

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

In the Matter of the Petition of Evergy)	
Missouri West, Inc. d/b/a Evergy Missouri)	
West for a Financing Order Authorizing the)	Case No. EF-2022-0155
Financing of Extraordinary Storm Costs)	
Through an Issuance of Securitized Utility)	
Tariff Bonds.)	

**MOTION FOR RECONSIDERATION OR, IN THE ALTERNATIVE, FOR
CONTINGENT ENFORCEMENT OF PROCEDURAL ORDER**

COMES NOW, Evergy Missouri West, Inc. d/b/a Evergy Missouri West (“Evergy Missouri West” or the “Company”) and for its *Motion for Reconsideration or, in the alternative, for Contingent Enforcement of Procedural Order* (“Motion”), states as follows:

1. On March 11, 2022, Evergy Missouri West filed its Petition in this proceeding along with supporting direct testimony. Included in that March 11 filing as Schedule SL-2 to the Direct Testimony of Company witness Steffen Lunde (Citigroup Global Markets, Inc.) was a proposed Form of Financing Order for the consideration of the Commission and the parties.

2. On April 27, 2022, the Missouri Public Service Commission (“Commission”) issued its *Order Establishing Procedural Schedule and Other Procedural Requirements* (“April 27 Order”) herein. Among other things, the Commission directed that rebuttal testimony be filed on June 30, 2022, and established October 12, 2022, as the expected date for the Commission's issuance of its Financing Order.

3. When the non-Evergy parties filed rebuttal testimony on June 30, 2022, not a single party submitted a proposed financing order. The Commission's Rule 2.130(7)(C), 20 CSR 4240 defines rebuttal testimony as "all testimony which explains why a party rejects, disagrees or proposes an alternative to the moving party's direct case..." Thus, by operation of the April 27 Order's procedural schedule and the Commission's definition of rebuttal testimony, all responses

of any party to Evergy Missouri West's direct testimony, including its proposed Form of Financing Order, were required to be made by June 30, 2022 (the date when rebuttal testimony was due).

4. Therefore, Evergy Missouri West requests that the Commission reconsider and rescind its July 20, 2022, Order Directing Staff to File a Draft Financing Order, Setting a Time for Other Financing Order Suggestions, and Notice of Questions for Witnesses About Evergy's Draft Financing Order ("July 20 Order") to the extent that it requires or permits the filing of draft financing orders by Staff and other non-Evergy parties after June 30, 2022. All non-Evergy party had ample opportunity to include in their rebuttal testimony filed on June 30, 2022 a draft financing order, or portions thereof, in response to the Form of Financing Order proposed by Evergy Missouri West in its direct testimony on March 11, 2022. Requiring or permitting the filing of a draft financing order by non-Evergy parties with their initial briefs (due under the existing schedule on August 31, 2022) is inconsistent with the procedural schedule ordered by the Commission.

5. Moreover, given that the Commission order in this proceeding is expected on October 12, 2022, it would violate Evergy Missouri West's due process rights by depriving it of a meaningful opportunity to respond to matters that may be raised by non-Evergy parties in their draft financing orders, if those draft orders are not filed until August 31, 2022, and Evergy Missouri West does not have the opportunity to file testimony in response to the proposals. State ex rel. Fischer v. PSC, 645 S.W.2d 39, 43 (Mo. App. W.D. 1983). See, State ex rel. Chicago, Rock Island & Pacific R.R. v. PSC, 312 S.W.2d 791, 796 (Mo. en banc 1958).

6. In the alternative, if the Commission is not inclined to withdraw its July 20 Order, as requested in Paragraph 4, above, Evergy Missouri West requests that the Commission issue an order, consistent with the procedural schedule in its April 27 Order and the Commission's Rule 2.130(7)(C) defining rebuttal testimony, that any draft financing order submitted with the filing of initial briefs cannot raise any new issue that has not already been identified in testimony. To the

extent that any party raises such a new issue in a draft financing order filed with initial briefs on August 31, 2022, Evergy Missouri West hereby requests that the Commission strike such material from the record. The time remaining before the Commission is expected to issue its October 12, 2022 order herein is simply insufficient to permit the Commission to resolve such new issues without the benefit of sworn testimony that is tested by cross-examination at an evidentiary hearing that affords due process to all parties and allows the Commission sufficient evidence and time to make a reasoned decision.

WHEREFORE, Evergy Missouri West respectfully requests the Commission grant its Motion.

Respectfully submitted,

/s/ Roger W. Steiner

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CERTIFICATE OF SERVICE

The undersigned certifies that true and correct copies of the foregoing have been e-mailed or mailed, via first class United States Mail, postage pre-paid, to the service list of record this 27th day of July 2022.

/s/ Roger W. Steiner

Roger W. Steiner