

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service
Commission held at its office in
Jefferson City on the 17th day of
August, 2023.

In the Matter of Requests for Customer)
Account Data Production) **File No. EO-2024-0002**

**ORDER APPROVING AND DENYING SEVERAL APPLICATIONS TO
INTERVENE**

Issue Date: August 17, 2023

Effective Date: August 17, 2023

On June 30, 2023,¹ Evergy Metro, Inc. d/b/a Evergy Missouri Metro (EMM) and Evergy Missouri West, Inc. d/b/a Evergy Missouri West (EMW) (collectively, “Evergy” or the “Company”) filed its *Motion to Establish Docket for Further Consideration of Data Production* (Motion). Pursuant to a Stipulation and Agreement in its prior general rate cases, Evergy agreed to file a motion to establish this EO docket² to consider certain data requested by the Staff of the Commission (Staff).³

Evergy’s motion indicated a similarity of Staff seeking customer data information from Union Electric Company d/b/a Ameren Missouri and suggested that including Ameren Missouri would be more efficient so that the Commission and Staff can address

¹ All dates refer to 2023 unless otherwise stated.

² The Commission uses the EO designation in its file numbers to generally show the file is related to an electric utility and that the action requested is in an “other”, or catchall, type of file.

³ File Nos. ER-2022-0129 and ER-2022-0130; *Stipulation and Agreement*, filed August 30, 2022 (approved September 22, 2022), p. 12, Rate Design and Program Settlement, §4(a).

the issues of data availability in one proceeding. Evergy's motion also noted that The Empire District Electric Company d/b/a Liberty is not yet the subject of a similar customer data information-seeking by Staff; however, Liberty recognized the need to resolve the issue of data availability in the future and does not oppose such a docket's inclusion of Liberty.

Evergy's motion stated that the purpose of the docket is for Evergy to provide the reasons why certain of its requested customer data is not available and is cost-prohibitive to produce.⁴

The Commission issued notice of the filing and set a deadline for intervention. The Commission received three requests to intervene, all timely filed. The applicants to intervene are Ameren Missouri, Liberty, and Midwest Energy Consumers Group (MECG).

Interventions are governed by Commission Rule 20 CSR 4240-2.075, which in section (3) says the Commission may grant the intervention upon a showing of an interest different than that of the general public which may be adversely affected by a final order, or a showing that granting the intervention would serve the public interest.

Ameren Missouri

Ameren Missouri stated it has an interest to efficiently address data availability issues, citing its own prior general rate case. Ameren Missouri stated its interests are different than those of the general public. Ameren Missouri also stated that granting its intervention is in the public interest to efficiently address data availability issues in one proceeding.

⁴ Motion, para. 4.

Ameren Missouri's application to intervene is opposed by Staff. In sum, Staff articulates that this file springs out of a settlement⁵ that does not involve Ameren Missouri. Moreover, Staff states the settlement set Evergy-specific deliverables. Staff argued that Ameren Missouri does not have any relevant information regarding whether Evergy can or cannot provide the requested data, and has no information related to Evergy's cost estimates to provide such data.

Further, Staff stated that the specific deliverables were negotiated and are in the context of a specific settlement with Evergy. Staff argued that including Ameren Missouri would negatively impact Staff's procedural progress made to date with Evergy regarding these issues. Staff also argued that Ameren Missouri's interest in this case – that the terms of its own general rate case include some similar data request – may constitute a collateral attack on that Report and Order.

Ameren Missouri replied to Staff's opposition by stating that its interests are different than the general public because of the Commission's focus on consistency across the state.⁶ Ameren Missouri's reply also noted that the purpose of Evergy's filing opening this docket for Evergy to provide in detail the reasons why the requested data is not available and cost-prohibitively to produce.⁷

Evergy also replied to Staff's opposition to Ameren Missouri's intervention in which it again advocated for administrative economy.⁸

⁵ File Nos. ER-2022-0129 and ER-2022-0130; *Stipulation and Agreement*, filed August 30, 2022 (approved September 22, 2022), p. 12, Rate Design and Program Settlement, §4(a).

⁶ Ameren Missouri's Reply to Staff's Objection to its Application to Intervene, filed July 19, 2023, para. 10.

⁷ Ameren Missouri's Reply to Staff's Objection to its Application to Intervene, filed July 19, 2023, para. 11.

⁸ Evergy's Reply to the Staff's Objection to Ameren Missouri's Motion to Intervene, filed July 21, 2023, para. 5.

Staff filed a final response to both Ameren Missouri and Evergy. Staff argued that the current case is a contested case, and allowing multiple utilities to act in concert where only one utility is subjected to the outcome is unfair to the other parties. Essentially, Staff put forth that it would have to contend with testimony and discovery of additional utilities when the underlying contested case involves only Evergy. Staff added that intervention of utilities may have a chilling effect on any potential settlement, and again noted that Ameren Missouri's stated interest in Evergy's case stems from the terms involved in its own general rate case.⁹

Liberty

Liberty's application to intervene stated that its interests are different than those of the public in that it is only one of three investor-owned electric utilities. Liberty argues that its interests may be adversely affected by this docket due to the Commission's focus on consistency among the utilities. Liberty argued that its intervention would also be in the public interest due to administrative economy – given the similar nature of the data being requested.

