

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

In the Matter of Evergy Metro, Inc.     )  
d/b/a Evergy Missouri Metro’s         )  
Submission of Its 2020 Renewable       )  
Energy Standard Compliance Report     )     Case No. EO-2021-0345

In the Matter of Evergy Missouri         )  
West, Inc. d/b/a Evergy Missouri        )  
West’s Submission of Its 2020            )  
Renewable Energy Standard             )  
Compliance Report                        )

In the Matter of Evergy Metro, Inc.     )  
d/b/a Evergy Missouri Metro's         )  
Submission of its 2021 Renewable       )  
Energy Standard Compliance Plan        )

In the Matter of Evergy Missouri         )  
West Inc. d/b/a Evergy Missouri        )  
West's 2021 Renewable Energy           )  
Standard Compliance Plan                )

**Public Counsel’s Response to Evergy’s Reply  
and Request for Additional Time for Discovery**

**COMES NOW** the Office of the Public Counsel (“OPC”) in response to the Evergy Missouri Metro and Evergy Missouri West Reply to OPC Response to Order Directing Responses, and states:

1. The issues raised in the OPC’s June 1 and July 7 filings seek transparency from Evergy in identifying projects it entered into for Missouri’s Renewable Energy Standard (RES) compliance. The OPC seeks this information to protect the public by ensuring a proper calculation of the 1%

rate cap required by § 393.1045 RSMo (“retail rate impact...may not exceed one percent (1%) for prudent costs of renewable energy resources directly attributable to RES compliance”).

2. The OPC’s July 7 filing quoted from Evergy’s own 2021 compliance plans, which indicate Evergy entered into a number of purchased power agreements (PPAs) for purposes of RES compliance. For example, “*In August 2011, a wind generation RFP was issued to cover EMM and Evergy Missouri West non-solar requirements. An evaluation of the proposals was conducted and resulted in execution of two separate 20-year PPAs.*” Those PPAs are the Cimarron II and Spearville 3 wind facilities. Evergy similarly entered into the Ensign wind PPA for RES compliance purposes. The plans also “note” that these PPAs were not directly attributable to RES compliance, but that claim is not supported by the stated purpose of the RFPs, which was to meet the non-solar RES requirements.

3. Despite Evergy’s compliance plans stating the purpose of the RFPs were RES compliance, the Company now claims those projects were not entered into for RES compliance because Evergy considered those projects to be “economical.” In other words, because they claim a belief at the time that these projects would not fail, that claimed belief somehow exempts these projects from the 1% rate cap. However, § 393.1045 RSMo has no exemption for projects that the company also believed would be economic. Evergy’s

interpretation essentially renders the rate cap consumer protection meaningless, as that simple assertion is all it would take to avoid the cap.

4. Other documents from outside this docket further support the conclusion that Evergy entered into these PPAs for RES compliance.

5. To help resolve this factual and legal dispute, the OPC requests additional time to issue discovery to Evergy to better understand the basis for Evergy's assertions, and possibly resolve this disagreement. The OPC offers to file a status report on its efforts in sixty days.

WHEREFORE, the OPC respectfully offers this response and requests additional time to issue discovery and work towards a resolution.

Respectfully submitted,

OFFICE OF THE PUBLIC COUNSEL

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**CERTIFICATE OF SERVICE**

I hereby certify that copies of the foregoing have been mailed, emailed or hand-delivered to all counsel of record this 16th day of August 2021.

**/s/ Marc Poston**

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