

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

In the Matter of the Tariff Filings of Evergy)	
Metro, Inc. d/b/a Evergy Missouri Metro and)	<u>File No. ET-2023-0290</u>
Evergy Missouri West, Inc. d/b/a Evergy)	Tracking Nos. JE-2023-0161 and
Missouri West)	JE-2023-0162

**STAFF RESPONSE TO COMMISSION ORDER
CONCERNING SUSPENDED TARIFF**

COMES NOW Staff of the Missouri Public Service Commission and for its Response to Commission Order Concerning Suspended Tariff (“Response”) states as follows:

1. On February 21, 2023, Evergy Metro, Inc. d/b/a Evergy Missouri Metro (“EMM”) filed tariff sheets with a proposed effective date of March 3, 2023. Also on February 21, 2023, Evergy Missouri West, Inc. d/b/a Evergy Missouri West (“EMW”) filed tariff sheets with a proposed effective date of March 3, 2023.

2. On March 20, 2023, Staff filed a *Motion to Suspend Tariffs and Motion for Expedited Treatment* in which Staff asked the Commission to suspend the tariff sheets for 180 days to allow time for discovery and allow EMM and EMW to correct Staff concerns.

3. On March 21, 2023, the Commission granted Staff’s Motion in its *Order Suspending Tariffs*.

4. On March 31, 2023, Velvet Tech Services, LLC (“Velvet Tech Services”) filed a *Motion for Reconsideration and Motion to Expedite* (“Motion”). In its Motion, Velvet Tech Services claims that the suspended tariff is required under Section 393.1640, RSMo. In paragraph 11 of its Motion, Velvet Tech Services quotes Section 393.1640, RSMo:

Subject to the limitations provided for in subsection 2 of this section, and upon proper application by an eligible customer prior to public announcement of a growth project, a new or existing account meeting the criteria in this subsection shall qualify for one of the discounts set forth in subdivision (1) or (2) of this subsection... (Emphasis added)

5. On April 3, 2023, the Commission issued its *Order Directing Filing* in which the Commission ordered Staff to respond and any other party wishing to respond to do so no later than April 13, 2023.

6. When the Missouri Legislature created the Missouri Public Service Commission, it was given broad authority to regulate utilities, including quasi-judicial powers to determine whether utilities are in compliance with the law.¹ It is entirely within the Commission's jurisdiction to determine whether a utility has met the requirements of Section 393.1640. Section 393.1640, RSMo, requires the Company to offer the stated discounts but does not require the Commission to approve a deficient tariff. Staff continues to work with EMM and EMW to address the issues in their tariffs that Staff indicated in its *Motion to Suspend Tariff and Motion to Expedite*.

WHEREFORE, Staff submits this *Response* and requests that the Commission allows Staff to continue to work with EMM and EMW to correct the issues in their tariffs and issue such further orders as the Commission deems just and reasonable.

¹ "When the Commission determines facts from disparate evidence and applies the law to come to decision in a particular controversy, it acts as an adjudicator, and so exercises quasi-judicial power." State ex rel. Gulf Transport Co. v. Public Service Com'n, 658 S.W.2d 448, 465-466 (Mo. App., W.D. 1983).

Respectfully submitted,

/s/ Ron Irving

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served by electronic mail, or First Class United States Postal Mail, postage prepaid, on this 13th day of April, 2023, to all counsel of record.

/s Ron Irving