

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

In the Matter of the Application of Evergy Metro,)
Inc. d/b/a Evergy Missouri Metro and Evergy)
Missouri West, Inc. d/b/a Evergy Missouri West) No. EU-2020-0350
for an Accounting Authority Order Allowing the)
Companies to Record and Preserve Costs Related)
to COVID-19 Expenses)

**EVERGY MISSOURI METRO AND EVERGY MISSOURI WEST
MOTION FOR LEAVE TO FILE SUR-SURREBUTTAL TESTIMONY**

COME NOW, Evergy Metro, Inc. d/b/a Evergy Missouri Metro (“Evergy Missouri Metro”) and Evergy Missouri West, Inc. (“Evergy Missouri West”) (collectively, “Evergy” or the “Company”) and hereby requests leave to file sur-surrebuttal testimony of Company witness Darrin R. Ives, and, in support of its motion, states as follows:

1. On September 4, 2020, the Office of the Public Counsel (“OPC”) file surrebuttal testimony of Dr. George Marke. Three times in his surrebuttal testimony Dr. Marke endorses, or indicates that he will not oppose, customer program recommendations or proposals made in the rebuttal testimony of Roger Colton on behalf National Housing Trust on the condition that the associated costs are borne by Evergy shareholders. (See Marke Surrebuttal Testimony at 5 (ll. 23-24), 7 (l. 2) and 8 (l. 6)). In his surrebuttal testimony, Mr. Ives generally addressed both Mr. Colton and Dr. Marke rebuttal testimony by saying their programs were beyond the scope of the proceeding but Evergy believes a direct response to certain portions of Dr. Marke’s surrebuttal is necessary as he expanded his recommendations to the Commission to consider ordering customer programs to be funded by Evergy’s shareholders.

2. As the Commission has long recognized, any utility company bears the burden of proving that requests for an accounting authority order or other trackers meet the standards for

approval of such requests.¹ The public utility therefore should have the last word and should have the opportunity to address countervailing proposals filed by opposing parties.

3. Under the circumstances of this case, Evergy should be afforded the opportunity to file very brief sur-surrebuttal testimony addressing Dr. Marke's new recommendations in his surrebuttal testimony that adversely impact the Company and its shareholders.

4. Attached hereto as **Exhibit A** is the sur-surrebuttal testimony of Company witness Darrin R. Ives.

WHEREFORE, Evergy Missouri Metro and Evergy Missouri West respectfully submit this motion and request a Commission order granting leave to file the attached sur-surrebuttal testimony of Company witness Darrin R. Ives.

¹ See e.g., Report And Order, Re Spire Missouri, Inc. for an Accounting Authority Order Concerning Its Commission Assessment for the 2019 Fiscal Year, File No. GU-2019-0011, p. 18 (March 20, 2019); Report And Order, Re the Application of Missouri-American Water Company for an Accounting Authority Order Related to Property Taxes in St. Louis County and Platte County, File No. WU-2017-0351, p. 18 (March 20, 2019); Report And Order, Re: Kansas City Power & Light Company's Request for Authority to Implement a General Rate Increase for Electric Service, File No. ER-2014-0370, pp. 54 and 58. (September 2, 2015).

Respectfully submitted,

/s/ Robert J. Hack

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**Attorneys for Evergy Missouri Metro and
Evergy Missouri West**

CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of the foregoing document has been hand-delivered, emailed or mailed, postage prepaid, to counsel for all parties this 11th day of September 2020.

/s/ Robert J. Hack

**Attorney for Evergy Missouri Metro and Evergy
Missouri West**

Exhibit No.:
Issue: COVID-19 Accounting Authority
Order
Witness: Darrin R. Ives
Type of Exhibit: Sur-Surrebuttal Testimony
Sponsoring Party: Evergy Metro, Inc. and Evergy
Missouri West, Inc.
Case Nos.: EU-2020-0350
Date Testimony Prepared: September 11, 2020

MISSOURI PUBLIC SERVICE COMMISSION

CASE NO. EU-2020-0350

SUR-SURREBUTTAL TESTIMONY

OF

DARRIN R. IVES

ON BEHALF OF

**EVERGY METRO, INC. D/B/A EVERGY MISSOURI METRO
AND EVERGY MISSOURI WEST, INC. D/B/A EVERGY MISSOURI WEST**

Kansas City, Missouri

September 2020

SUR-SURREBUTTAL TESTIMONY

OF

DARRIN R. IVES

Case No. EU-2020-0350

1 **Q: Please state your name and business address.**

2 A: My name is Darrin R. Ives. My business address is 1200 Main, Kansas City, Missouri
3 64105.

4 **Q: By whom and in what capacity are you employed?**

5 A: I am employed by Evergy Metro, Inc. I serve as Vice President – Regulatory Affairs for
6 Evergy Metro, Inc. d/b/a Evergy Missouri Metro (“Evergy Missouri Metro”) and Evergy
7 Kansas Metro (“Evergy Kansas Metro”); Evergy Missouri West, Inc. d/b/a Evergy
8 Missouri West (“Evergy Missouri West”); and Evergy Kansas Central, Inc. d/b/a/ Evergy
9 Kansas Central (“Evergy Kansas Central”).

10 **Q: On whose behalf are you testifying?**

11 A: I am testifying on behalf of Evergy Missouri Metro and Evergy Missouri West
12 (collectively, “Evergy” or “Company”).

