

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

In the Matter of Requests from Evergy Metro, Inc.)
d/b/a Evergy Missouri Metro and Evergy Missouri) **File No. EO-2024-0002**
West, Inc. d/b/a Evergy Missouri West for Customer)
Account Data Production)

**EVERGY’S RESPONSE TO ORDER SHORTENING TIME FOR RESPONSES
AND REPLY TO STAFF’S PROPOSED PROCEDURAL SCHEDULE**

COME NOW, 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”), by and through their counsel and, for their *Response To Order Shortening Time For Responses and Reply to the Staff’s Proposed Procedural Schedule* (“Response”), states as follows:

1. On September 12, 2023, the Missouri Public Service Commission (“Commission”) convened a prehearing conference in this matter. Regulatory Law Judge Hatcher inquired of the parties about the nature of the issues in this case, and requested that the parties file a proposed procedural schedule. Following the on-the-record portion of the prehearing conference, the parties discussed possible procedural schedules, but the parties were unable to reach an agreement on a proposed procedural schedule.

2. On September 20, 2023, the Commission Staff (“Staff”) proposed a procedural schedule which proposes to have Evergy file direct testimony on Sunday, October 1, 2023 and an evidentiary hearing on December 19-21 predicated mainly on a concern that data needed for ratemaking is not being retained and would not be available for future use.

3. On September 22, 2023, the Commission issued its Order Directing Shortening Time For Responses which directed parties to respond to the Staff’s motion by September 27, 2023.

4. Staff’s proposed procedural schedule is not workable or acceptable to Evergy, given the short amount of time to prepare direct testimony, the press of other business,¹ and the unavailability of outside counsel for Evergy on the dates proposed by Staff for the evidentiary hearing.

5. Further, the Company asserts that its systems are retaining data necessary to support ratemaking, including information about hourly sales to customers.

6. As a more workable alternative to the Staff’s proposal, Evergy proposes the following schedule which is approximately four to six weeks later than the schedule proposed by the Commission Staff:

Direct Testimony (by Evergy)	November 1, 2023
Rebuttal Testimony (by Staff, OPC, MCECG)	December 1, 2023
Cross Surrebuttal (by Staff, OPC, MCECG)	December 15, 2023
Surrebuttal (by Evergy)	January 8, 2024
List of Issues	January 10, 2024
Settlement Discussions	January 11-12, 2024
Position Statements	January 18, 2024
Joint Statement Of Facts	January 19, 2024
Evidentiary Hearing	January 30-31, 2024 ²
Transcripts	February 12, 2024
Initial Briefing (by all parties)	February 22, 2024
Reply Briefing (by all parties)	March 4, 2024

7. Staff stated that “On July 7, 2023, Evergy filed its Motion to Establish Docket for Further Consideration of Data Production, in this case.” (Staff Motion, p. 2) However, Staff is mistaken or otherwise misinformed. On June 30, 2023, Evergy filed its *Motion To Establish*

¹ These matters include, among more routine matters, the ongoing litigation related to the Company’s TOU Implementation Plan in File No. ET-2024-0061, Evergy’s FAC prudence reviews in File Nos. EO-2023-0276 and EO-2023-0277, Evergy is also participating in hearings in a Kanas rate case in September and October, 2023, including scheduled settlement discussions in September and October, and evidentiary hearings from October 9-13.

² Counsel for MCECG has informed Evergy’s counsel that he is not available to participate in an evidentiary hearing during the week of January 22-26, 2024.

Docket for Further Consideration of Data Production in File Nos. ER-2022-0129 and ER-2022-0130 (*June 30 Motion*)(See attached **Exhibit A**).³

8. The *June 30th Motion* was consistent with Evergy’s agreement in the stipulation in File Nos. ER-2022-0129 and ER-2022-130 to file a motion to establish an EO docket “if the data was not available or cost-prohibitive to produce”:

Data Retention:

a) Prior to July 1, 2023, the Company will identify and provide the data requested in the direct testimony of Sarah Lange. If the requested data is not available or cost-prohibitive to produce, the Company will file a motion to establish an EO docket. In that docket the Company will provide the reason why it cannot provide the requested data and its individual estimate of the cost to provide each set of requested data, for the further consideration of the parties and the Commission.⁴

9. Evergy stated its preliminary range of the cost of producing the requested information in the *June 30 Motion*, p. 2. As stated in the rate case stipulation, “In that docket [EO- docket] the Company will provide the reason why it cannot provide the requested data and its individual estimate of the cost to provide each set of requested data, for the further consideration of the parties and the Commission.” This docket was established so that the Company can elaborate on the problems associated with Staff’s requested production of the information. The Company did not agree in the stipulation to produce direct testimony by July 1, 2023, as asserted by Staff.

