3. This order shall be effective on August 31, 2022.



**BY THE COMMISSION**

A handwritten signature in black ink that reads "Morris L. Woodruff". The signature is written in a cursive, flowing style.

Morris L. Woodruff  
Secretary

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

Dippell, Deputy Chief Regulatory Law Judge


**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 31<sup>st</sup> day of August, 2022.**



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

**MISSOURI PUBLIC SERVICE COMMISSION**

**August 31, 2022**

**File/Case No. EE-2023-0081**

**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,**



**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.