BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

In the Matter of the Application of KCP&L Greater Missouri Operations Company for Approval of a Special Incremental Load Rate for a Steel Production Facility In Sedalia Missouri.

Case No. EO-2019-0244

STAFF'S RESPONSE TO MECG'S MOTION TO REJECT TARIFF

COMES NOW the Staff of the Missouri Public Service Commission, by and through counsel, and for its *Response* to MECG's *Motion to Reject Tariff*, states as follows:

1. Following the Commission's issuance of its *Report and Order* on November 13, 2019, Evergy Missouri West (formerly KCP&L Greater Missouri Operations Company or GMO) filed its compliance tariff on November 27, 2019, being proposed Schedule SIL.

2. The Missouri Energy Consumers' Group ("MECG") filed its *Motion to Reject Tariff* on December 9, 2019. Thereafter, the Commission set December 12, 2019, as the deadline for responses to MECG's *Motion*.

3. The gravamen of MECG's *Motion to Reject Tariff* is that Evergy's proposed Schedule SIL constitutes an improper abdication or delegation of the Commission's ratemaking authority. MECG's *Motion* states, "Now, Evergy asks that the Commission abdicate this statutory ratemaking authority and allow it, as a regulated utility, to set rates for these certain customers." *Motion*, ¶ 3. MECG urges the Commission to reject the proposed tariff "and that Evergy simply be required to file an application in those situations in which it seeks to offer an incremental cost-based rate to a customer." *Motion*, ¶ 5.

4. The Commission should **DENY** MECG's *Motion* because the remedy requested therein is wholly unnecessary. The proposed SIL Tariff states, at Sheet 157.1,

under the heading *Contract Documentation*, "At least 60 days prior to the effective date of the Special Incremental Load Rate Contract, the Company will file the individual Special Incremental Load Rate Contract and supporting documentation with the Commission for approval." Thus, the proposed tariff already provides that each Special Contract formed under it will be presented to the Commission for approval. This is *exactly* the remedy sought by MECG, and so its *Motion* must be denied.

WHEREFORE, Staff prays that the Commission will **DENY** MECG's *Motion to Reject Tariff*; and grant such other and further relief as is just in the premises.

Respectfully submitted.

/s/ Kevin A. Thompson

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CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing was served electronically upon all parties of record or their representatives pursuant to the Service List maintained for this case by the Commission's Data Center **on this 11th day of December, 2019.**

<u>/s/ Kevin A. Thompson</u>