³ The June 30th Motion was re-filed in this docket on July 6, 2023 by the Data Center. On July 6, 2023, the Commission issued its *Order Directing Notice, Setting Deadline for Intervention Requests, and Setting Prehearing Conference* which also stated that “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).” (Order, p. 1).

⁴ See, Stipulation, p. 12, Rate Design and Program Settlement, §4(a) in File Nos. ER-2022-0129 and ER-2022-0130.

However, Evergy will provide the reasons why it cannot provide the requested information in its direct testimony on November 1, if the Company's proposed procedural schedule is adopted by the Commission.

10. Evergy will respond in more detail to issues raised by paragraphs 5 and 6 of the Staff's Motion in this docket. However, it is important for the Commission to understand that much of the debate in this proceeding involves Staff's request for much more granular data than has historically been requested or provided by public utilities. The limitations of data availability communicated to Staff and leading to this EO docket are related to new and specific elements or the format of these elements within data requirements as expressed by Staff witness Sarah Lange, many of which are not specifically required to support current rate designs, but are related to Staff's view concerning future rate designs including new approaches for rates concerning distribution facilities. If the Commission determines the data is necessary and the cost justified, some of the data elements identified by Staff will require changes to historical cost accounting methodologies, some established by the Federal Energy Regulatory Commission in their Uniform System of Accounts. Further, data interfaces between various systems, currently acting independently within Evergy's operations, will need to be established. Evergy's customer billing systems are designed for executing billing of customers, not executing data analytics. Bulk extractions, intricate querying, cross system integration, and formatting of data outputs to facilitate complex aggregated reporting, requires detailed and extensive efforts to configure.

WHEREFORE, Evergy respectfully requests the Commission issue an order establishing the procedural schedule requested herein.

Respectfully submitted,

/s/ Roger W. Steiner

Roger W. Steiner, MBN 39586
Phone: (816) 556-2314
E-mail: roger.steiner@evergy.com
Evergy, Inc.
1200 Main – 16th Floor
Kansas City, Missouri 64105
Fax: (816) 556-2110

James M. Fischer, MBN 27543
Fischer & Dority, P.C.
2081 Honeysuckle Lane
Jefferson City, MO 65109
Phone: (573) 353-8647
jfischerpc@aol.com

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

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing document was served upon counsel for all parties on this 27th day of September 2023, by either e-mail or U.S. Mail, postage prepaid.

/s/ Roger W. Steiner

Roger W. Steiner

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

In the Matter of Evergy Metro, Inc. d/b/a Evergy)
Missouri Metro’s Request for Authority to) Case No. ER-2022-0129
Implement A General Rate Increase for Electric)
Service)

In the Matter of Evergy Missouri West, Inc. d/b/a)
Evergy Missouri West’s Request for Authority to) Case No. ER-2022-0130
Implement A General Rate Increase for Electric)
Service)

**MOTION TO ESTABLISH DOCKET
FOR FURTHER CONSIDERATION OF DATA PRODUCTION**

COME NOW Evergy Metro, Inc. d/b/a Evergy Missouri Metro (“EMM”) and Evergy Missouri West, Inc. d/b/a Evergy Missouri West (“EMW”) (collectively, the “Company”), by and through their counsel and, for their *Motion to Establish Docket for Further Consideration of Data Production* (“Motion”) states as follows:

1. On August 30, 2022, the Company filed a *Stipulation and Agreement* (“Stipulation”) in the above-captioned dockets.
2. On September 22, 2022, the Missouri Public Service Commission (“Commission”) issued its *Order Approving Four Partial Stipulations and Agreements* (“Order”) which encompassed approval of the Stipulation referenced above.
3. Per the approved Stipulation the Company agreed to the following:

Data Retention:

 - a) Prior to July 1, 2023, the Company will identify and provide the data requested in the direct testimony of Sarah Lange. If the requested data is not available or cost-prohibitive to produce, the Company will file a motion to establish an EO docket. In that docket the Company will provide the reason why it cannot provide the requested data and its individual estimate

of the cost to provide each set of requested data, for the further consideration of the parties and the Commission.¹²

4. The purpose of this pleading is to request the opening of an EO docket so that Evergy can provide in detail the reasons why the requested data is not available and cost-prohibitive to produce.