Liberty's application to intervene is opposed by Staff. Similar to the arguments raised in opposition to Ameren Missouri's application to intervene, Staff again stated that this case stems from a negotiated settlement in an Evergy general rate case, and that settlement is not signed by Liberty. Staff argued that Liberty does not have any relevant information regarding whether Evergy can or cannot provide the requested data, and has no information related to Evergy's cost estimates to provide such data.

⁹ File No. ER-2022-0337, Report and Order, issued June 14, 2023.

Further, Staff stated that these specific deliverables were negotiated and are in the context of a specific settlement with Evergy. Staff argues that including Liberty would negatively impact Staff's procedural progress made to date with Evergy regarding these issues. Staff also argues that Liberty's interest in this case – that the terms of its own general rate case include some similar data request – may constitute a collateral attack on the Commission's Order Approving Stipulations and Agreements reached in Liberty's prior general rate case.¹⁰

MECG

MECG was a party to Evergy's prior rate case, and was a signatory to the Stipulation and Agreement which gives rise this docket. MECG represents large commercial and industrial electric customers, and argues that any final outcome of this case could impact the cost of service of large commercial and industrial electric customers.

No party opposed the application to intervene of MECG.¹¹

DECISION

Intervention of Utilities

The Commission does not regularly allow utilities to intervene in other utilities' contested cases, for many of the reasons cited by Staff. In particular, this docket arose from a negotiated settlement that did not involve Ameren Missouri or Liberty. Staff's argument that only Evergy can provide the information it seeks is compelling. The Commission finds that neither Ameren Missouri nor Liberty met its burden of persuasion

¹⁰ File No. ER-2021-0312, Order Approving Stipulations and Agreements, issued March 9, 2022.

¹¹ Commission Rule 20 CSR 4240-2.080(13).

that it had an interest different than the public that would be affected by the final outcome of this case, or that its intervention would serve the public interest.

Intervention of MEGC

MEGC was not only a party to Evergy’s prior rate case, it was a signatory to the Stipulation and Agreement from which this docket springs. MEGC represents large commercial and industrial electric customers, and argues that any final outcome of this case could impact the cost of service of large commercial and industrial electric customers. The Commission finds that as a signatory MEGC has an interest different than the public, and that interest may be negatively affected by the final outcome of this docket.

THE COMMISSION ORDERS THAT:

1. The application of Ameren Missouri to intervene is denied.
2. The application of Liberty to intervene is denied.
3. The application of MEGC to intervene is granted.
4. This order shall be effective when issued.



BY THE COMMISSION

Nancy Dippell

Nancy Dippell
Secretary

Rupp, Chm., Coleman, Holsman, and
Kolkmeier CC., concur.
Hahn, C., dissents.

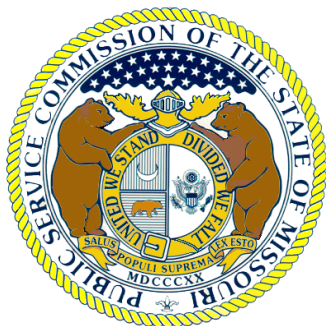
Hatcher, Senior Regulatory Law Judge

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 17th day of August, 2023.



Nancy Dippell

Nancy Dippell
Secretary

MISSOURI PUBLIC SERVICE COMMISSION

August 17, 2023

File/Case No. EO-2024-0002

Missouri Public Service Commission
Staff Counsel Department
200 Madison Street, Suite 800
P.O. Box 360
Jefferson City, MO 65102
staffcounsel@psc.mo.gov

Office of the Public Counsel
Marc Poston
200 Madison Street, Suite 650
P.O. Box 2230
Jefferson City, MO 65102
opcservice@opc.mo.gov

Evergy Missouri Metro
James M Fischer
2081 Honeysuckle Lane
Jefferson City, MO 65109
jfischerpc@aol.com

Evergy Missouri Metro
Roger W Steiner
1200 Main Street, 16th Floor
P.O. Box 418679
Kansas City, MO 64105-9679
roger.steiner@evergy.com

Evergy Missouri West
James M Fischer
2081 Honeysuckle Lane
Jefferson City, MO 65109
jfischerpc@aol.com

Evergy Missouri West
Roger W Steiner
1200 Main Street, 16th Floor
P.O. Box 418679
Kansas City, MO 64105-9679
roger.steiner@evergy.com

Liberty (Empire)
Diana C Carter
428 E. Capitol Avenue, Suite 303
Jefferson City, MO 65101
Diana.Carter@LibertyUtilities.com

Midwest Energy Consumers Group
Tim Opitz
308 E. High Street, Suite B101
Jefferson City, MO 65101
tim.opitz@opitzlawfirm.com

Missouri Public Service Commission
Carolyn Kerr
200 Madison Street, Suite 800
P.O. Box 360
Jefferson City, MO 65102
Carolyn.Kerr@psc.mo.gov

Union Electric Company
Jermaine Grubbs
1901 Chouteau Avenue
St. Louis, MO 63103
AmerenMOService@ameren.com

Union Electric Company
Wendy Tatro
1901 Chouteau Ave
St. Louis, MO 63103-6149
AmerenMOService@ameren.com

Enclosed find a certified copy of an Order or Notice issued in the above-referenced matter(s).

Sincerely,



**Nancy Dippell
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.