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BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of Requests for
Customer Account Data Production

File No. EO-2024-0002

Prehearing Conference
September 12, 2023

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APPEARANCES

Hearing Judge:

Charles Hatcher, Senior Regulatory
Law Judge, by delegation of authority

Present on behalf of Office of the Public Counsel:

Anna Martin
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Jefferson City, Missouri 65102
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Present on behalf of Evergy Missouri Metro and
Evergy Missouri West:

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Present on behalf of Missouri Public Service
Commission:

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Present on behalf of Midwest Energy Consumers
Group:

Tim Opitz
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Jefferson City, Missouri 65101
tim.opitz@opitzlawfirm.com

Also Present: J. Luebbert, Claire Eubanks, Brad
Lutz, Emily Walthers

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Reported By:

Stephanie Darr, CCR(MO)
LEXITAS
711 North 11th Street
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1 P R O C E E D I N G S

2 (Hearing commenced at 2:01 p.m.)

3 MR. HATCHER: Let's go on the
4 record. Today is September 12, 2023. The
5 Commission has set this time aside for a prehearing
6 or procedural conference, depending on your term of
7 art, for the Case No. EO-2024-0002. This is
8 captioned In the Matter of Requests for Customer
9 Account Data Production.

10 Really the purpose of this meeting,
11 as I understand it, is I'm super curious to find
12 out what the underlying issue is in the case. But
13 other than that, it's for me to tell the attorneys
14 to come together and work on a schedule and include
15 all of the normal things in the schedule, and
16 that's really about it.

17 I'm going to turn it over to staff
18 and see if we go in a different direction than
19 that. Ms. Kerr? Oh. I need to do introduction of
20 counsel on the record. My apologies. Let's do
21 introduction of counsel. Ms. Kerr, go ahead.

22 MS. KERR: Carolyn Kerr for staff.

23 MR. HATCHER: Thank you.

24 Mr. Fischer?

25 MR. FISCHER: Yes. Let the record

1 reflect the appearance of James Fischer with the
2 law firm of Fischer & Daugherty, P.C., and our
3 address is 2081 Honeysuckle Lane 65109.

4 MR. HATCHER: Thank you. And Ms.
5 Martin?

6 My name is Anna Martin. I am with
7 the Office of Public Counsel, and our information
8 should be on the record.

9 MR. HATCHER: Excellent. So let's
10 go ahead and hear from staff. Even though the
11 filing was officially from Evergy, I would assume
12 that the explanation would be better coming from
13 staff. Let's start there. Ms. Kerr?

14 MS. KERR: Well, we are -- I guess
15 we're here just to set a procedural schedule for
16 this case. We've got -- sorry.

17 MR. FISCHER: Can I help you out a
18 little bit?

19 MS. KERR: Yeah. If you don't mind
20 go ahead.

21 MR. FISCHER: As I understand it,
22 the issue is really the staff has requested some
23 data from the company that's pretty extensive and
24 granular related to rate design and class cost to
25 service. I think we have been requested to provide

1 the reason why we can't provide that requested data
2 and the individual estimated cost associated with
3 providing it. We've got initial estimates. But
4 we've been required or I think requested to provide
5 it in direct testimony so staff can respond. In
6 the end if we can't work it out, that the
7 Commission would give us some direction on where to
8 go.

9 So I think that's pretty much as I
10 understand the nature of the issues, that's what
11 we're dealing with.

12 MS. KERR: Right. It's for Evergy
13 to provide a reason why it can't provide the
14 requested data to each set of the requested data.
15 The testimony of --

16 MS. MARTIN: Sarah Lange.

17 MS. KERR: Sarah Lange sets out
18 what data that we're asking for, and we did send
19 out a proposed procedural schedule back at the end
20 of August. Haven't heard back. So see if we can't
21 get that, get that going and see if we can't get
22 that hearing scheduled.

23 MR. HATCHER: Okay. I just want to
24 make sure. I think I picked up on this. We're
25 going to have direct testimony from the company

1 explaining about their data and then we will have
2 rebuttal testimony from staff? I don't want to get
3 too far into the weeds because I know that you guys
4 are going to basically decide this and I'm going to
5 approve it. But I just -- that was unusual. So I
6 just wanted to kind of note that.

7 MS. KERR: Yes.

8 MR. HATCHER: Okay. Nobody is
9 volunteering, so let's move on.

10 MS. KERR: Everyy is going to
11 provide direct testimony.

12 MR. HATCHER: Are there any other
13 things that you need me here for or the court
14 reporter before we excuse ourselves? I'll go ahead
15 and tell this on the record. What we'll do, Madam
16 Court Reporter, is you and I are going to get off
17 of the call here in just a couple of minutes. That
18 will end the on-the-record portion of this
19 procedural or prehearing conference. The parties
20 are going to stay on the line, and since I'm the
21 host, I have to remember not to end the meeting for
22 all of the parties. But I will then hang up just
23 for myself. The parties are then going to talk
24 more openly and without the judge there about
25 possible negotiations or issues or all kinds of

1 neat details.