5. In preparation for this pleading Evergy reevaluated the data requested by Staff and assessed the feasibility of producing the data. If the data were not on hand, Evergy examined the level of effort and timeline associated with securing and generating the data. Generally, the data requested resides in disparate systems and is not easily available for direct query. To locate, access, download, and assimilate the required data to provide the data requested by Staff, it is expected that external expertise will be needed to supplement Evergy's internal capabilities. In some cases, the data was not believed to be available to satisfy the Staff's request and organizational process changes would be required to begin generating the requested data.

6. To estimate the cost of obtaining the requested data, Evergy consulted with internal staff and consultants familiar with some of our major systems to consider a range. Absent a detailed scope of work, precision is not possible, but all expert opinions have determined that it will be a costly effort that would be material, exceeding one million dollars and requiring in excess of eighteen months to complete. Some estimates, associated with broad interpretations of the data needs are more extreme, exceeding \$100 million and requiring multiple years to complete. Precise

¹ See, *Stipulation*, p. 12, Rate Design and Program Settlement, §4(a).

² The data requested in the direct testimony of Staff ("Staff") witness Sarah Lange is detailed in witness Lange's direct testimony on p. 62, ln. 1 through p. 64, ln. 28.

estimates of cost and duration will only be possible once detailed scope of work with exact requirements are fully known and understood.

7. It was observed that most of the Evergy's subject matter experts ("SMEs") required to accomplish this task are already committed to the execution of the Missouri Residential TOU migration preparation. This severely limited the SME's ability to evaluate the need in detail or to produce the requested data by the July 1st filing date.

8. In opening this EO docket, Evergy requests the Commission consider the impact of the Missouri Residential TOU migration in setting the procedural schedule. It would be reasonable to expect that billing system and technology personnel will be constrained through the summer of 2024 responding to customer needs. Evergy requests that the Commission schedule a prehearing conference for the purpose of developing a realistic procedural schedule for the docket.

9. On June 14, 2023, the Commission issued its *Report and Order* ("Ameren Missouri Order") in ER-2022-0337 and ordered on p. 48 that Ameren Missouri to prepare a study of customer specific information by account, rate schedule and voltage by its next rate case.³ Many aspects of the data ordered for this study are similar to the data requested by Staff from Evergy. Evergy believes it would be more efficient to include Ameren Missouri in the requested EO-docket so that the Commission and Staff can address the issue of data availability in one proceeding.

³ On page 49 of the Ameren Missouri Order, the Commission stated: "The Commission is reluctant to order Ameren Missouri to provide all the information that Staff requested, not because the Commission believes it unnecessary, but because the Commission does not know the full extent of information Ameren Missouri can provide, or the expense associated with collecting that information. The Commission finds it reasonable that Ameren Missouri provide more granular data for any rate modernization workshop, nonresidential working docket, and the Company's next rate case. Therefore, the Commission directs Ameren Missouri to provide the information Staff requested that it can provide at reasonable expense. Ameren Missouri shall also work with Staff to provide a better understanding of what information is available, so that Staff can better request information the Company can access."

10. Ameren Missouri has indicated that it will participate in the docket in hopes of resolving the data collection matters discussed herein.

11. Although The Empire District Electric Company d/b/a Liberty is not under a Commission order to collect similar data, Liberty recognizes the need to understand and resolve the issue of data availability as it relates to collecting similar customer-specific information in the future. Liberty therefore also does not oppose a docket to resolve these issues that includes the participation of Liberty.

12. At the conclusion of this docket, the Company will seek to obtain specific guidance from the Commission on what data and level of effort is reasonable to address Staff's stated need.

WHEREFORE, the Company requests the Commission issue an order establishing a new EO docket for further consideration of the issues referenced herein.

Respectfully submitted,

/s/ Roger W. Steiner

Roger W. Steiner, MBN 39586
Phone: (816) 556-2314
E-mail: roger.steiner@evergy.com
Evergy, Inc.
1200 Main – 16th Floor
Kansas City, Missouri 64105
Fax: (816) 556-2110

James M. Fischer, MBN 27543
Fischer & Dority, P.C.
2081 Honeysuckle Lane
Jefferson City, Missouri 65109
Phone: (573) 353-8647
jfischerpc@aol.com

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

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing document was served upon counsel for all parties on this 30th day of June 2023, by either e-mail or U.S. Mail, postage prepaid.

