

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service Commission held at its office in Jefferson City on the 27th day of September, 2023.

In the Matter of the Joint Application of)
Evergy Metro, Inc. d/b/a Evergy Missouri)
Metro and Evergy Missouri West, Inc. d/b/a)
Evergy Missouri West for Approval of Tariff)
Revisions to TOU Program)

File No. ET-2024-0061
Tracking Nos. JE-2024-0036
and JE-2024-0037

ORDER APPROVING AMENDED APPLICATION AND TARIFF

Issue Date: September 27, 2023

Effective Date: October 8, 2023

Original Application

On September 8, 2023, Evergy Metro, Inc. d/b/a Evergy Missouri Metro and Evergy Missouri West, Inc. d/b/a Evergy Missouri West (collectively, Evergy) filed an application for Approval of Tariff Revisions to TOU Program.¹ Evergy also filed tariffs, bearing an effective date of October 8, 2023.

Evergy’s application included four requests. Specifically, those four requests were:

- (i) Modify the default TOU rate from the high differential 2-period TOU rate [i.e. Standard Peak Saver] to the low differential Peak Adjustment TOU rate [i.e. Peak Reward Saver];
- (ii) Modify the tariffs to allow residential customers to opt-in to the traditional residential rate (i.e. “Anytime Plan”) which has historically been in effect and is proposed to be offered as an option beginning May 1, 2024 rather than

¹ Calendar references are to 2023 unless otherwise noted.

being terminated as scheduled under the approved TOU Implementation Program;

- (iii) Restrict rate switching to mitigate adverse revenue impacts by selective switching between the offered tariffs to artificially lower a customer's annual bill below reasonable cost of service through tariff selection only;
- (iv) Revise the estimates of education, outreach and implementation costs consistent with the revisions requested to be approved in the Application.

The Commission issued notice, and reserved September 19 for a potential hearing. The Commission's Staff (Staff) filed a Motion to Suspend on September 13. Staff stated that Evergy's application amounts to single-issue ratemaking, which is prohibited in Missouri. Staff followed up with an Interim Recommendation on September 15, asking the Commission to either suspend or reject the tariffs due to an increase in revenues Staff contends the tariffs would provide Evergy.

On September 14, the Office of the Public Counsel (OPC) asked the Commission to cancel the hearing because parties do not have adequate time to prepare for the hearing, thus depriving parties of due process. Renew Missouri responded on September 15, advising the Commission to reject the tariffs.

On September 15, Evergy responded. Evergy states that it does not seek to change the price of electricity, but asks for the Commission to switch the default TOU rate to the low-differential TOU already approved. OPC further responded on September 15, objecting to Evergy's application.

Consumers Council of Missouri applied to intervene on September 15. No objections were filed. The Commission will grant the application to intervene.

Amended Application

On September 18, Evergy filed an amended application. Evergy withdrew its proposed tariff changes, except Evergy continues to request approval to switch the default TOU rate in its tariffs from the high differential two-period TOU rate to the low differential Peak Adjustment TOU rate.

Evergy stated that if approved it will change the names of the high differential Residential Time of Use - Two Period rate from “Standard Peak Saver” to “Summer Peak Time Based Plan” and (2) the low differential Residential Peak Adjustment Service rate from “Peak Reward Saver” to “Default Time Based Plan.” Evergy filed substitute tariff sheets to implement its amended application on September 21.

On September 25, Staff and OPC reiterated their objections to the application. Staff maintains that Evergy is seeking single-issue ratemaking, and that Evergy must file a rate case to receive the relief it requests. OPC states that Evergy is attempting a collateral attack on the Report and Order in File Nos. ER-2022-0129 and ER-2022-0130. OPC further objects to Evergy’s motion for expedited treatment, and a waiver of the Commission’s 60-day notice rule.

Also on September 25, Evergy withdrew the tariff sheets that were inconsistent with the amended application.²

Discussion

Evergy’s TOU program allows customers to select from different rate plans based upon personal preference. Also, customers are free to change their choices at any time,

² Specifically, Evergy withdrew 12th Revised Sheet 5A, 12th Revised Sheet 5B, 3rd Revised Sheet 7 and 1st Revised Sheet 7B for Tracking No. JE-2024-0036, and 3rd Revised Sheet 146.1, 2nd Revised Sheet 146.5, and 1st Revised Sheet No. 165 for Tracking No. JE-2024-0037.

including switching their TOU plan multiple times a year. Evergy's proposed tariff instead modifies which of the multiple TOU rate choices is the default in the TOU rate program in its tariffs.

Staff is concerned that approving the tariff would result in single-issue ratemaking. But Evergy is not requesting that the Commission change any of the current rate choices under the available TOU plans. Instead, it is requesting that from the multiple TOU rate options included in Evergy's current tariff, that the Commission switch the default TOU rate from the high-differential TOU to the low-differential TOU rate.

Evergy's amended application does not seek to change the price per kWh the Commission established under the approved TOU rate implementation plan. What the application does request is to modify the tariff language that determines what TOU rate is first applied to customers who do not choose a specific TOU rate—the default TOU rate. Evergy's amended application is not a collateral attack on the rate cases' Amended Reports and Orders, but simply requesting approval of a tariff filing to modify the default in TOU choices to customers.

