

**STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION**

At a session of the Public Service Commission held at its office in Jefferson City on the 18<sup>th</sup> day of October, 2023.

In the Matter of the Fifth Prudence Review )  
of Costs Subject to the Commission- ) **File No. EO-2023-0276**  
Approved Fuel Adjustment Clause of )  
Evergy Metro, Inc. d/b/a Evergy Missouri )  
Metro )

In the Matter of the Eleventh Prudence )  
Review of Costs Subject to the ) **File No. EO-2023-0277**  
Commission-Approved Fuel Adjustment )  
Clause of Evergy Missouri West, Inc. d/b/a )  
Evergy Missouri West )

**ORDER SETTING PROCEDURAL SCHEDULE  
AND DELEGATION OF AUTHORITY**

Issue Date: October 18, 2023

Effective Date: October 18, 2023

On March 3, 2023, the Commission's Staff (Staff) filed notices that it started prudence audits of the fuel adjustment clause established for Evergy Metro, Inc. d/b/a Evergy Missouri Metro, and separately for Evergy Missouri West, Inc. d/b/a Evergy Missouri West (together "Evergy"). Staff recommended that the Commission order adjustments. Evergy Missouri Metro and Evergy Missouri West each filed a request for hearing in its respective case. In File No. EO-2023-0277, the Office of the Public Counsel (OPC) filed its own request for hearing.

On October 6, the Staff of the Commission (Staff), on behalf of all parties, filed a proposed procedural schedule. As the filing is unopposed, the Commission finds it reasonable and will order the schedule as requested, with the addition of setting a time for settlement discussions and subtraction of expedited transcripts.

Expedited transcripts will need a rationale, and can be ordered at a later time. The parties are free to file such a motion.

**THE COMMISSION ORDERS THAT:**

1. The following procedural schedule is established:

|                     |   |
|---------------------|---|
| November 14, 2023   | Direct Testimony  |
| December 14, 2023   | Rebuttal Testimony  |
| December 14, 2023   | Data Request (DR) Response time changes from 20 days to 10 days |
| January 18, 2024    | Surrebuttal Testimony   |
| January 21-23, 2024 | Settlement Discussions  |
| January 23, 2024    | List of Issues, List and Order of Witnesses                     |
| January 31, 2024    | Statements of Position  |
| February 5-9, 2024  | Evidentiary Hearing   |

2. The Commission shall hold an evidentiary hearing on February 5-9, 2024. The hearing will begin at 10:00 a.m. on the first day. The hearing shall be held at the Commission's office at the Governor Office Building, Room 310, 200 Madison Street, Jefferson City, Missouri. This building meets accessibility standards required by the Americans with Disabilities Act. If an accommodation is needed to participate in this hearing, please call the Public Service Commission's Hotline at 1-800-392-4211 (voice) or Relay Missouri at 711 before the hearing.

### ***Discovery and Procedural Requirements***

3. All parties must comply with the requirements of Commission Rule 20 CSR 4240-2.130 for prepared testimony, including the requirement that testimony be filed on line-numbered pages.

4. Workpapers prepared in the course of developing a witness' testimony (including schedules) and exhibits shall not be filed with the Commission, but shall be submitted to each party within two (2) business days following the filing of the particular testimony, unless a party has indicated that it does not want to receive some or all of the workpapers. Workpapers containing confidential information shall be appropriately marked. If there are no workpapers associated with testimony, the party's attorney shall so notify the other parties within the time allowed for providing those workpapers.

5. The parties shall provide all workpapers, in electronic format, whenever feasible, within two business days following the date on which the related testimony is filed. Workpapers containing confidential information shall be appropriately marked pursuant to Commission Rule 20 CSR 4240-2.135. If there are no workpapers associated with testimony, the party's attorney shall so notify the other parties within the time allowed for providing those workpapers.

6. Where workpapers or data request responses include models or spreadsheets or similar information originally in a commonly-available format where inputs or parameters may be changed to observe changes in inputs or outputs, if available in that original format, the party providing the workpaper or response shall provide this type of information in that original format with formulas intact.

7. All parties shall provide copies of testimony, schedules, exhibits, and pleadings to other counsel of record by electronic means and in electronic form essentially concurrently with the filing of such testimony, schedules, exhibits, or pleadings where the information is available in electronic format. The parties shall not be required to put information that does not exist in electronic format into electronic format for purposes of exchanging it.

8. Public documents filed in EFIS shall be considered properly served by serving the same on counsel of record for all other parties via e-mail. The parties agree confidential documents may be obtained from EFIS and so agree not to serve those documents via email.

9. Although not all parties may agree upon how each issue should be described or on whether a listed issue is, in fact, a proper issue in this case, the parties shall agree upon and file a list of the issues to be heard, the witnesses to appear on each day of the hearing, the order in which they will be called, and the order of cross-examination for each witness. The list of issues should be detailed enough to inform the Commission of each issue that must be resolved. The Commission will view any issue not contained in this list of issues as not requiring resolution by the Commission.

10. For the Statements of Position, each party shall file a simple and concise statement summarizing its position on each disputed issue, including citations to pre-filed testimony supporting its position.

11. All pleadings, briefs, and amendments shall be filed in accordance with Commission Rule 20 CSR 4240-2.080. Briefs shall follow the same list of issues as filed

in the case and must set forth and cite the proper portions of the record concerning the remaining unresolved issues that are to be decided by the Commission.

12. If testimony or documents are prefiled and served upon the parties before a hearing, a party need only provide a copy of the testimony or document to the court reporter for marking as an exhibit. If not prefiled and served upon the parties, then a party who has a document marked for use at the hearing shall have sufficient copies of the document to provide a copy, not only to the court reporter, but also to each of the Commissioners, the presiding officer, and counsel for each other party.

