

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service Commission held at its office in Jefferson City on the 15th day of December, 2021.

In the Matter of the Application of Evergy)
Missouri West, Inc. d/b/a Evergy Missouri)
West for Approval of a Wholesale Energy) **File No. EO-2022-0061**
Market Rate for a Data Center Facility in)
Kansas City, Missouri)

ORDER SETTING PROCEDURAL SCHEDULE

Issue Date: December 15, 2021

Effective Date: December 15, 2021

On November 2, 2021, Evergy Missouri West, Inc. d/b/a Evergy Missouri West filed a request for approval of a Special High Load Factor Market Rate. All of the parties to the case: the Staff of the Commission (Staff), the Office of the Public Counsel (OPC), Evergy Missouri West, Velvet Tech Services, LLC, Google LLC, and Midwest Energy Consumers Group, (collectively, “the Parties”), have agreed to a proposed procedural schedule, which Staff submitted on December 2, 2021.

In its application Evergy Missouri West requested an order from the Commission by March 1, 2022, approving the Special High Load Factor Market Rate to be effective by March 31, 2022, to support planned construction schedules and support customer investment decisions. To achieve this timetable, the parties have requested the transcripts be provided on an expedited basis.¹

As the Parties have unanimously agreed to the proposed schedule, the Commission will adopt it without change. Due to the unanimous request and the planned

¹ *Proposed Procedural Schedule and Order*, filed December 2, 2021, para. 4. See also *Application*, filed November 2, 2021, Wherefore clause, requesting a decision by March 1, 2022, such that a tariff would be effective by March 31, 2022.

construction schedule, the Commission will expedite the transcripts as requested by the Parties.

THE COMMISSION ORDERS THAT:

1. The following procedural schedule is established:

December 23, 2021	Rebuttal Testimony
January 6, 2022	Technical/Settlement Conference
January 14, 2022	Surrebuttal & Cross-Surrebuttal Testimony
January 18, 2022	Deadline for Serving Discovery
January 18, 2022	List of Issues, Order of Witnesses/Cross Examination, & Joint Stipulation of Facts
January 19, 2022	Position Statements
January 25-26, 2022	Evidentiary Hearing
January 31, 2022	Expedited transcript deadline
February 8, 2022	Initial Briefs
February 18, 2022	Reply Briefs

2. The Commission shall hold an evidentiary hearing on January 25-26, 2022, beginning at 8:30 a.m. each day.

3. The hearing shall be held at the Commission's office at the Governor Office Building, Room 310, 200 Madison Street, Jefferson City, Missouri. This building meets accessibility standards required by the Americans with Disabilities Act. If you need additional accommodations to participate in this hearing, please call the Public Service Commission's Hotline at 1-800-392-4211 (voice) or Relay Missouri at 711 before the

hearing. A link and access code to participate in the hearing via WebEx conference call will be emailed to all parties.

4. The hearing will be live-streamed via the Commission's website at psc.mo.gov. The Commission requests that interested persons who will not be actively participating in the hearing to watch or listen via the live-stream.

5. The transcripts shall be expedited as requested by the parties.

6. The parties shall comply with the following procedures:

A. The parties will provide all workpapers (in electronic format, whenever feasible) within two (2) business days following the date when the related testimony is filed.

B. Where workpapers or data request responses include models or spreadsheets or similar information originally in a commonly available format where inputs or parameters may be changed to observe changes in inputs or outputs, if available in that original format with formulas intact, the party providing the workpaper or response shall provide this type of information in that original format subject to the Commission's rules on discovery procedure.

C. All parties shall provide copies of testimony (including schedules), exhibits and pleadings to other counsel of record by electronic means and in electronic form essentially concurrently with the filing of such testimony, exhibits, or pleadings where the information is available in electronic format. Parties shall not be required to put information that does not exist in electronic format into electronic format for purposes of exchanging it.

D. All parties must comply with the requirements of Commission Rule 20 CSR 4240-2.130 for prepared testimony, including the requirement that testimony be filed on line-numbered pages.

E. Although not all parties may agree upon how each issue should be described or on whether a listed issue is in fact a proper issue in this case, the parties shall agree upon and file a list of the issues to be heard, the witnesses to appear on each day of the hearing, the order in which they will be called, and the order of cross-examination for each witness. The list of issues should be detailed enough to inform the Commission of each issue that must be resolved. The Commission will view any issue not contained in this list of issues as uncontested and not requiring resolution by the Commission.

- F. Each party shall file a simple and concise statement summarizing its position on each disputed issue, including citations to pre-filed testimony supporting its position.
- G. All pleadings, briefs, and amendments shall be filed in accordance with Commission Rule 20 CSR 4240-2.080. Briefs shall follow the same list of issues as filed in the case and must set forth and cite the proper portions of the record concerning the remaining unresolved issues that are to be decided by the Commission.
- H. If testimony or documents are prefiled and served upon the parties before a hearing, a party need only provide a copy of the testimony or document to the court reporter for marking as an exhibit. If not prefiled and served upon the parties, then a party who has a document marked for use at the hearing shall have sufficient copies of the document to provide a copy not only to the court reporter, but also to each of the Commissioners, the presiding officer, and counsel for each other party.
- I. Each party shall prepare a list of its exhibits² and submit a copy of that list to every other party and to the regulatory law judge no later than two business days prior to the evidentiary hearing. The lists shall not be filed in the EFIS case file. Exhibits that may be offered during cross-examination, but which have not been pre-filed, need not be included on the list. However, when those documents are offered during the hearing, they will be assigned a number from that party's number group.

7. This order shall be effective when issued.



BY THE COMMISSION

A handwritten signature in black ink that reads "Morris L. Woodruff".

Morris L. Woodruff
Secretary

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

Hatcher, Regulatory Law Judge

² Exhibit numbers were previously assigned as follows: 1-99 Every Missouri West, Inc.; 100s Staff; 200s OPC; 300s Velvet Tech Services, LLC; 400s Google LLC; 500s Midwest Energy Consumers Group.


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 15th day of December, 2021.





Morris L. Woodruff
Secretary

MISSOURI PUBLIC SERVICE COMMISSION

December 15, 2021

File/Case No. EO-2022-0061

**Missouri Public Service
Commission**

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**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**

Recipients listed above with a valid e-mail address will receive electronic service. Recipients without a valid e-mail address will receive paper service.