The motion for expedited treatment is moot, as Evergy's tariffs will take effect on 30 days' notice, as allowed by statute. The Commission may approve this tariff without suspension thereof, and without a hearing.³

Commission Rule 20 CSR 4240-4.017(1) required parties to give the Commission 60 days' notice before filing a case. The Commission may waive this rule for good cause shown. Evergy has demonstrated good cause by stating it wishes to expeditiously implement the TOU rates beginning in October, 2023, as required by its tariff provisions.

³ See *In re KCP&L*, 509 S.W.3d 757, 785 (Mo.App. W.D. 2016); *State ex rel. Coffman v. PSC*, 121 S.W.3d 534, 539 (Mo.App. W.D. 2003).

To allow the tariffs to take effect on October 8, 2023, so that Evergy may begin switching customers to their TOU choices, the Commission finds it reasonable to make its order effective in less than 30 days after issuance.

THE COMMISSION ORDERS THAT:

1. The amended application is approved.
2. The following tariff sheets filed by Evergy Missouri Metro on September 8, 2023 (Tariff Tracking No. JG-2024-0036), as substituted on September 21, 2023, are approved to become effective on October 8, 2023:

P.S.C. MO. No. 7

**3rd Revised Sheet No. 5, Cancelling 2nd Revised Sheet No. 5
1st Revised Sheet No. 5D, Cancelling Original Sheet No. 5D
8th Revised Sheet No. 6, Cancelling 7th Revised Sheet No. 6
1st Revised Sheet No. 7F, Cancelling Original Sheet No. 7F
12th Revised Sheet No. 8, Cancelling 11th Revised Sheet No. 8**

3. The following tariff sheets filed by Evergy Missouri West on September 8, 2023 (Tariff Tracking No. JG-2024-0037), as substituted on September 21, 2023, are approved to become effective on October 8, 2023:

P.S.C. MO. No. 1

**2nd Revised Sheet No. 146, Cancelling 1st Revised Sheet No. 146
3rd Revised Sheet No. 146.3, Cancelling 2nd Revised Sheet No. 146.3
1st Revised Sheet No. 146.7, Cancelling Original Sheet No. 146.7
1st Revised Sheet No. 146.9, Cancelling Original Sheet No. 146.9**

4. Commission Rule 20 CSR 4240-4.017(1) is waived for this application.
5. The motion for expedited treatment is denied as moot.
6. Consumers Council of Missouri's application to intervene is granted.
7. This order shall become effective on October 8, 2023.



BY THE COMMISSION

Nancy Dippell

Nancy Dippell
Secretary

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

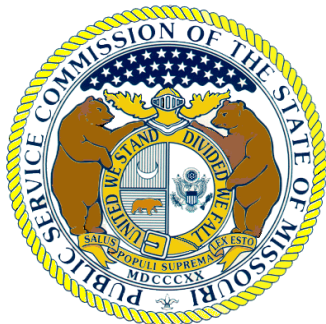
Pridgin, Deputy Chief Regulatory Law Judge

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 27th day of September, 2023.



Nancy Dippell

Nancy Dippell
Secretary

MISSOURI PUBLIC SERVICE COMMISSION

September 27, 2023

File/Case No. ET-2024-0061

MO PSC Staff

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
(OPC)**

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

ChargePoint, Inc.

Legal Department
254 East Hacienda Avenue
Campbell, CA 95008
matthew.deal@chargepoint.com

City of St. Joseph, Missouri

Legal Department
City Hall, Room 307
1100 Frederick Avenue
St. Joseph, MO 64501
jsoper@stjosephmo.gov

Dogwood Energy, LLC

Legal Department
P.O. Box 110
25111 E 175th Street
Pleasant Hill, MO 64080

Evergy Missouri Metro

James Fischer
2081 Honeysuckle Lane
Jefferson City, MO 65109
jfischerpc@aol.com

Evergy Missouri Metro

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

Evergy Missouri West

James Fischer
2081 Honeysuckle Lane
Jefferson City, MO 65109
jfischerpc@aol.com

Evergy Missouri West

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

Google LLC

Legal Department
1600 Amphitheatre Parkway
Mountain View, CA 94043

**Midwest Energy Consumers
Group**

Legal Department
308 E. High Street, Suite B101
Jefferson City, MO 65101
tim.opitz@opitzlawfirm.com

**Missouri Industrial Energy Consumers
(MIEC)**

Legal Department
130 S. Bemiston, Suite 200
St. Louis, MO 63105
dplescia@chgolaw.com

MO PSC Staff

Kevin Thompson
200 Madison Street
Jefferson City, MO 65101
kevin.thompson@psc.mo.gov

Nucor Steel Sedalia, LLC

Legal Department
500 Rebar Road
Sedalia, MO 65301

Office of the Public Counsel (OPC)

Lindsay VanGerpen
200 Madison Street, Suite 650
P.O. Box 2230
Jefferson City, MO 65102
lindsay.vangerpen@opc.mo.gov

Renew Missouri

Andrew Linhares
3115 South Grand Blvd
Suite 600
St. Louis, MO 63118
andrew@renewmo.org

Sierra Club

Legal Department
2101 Webster St., Ste. 1300
Oakland, CA 94612

Velvet Tech Services, LLC

Legal Department
103 Foulk Road, Ste. 202
Wilmington, DE 19803
energy@meta.com

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

Sincerely,

A handwritten signature in black ink that reads "Nancy Dippell". The signature is written in a cursive, flowing style.

**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.