/s/ Roger W. Steiner

Roger W. Steiner

From: efis.messenger@psc.mo.gov
To: alissa@renewmo.org; andrew@renewmo.org; [Anthony.Westenkirchner](mailto:Anthony.Westenkirchner@psc.mo.gov); aschulte@polsinelli.com; bamorrison@greatriverslaw.org; bcollins@consultbai.com; [Darrin.Ives](mailto:Darrin.Ives@psc.mo.gov); david.murray@opc.mo.gov; dplescia@chgolaw.com; dwoodsmall@cswwgroup.com; ejhubertz@wustl.edu; eric.bouselli@spireenergy.com; ethompson@greatriverslaw.org; gmeyer@consultbai.com; jacqueline.whipple@dentons.com; james@renewmo.org; jfischerpc@aol.com; john.clizer@opc.mo.gov; jordan.seaver@opc.mo.gov; julie.trachsel@spireenergy.com; karl.zobrist@dentons.com; kevin.thompson@psc.mo.gov; kmaini@wi.rr.com; [Linda.Nunn](mailto:Linda.Nunn@psc.mo.gov); [Lisa.Starkebaum](mailto:Lisa.Starkebaum@psc.mo.gov); lisakremer@mchsi.com; lowery@jblawllc.com; [Matthew.Dority](mailto:Matthew.Dority@psc.mo.gov); mbrubaker@consultbai.com; opcservice@opc.mo.gov; richard.ciciarelli@gmail.com; [Roger.W.Steiner](mailto:Roger.W.Steiner@psc.mo.gov); [Ron.A.Klote](mailto:Ron.A.Klote@psc.mo.gov); [Sarah.Gott](mailto:Sarah.Gott@psc.mo.gov); sbell@ellingerlaw.com; scott.weitzel@spireenergy.com; sdunbar@keyesfox.com; spluta@polsinelli.com; srubenstein@greatriverslaw.org; staffcounsel@psc.mo.gov; sunil.bector@sierraclub.org; tim.opitz@opitzlawfirm.com; alan.bax@psc.mo.gov; alexandra.couts@psc.mo.gov; amanda.coffer@psc.mo.gov; amanda.conner@psc.mo.gov; antonija.nieto@psc.mo.gov; bradley.fortson@psc.mo.gov; brooke.mastrogiannis@psc.mo.gov; charles.hatcher@psc.mo.gov; christy.kempker@psc.mo.gov; claire.eubanks@psc.mo.gov; contessa.king@psc.mo.gov; david.buttig@psc.mo.gov; dianna.vaught@psc.mo.gov; hari.poudel@psc.mo.gov; j.luebbert@psc.mo.gov; jared.giacone@psc.mo.gov; jeff.keevil@psc.mo.gov; jordan.hull@psc.mo.gov; karen.lyons@psc.mo.gov; keith.majors@psc.mo.gov; kevin.thompson@psc.mo.gov; kim.bolin@psc.mo.gov; kim.cox@psc.mo.gov; kim.happy@psc.mo.gov; krishna.poudel@psc.mo.gov; lisa.stockman@psc.mo.gov; matthew.young@psc.mo.gov; melissa.anderson@psc.mo.gov; melissa.pierce@psc.mo.gov; michael.rush@psc.mo.gov; michael.stahlman@psc.mo.gov; nancy.harris@psc.mo.gov; nicole.mers@psc.mo.gov; paityn.house@psc.mo.gov; pamela.craig@psc.mo.gov; randall.jennings@psc.mo.gov; sarah.lange@psc.mo.gov; scott.glasgow@psc.mo.gov; seoungjoun.won@psc.mo.gov; shawn.lange@psc.mo.gov; suzie.mankin@psc.mo.gov; tammy.huber@psc.mo.gov; traci.binkley@psc.mo.gov; tyrone.thomason@psc.mo.gov; alexander.antal@psc.mo.gov; charlene.ketchum@psc.mo.gov; cherlyn.voss@psc.mo.gov; contessa.king@psc.mo.gov; holly.burton-aro@psc.mo.gov; jim.busch@psc.mo.gov; kim.bolin@psc.mo.gov; kristy.manning@psc.mo.gov; mark.johnson@psc.mo.gov; matthew.barnes@psc.mo.gov; nancy.dippell@psc.mo.gov; pamela.craig@psc.mo.gov; ron.pridgin@psc.mo.gov; [Anthony.Westenkirchner](mailto:Anthony.Westenkirchner@psc.mo.gov); [Stephanie.Gates](mailto:Stephanie.Gates@psc.mo.gov)
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