

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

In the Matter of the Second Prudence)
Review of the Missouri Energy Efficiency)
Investment Act (MEEIA) Cycle 2 Energy) **File No. EO-2020-0227**
Efficiency Programs of Evergy Metro, Inc.)
d/b/a Evergy Missouri Metro)

In the Matter of the Second Prudence)
Review of the Missouri Energy Efficiency)
Investment Act (MEEIA) Cycle 2 Energy) **File No. EO-2020-0228**
Efficiency Programs of Evergy Missouri) (consolidated)
West, Inc. d/b/a Evergy Missouri West)

STAFF RESPONSE TO MOTION TO STRIKE

COMES NOW Staff of the Missouri Public Service Commission and for this Response to Motion to Strike (“Response”) respectfully states as follows:

1. On September 21, 2020, Evergy Metro, Inc. and Evergy Missouri West, Inc. (collectively “Evergy”) filed a motion to strike portions of the rebuttal testimony of the Office of the Public Counsel (“OPC”) witness Geoff Marke. On September 22, 2020, OPC responded to Evergy’s motion.

2. Also on September 22, 2020, the Commission issued, by delegation of authority, its *Order Directing Expedited Responses to the Motion to Strike* (“Order”) in which it ordered “Staff shall file a response to Evergy’s motion no later than noon on September 25, 2020.” Staff is therefore filing this Response.

3. The Commission and RLJ must ultimately decide if the testimony in question is proper rebuttal testimony under the Commission’s rules and regulations governing testimony and the procedural schedule ordered for this case by the Commission.

4. Since this dispute does not involve Staff but, rather, involves two other parties, both of which are experienced practitioners before the Commission, Staff takes no position on this matter. However, Staff would make the following observations.

a. The underlying data addressed by the OPC testimony in question is included in Table 4 of the Staff Report attached to the direct testimony of Staff witness Brad J. Fortson as **Schedule BJF-d5, Page 15 of 48**.

b. The procedural schedule adopted by the Commission¹ limits Evergy's sur-surrebuttal testimony to responding to surrebuttal testimony. Sur-surrebuttal testimony is not addressed in the Commission's rule governing testimony, so Staff cannot opine as to what such testimony should include beyond what is stated in the Commission's procedural schedule order.

WHEREFORE, Staff submits this Response to Evergy's motion to strike as ordered.

Respectfully submitted,

/s/ Jeffrey A. Keevil

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¹ The Commission may recall that it adopted what it referred to as a "compromise schedule" due to Evergy's objection to the schedule proposed by Staff and OPC.

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed, hand-delivered, or transmitted by facsimile or electronic mail to counsel of record as reflected on the certified service list maintained by the Commission in its Electronic Filing Information System this 25th day of September, 2020.

/s/ Jeffrey A. Keevil