13. Exhibit numbers are assigned as follows:

|         |  |
|---------|--|
| 1-99    | Evergy or Evergy Missouri Metro<br>(File No. EO-2023-0276)             |
| 100-199 | Evergy or Evergy Missouri West<br>(File No. EO-2023-0277)              |
| 200-299 | Staff  |
| 300-399 | OPC  |
| 400-499 | MECG (File No. EO-2023-0276)   |
| 500-599 | Missouri Industrial Energy Consumers (MIEC)<br>(File No. EO-2023-0276) |
| 600-699 | Google LLC (File No. EO-2023-0276)                                     |
| 700-799 | Renew Missouri (File No. EO-2023-0276)                                 |
| 800-899 | Sierra Club (File No. EO-2023-0276)                                    |
| 900-999 | ChargePoint, Inc. (File No. EO-2023-0276)                              |

Exhibits shall be marked as set forth in Commission Rule 20 CSR 4240-2.135(10)(C); for example, “Exhibit 2” is public, whereas “Exhibit 2C” is the confidential version.

14. Each party shall prepare a list of its pre-filed, pre-marked exhibits and submit a copy of that list to EFIS no later than February 1, 2024. Exhibits that may be offered during cross-examination, but which have not been pre-filed, need not be included on the list. However, when those documents are offered during the hearing, they will be assigned a number from that party's number group.

15. Unless otherwise ordered, opening statements are set at a maximum of 15 minutes per party for a general case overview, and mini-opening statements addressing individual issues shall be no more than 10 minutes per party.

### ***Data Requests and Delegation of Authority***

16. Regarding Data Requests:

a) Until Rebuttal Testimony is filed on December 14, 2023, the response time for all data requests shall be twenty (20) calendar days, with ten (10) calendar days to object or notify the requesting party that more than twenty (20) calendar days will be needed to provide the requested information.

b) Beginning December 14, 2023, the response time for data requests shall be ten calendar days to provide the requested information and five business days to object or notify the requesting party that more than ten calendar days will be needed to provide the requested information.

c) If a data request has been responded to, a party's request for a copy of the response shall be timely responded to, considering that the underlying data request has already been responded to.

d) Data requests sent after 5:00 p.m. on Monday-Friday or on a weekend or state/federal holiday, will be considered served on the next business day.

e) The Parties shall make an effort to not include in data request questions confidential information, and the Parties shall make an effort not to over-designate information as confidential. If confidential information must be included in data request questions, the confidential information should be appropriately designated as such, pursuant to 20 CSR 4240-2.135. Responsibility to make this designation is upon the Party claiming

such. Other Parties are entitled to rely on the presence or absence of such designation.

f) Any data requests issued to or by Staff shall be submitted and responded to in the Commission's Electronic Filing and Information System (EFIS) pursuant to 20 CSR 4240-2.090(2)(H). All data requests other than those issued to or by Staff, as well as all objections to data requests, or notifications of the need for additional time to respond, shall be sent by email to counsel for the other parties. If a party desires the response to a data request that has been served on another party, the party desiring a copy of the response must request, in writing, a copy of the response from the party answering the data request, thereby providing the responding party the opportunity to object. Counsel may designate other personnel to be added to the service list for data requests, but shall assume responsibility for compliance with any restrictions on confidentiality. If any party responds to a data request in EFIS, the response is available in EFIS to all counsel on the certified service list. Data request responses, other than responses to data requests in EFIS, shall be served on counsel for the requesting party, unless waived by counsel, and on the requesting party's employee or representative who submitted the data request, and shall be served electronically, if feasible and not voluminous as defined by Commission rule. In the case of responses to data requests Staff issues, Everygy shall also submit the responses to Staff data requests in EFIS, if feasible, or in electronic format on compact disc or by other means agreed to by Staff counsel, if infeasible.

g) Discovery conferences will be held as necessary, beginning at 10:00 a.m., at the Commission's office at the Governor's Office Building, 200 Madison Street, Jefferson City, Missouri, with remote connectivity via Webex to be provided upon any Party's request.

h) Any party that has a discovery disagreement or concern involving another party shall file a request for a discovery conference, including a brief statement describing the disagreement or concern and identifying any other parties involved. Such statement does not need to be a formal motion to compel. Any party may attend a discovery conference, but only those parties involved in an identified discovery disagreement must attend.

i) Discovery conferences shall be recorded and shall be transcribed by a court reporter upon the request of any party.

j) Any pending written discovery motion may be taken up at a discovery conference and may be ruled upon by the presiding regulatory law judge either on the record, or in a written order.

k) Commission Rule 20 CSR 4240-2.090's requirement that a party must seek a telephone conference with the presiding officer before filing a discovery motion is waived.

17. This order shall be effective when issued.



**BY THE COMMISSION**

*Nancy Dippell*

Nancy Dippell  
Secretary

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

Hatcher, Senior Regulatory Law Judge

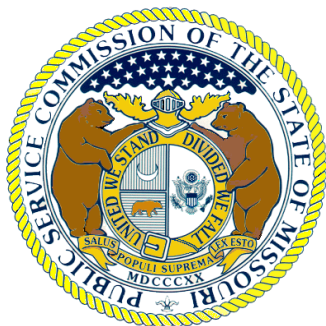


**STATE OF MISSOURI**

**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 18<sup>th</sup> day of October, 2023.**



*Nancy Dippell*  
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**Nancy Dippell**  
**Secretary**

**MISSOURI PUBLIC SERVICE COMMISSION**

**October 18, 2023**

**File/Case No. EO-2023-0276 and EO-2023-0277**

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

*Sincerely,*



**Nancy Dippell  
Secretary**

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Recipients listed above with a valid e-mail address will receive electronic service. Recipients without a valid e-mail address will receive paper service.