

rebuttal testimony was fifteen (15) pages long and responded to OPC's witness Mantle's direct testimony.

3. On January 13, 2020, Staff witness J Luebbert filed his surrebuttal testimony in this case. Witness Luebbert's surrebuttal testimony was fifteen (15) pages long and responded to Evergy witness File's rebuttal testimony. However, with MEEIA attachments, his testimony is over 200 pages.

4. In his surrebuttal testimony, Staff witness J Luebbert makes no pretense about the addition of his MEEIA testimony being responsive to Evergy's rebuttal testimony in this case. Rather he clearly states, "**For the sake of making the record clear in this case** I have appended the Staff MEEIA Prudence Reports, my direct testimony, and my surrebuttal testimony from Case EO-2020-0227, which more thoroughly explain the disallowances that I recommend the Commission order as adjustments to the DSIM." Luebbert Surrebuttal, P. 4, ll. 10-13. **Emphasis added.**

5. Importantly, Evergy did not "open the door" on Staff's issues in the MEEIA Proceeding. That door was opened by the OPC which sought to include Staff's issues in the MEEIA proceeding in this case. Evergy responded to OPC witness Mantle's direct testimony in a way that sought to keep the testimony in the MEEIA Proceeding and this case separate.

6. Unfortunately, Staff responded to Evergy's proportional response to OPC by filing all of witness J Luebbert's testimony in the MEEIA Proceeding in this case, ostensibly for the purpose of "making the record clear in this case."

7. While Evergy would have preferred that Staff show some restraint, like Evergy did in its response to OPC's testimony (not filing all of Evergy's witness File's MEEIA Proceeding testimony into this case), Staff's desire to "make the record clear in this case" is understandable.

Evergy has not sought to strike Staff's MEEIA testimony from this case, because the door was opened by OPC. However, that door cannot be open to only one party.

8. Evergy's *Motion to Supplement Brian File's Rebuttal Testimony* – given Staff's filing of witness Luebbert's testimony in the MEEIA Proceeding – is absolutely necessary to ensure a full, complete and clear legal record in this case. Allowing only Staff to file witness Luebbert's MEEIA Proceeding testimony in this case would be fundamentally unfair and prejudice Evergy's ability to defend itself in this proceeding.

WHEREFORE, the Company asks the Commission to grant its *Motion to Supplement the Rebuttal Testimony of Brian File*.

Respectfully submitted,

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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 26th day of January 2021.

/s/ Roger W. Steiner

Roger W. Steiner