2 To the parties, you guys, with the
3 exception of Ms. Martin, are pretty familiar with
4 what I look for in a procedural schedule. But I'll
5 go ahead and go over it real quick. First and
6 foremost, I'm looking for a joint statement of
7 facts. I love those things. They provide those
8 little incidental facts that I don't tend to find
9 in the record. That's assuming if we get to a
10 decision. We want to make sure and count 10
11 business days for any transcripts. We want to make
12 sure we schedule at least one settlement
13 conference. I love a good kumbaya meeting.

14 I can't think of anything else. It
15 sounds like this one might have a little bit
16 different procedures, so I'll make sure and keep
17 that in mind. Anything that you need me to do,
18 make sure you put it in a footnote or send me an
19 e-mail, hey, Judge, we need you to procedurally do
20 this. I can't think of anything else. So I'm
21 going to throw it open. Anything else before we
22 end the official on the record part?

23 MS. KERR: If I can just kind of
24 clarify something earlier.

25 MR. HATCHER: Yes.

1 MS. KERR: This is -- what
2 Mr. Fischer had said earlier, this is the result of
3 an agreement that Evergy made, and the Commission
4 orders the approval of the stipulation. Then
5 Evergy hasn't provided individual estimates of the
6 cost to provide a set of requested data. So their
7 motion could have included the direct testimony.
8 It didn't. So that's why -- so we're asking --
9 that's why the direct testimony is going to be
10 included as part of the procedural -- as the
11 initial testimony. So we're going to start with
12 the direct testimony, and then staff is going to
13 provide rebuttal and go from there.

14 MR. HATCHER: I think that will be
15 fine.

16 MS. KERR: Okay.

17 MR. HATCHER: No. And I appreciate
18 that.

19 MS. KERR: Sure.

20 MR. OPITZ: Judge, this is Tim
21 Opitz for MECG. I was able to join and did not
22 introduce myself.

23 MR. HATCHER: Okay.

24 MR. OPITZ: So wanted you to know
25 that I was here.

1 MR. HATCHER: Thank you. Madam
2 Court Reporter, Tim Opitz, O-P-I-T-Z, and he is
3 counsel for the initials are MECG. That stands for
4 Midwest Energy Consumers Group.

5 I will open it to Ms. Martin or
6 Mr. Fischer, any other comments before I close it
7 out?

8 MS. MARTIN: I don't know how
9 important this is. But the information that this
10 is about is listed in the docket sheet, or in the
11 -- excuse me. Not the docket sheets. In the case
12 I think it was ER-2023-0129 and ER-2023-0130 for
13 the direct testimony of Sarah Lange.

14 MR. HATCHER: Yes.

15 MS. MARTIN: It's on page 3 through
16 5 and page 61 through 63.

17 MR. HATCHER: Ms. Martin, the
18 Office of Public Counsel's long history of being
19 very helpful during these matters, you have been
20 very helpful in providing that citation. I
21 appreciate that.

22 MS. MARTIN: You're welcome.

23 MR. FISCHER: Any other -- any
24 other issues, Mr. Fischer?

25 MR. FISCHER: I really don't have

1 any, Judge. I'm going to suggest a procedural
2 schedule that might have a hearing like January
3 25th and 26th. I was going to ask if you had any
4 calendar problems with that?

5 MR. HATCHER: That's right. I have
6 been using the word slow walk, and that's probably
7 a little pejorative. But you had -- the company
8 had requested that the Commission be aware of the
9 close of the summer season and the onset of the TOU
10 rates. So is January the late date we were
11 thinking about?

12 MR. FISCHER: Well, we need to talk
13 with the parties. But I think generally from my
14 perspective the staff schedule may be just a little
15 bit too quick. But we could live with most things.
16 If we slip it a month that would put us a hearing
17 date the last week in January. I was just curious
18 whether that was available for you to hear the
19 case?

20 MR. HATCHER: I have the calendar
21 up and in front of me. The last week in January is
22 a Tuesday and a Wednesday. That's the 30th and
23 31st. I am open. I also have the official
24 Commission calendar open, and I do not see anything
25 on that.

1 MR. FISCHER: I guess the previous
2 week, the 25th and 26th of January, are you open
3 then?

4 MR. HATCHER: Yes. I just hit the
5 back scroll. Also the same.

6 MR. FISCHER: Okay.

7 MR. HATCHER: Open for all of us.

8 MR. FISCHER: That's all I needed.

9 MR. HATCHER: Then I'm going to
10 talk slowly so somebody can raise -- wave their
11 hands or yell if they need me to stop. Otherwise,
12 we're going to go ahead and close this procedural
13 conference. Yes, we are. Let's go off the record.

14 (Hearing concluded at 2:13 p.m.)

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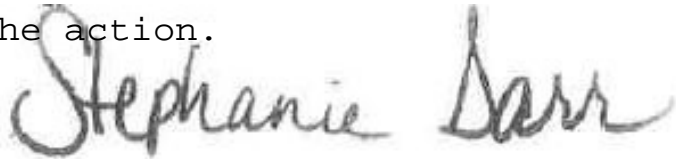
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NOTARIAL CERTIFICATE

I, Stephanie D. Darr, Certified Court Reporter and a duly commissioned Notary Public within and for the State of Missouri, do hereby certify that the record was taken by me to the best of my ability and thereafter reduced to typewriting under my direction; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this record was made, and further that I am not a relative or employee of any attorney or counsel employed by the parties thereto, nor financially or otherwise interested in the outcome of the action.



Stephanie D. Darr, CCR 827

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