13 **Q: Are you the same Darrin R. Ives who previously filed Direct and Surrebuttal**
14 **Testimony in this docket?**

15 A: Yes.

16 **Q: What is the purpose of your testimony?**

17 A: My sur-surrebuttal testimony responds to portions of the surrebuttal testimony filed by the
18 Office of the Public Counsel (“OPC” or “Public Counsel”) witness Dr. Geoff Marke.

1 **Q: What portions of OPC witness Marke's surrebuttal testimony will you address?**

2 A: Three times in his surrebuttal testimony Dr. Marke endorses, or indicates he would not
3 oppose, customer program recommendations or proposals made in the rebuttal testimony
4 of Roger Colton on behalf National Housing Trust on the condition that the associated
5 costs are borne by Evergy shareholders.¹ I will explain why these endorsements by OPC
6 witness Marke are unreasonable and should not be adopted by the Commission.

7 **Q: Please explain your understanding of the three conditional endorsements made by**
8 **Dr. Marke mentioned above?**

9 A: Provided that the associated costs are borne exclusively by Evergy shareholders, Dr. Marke
10 supports Mr. Colton's recommendations that the Commission issue an order in this docket
11 (1) adopting an arrearage management plan, (2) expanding Evergy's existing economic
12 relief pilot program, and (3) increasing the funding of Evergy's existing low-income
13 weatherization programs by at least \$1 million annually.

14 **Q: Are Dr. Marke's endorsements reasonable?**

15 A: No, and they should be rejected by the Commission. As I stated in my surrebuttal
16 testimony², the customer program recommendations made in the rebuttal testimony of Mr.
17 Colton (and Dr. Marke as well) go beyond the specific purpose of this docket. Notably,
18 both Staff and the industrial customer groups share my opinion in this regard.³ In addition,
19 in seeking to impose additional costs on shareholders, these conditional endorsements
20 made by Dr. Marke wholly ignore the substantial financial commitments Evergy
21 shareholders have already made to provide support to customers and communities in

¹ Marke Surrebuttal Testimony at 5 (ll. 23-24), 7 (l. 2) and 8 (l. 6).

² Ives Surrebuttal Testimony at 28-29.

³ See Dietrich Surrebuttal Testimony; and Meyer Surrebuttal Testimony.

1 recognition of the hardships caused by the pandemic. As explained in the surrebuttal
2 testimony of Evergy witness Caisley⁴, Evergy has committed \$2.2 million in pandemic-
3 related financial support for customers and communities throughout its service territory in
4 Missouri and Kansas and has made it clear that these commitments will be borne by Evergy
5 shareholders.⁵ Dr. Marke’s three conditional endorsements would unreasonably impose
6 additional costs on Evergy shareholders and therefore should not be adopted by the
7 Commission.

8 **Q: Does the Commission typically order new customer programs to be offered by the**
9 **utilities it regulates with a mandate that the programs be funded by shareholders?**

10 A: No, and for good reason. This Commission has at times determined that it disagrees with
11 costs incurred by utilities and that those costs should not be borne by customers, or for
12 programs such as Evergy’s Economic Relief Pilot Program (“ERPP”), which the Company
13 itself proposed, has ordered a sharing of program costs between customers and
14 shareholders. While these represent traditional findings of a regulatory body, it would be
15 an entirely different arena for the Commission to design and order customer programs with
16 the express direction that the associated costs to be borne solely by Company shareholders.
17 On its face this would appear to exceed the authority of the Commission by usurping
18 management prerogative of the utility and by depriving the utility of a reasonable
19 opportunity to achieve its Commission-authorized earnings level, and certainly would send
20 a chilling message to potential investors in utilities regulated by the Commission.

21 **Q: Does this conclude your testimony?**

22 A: Yes, it does.

⁴ Caisley Surrebuttal Testimony at 11-12.

⁵ Ives Surrebuttal Testimony at 30.

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OF THE STATE OF MISSOURI**

In the Matter of the Application of Evergy)
Metro, Inc. d/b/a Evergy Missouri Metro and)
Evergy Missouri West, Inc. d/b/a Evergy) No. EU-2020-0350
Missouri West for an Accounting Authority)
Order Allowing the Companies to Record and)
Preserve Costs Related to COVID-19 Expenses)

AFFIDAVIT OF DARRIN R. IVES


STATE OF MISSOURI)
) ss
COUNTY OF JACKSON)

Darrin R. Ives, being first duly sworn on his oath, states:

1. My name is Darrin R. Ives. I work in Kansas City, Missouri, and I am employed by Evergy Metro, Inc. I serve as Vice President – Regulatory Affairs.

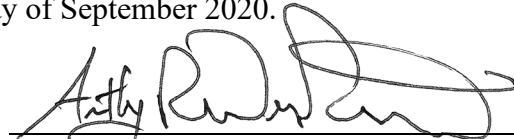
2. Attached hereto and made a part hereof for all purposes is my Sur-Surrebuttal Testimony on behalf of Evergy Missouri Metro and Evergy Missouri West consisting of three (3) pages, having been prepared in written form for introduction into evidence in the above-captioned docket.

3. I have knowledge of the matters set forth therein. I hereby swear and affirm that my answers contained in the attached testimony to the questions therein propounded, including any attachments thereto, are true and accurate to the best of my knowledge, information and belief.



Darrin R. Ives

Subscribed and sworn before me this 11th day of September 2020.



Notary Public

My commission expires: 4/26/2021

