

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service Commission held at its Office in Jefferson City, Missouri on the 3rd day of November, 2021.

In the Matter of the Application of The)
Empire District Electric Company d/b/a)
Liberty to Implement Robust and)
Mutually-Beneficial Energy Efficiency)
Offerings Under the Framework)
Prescribed by MEEIA)

File No. EO-2022-0078

ORDER DENYING EVERGY'S APPLICATION TO INTERVENE

Issue Date: November 3, 2021

Effective Date: November 3, 2021

On September 15, 2021, the Empire District Electric Company d/b/a Liberty filed tariff sheets and an application seeking the Commission's approval to establish a Demand Side Investment Mechanism under the Missouri Energy Efficiency Investment Act (MEEIA). The Commission issued an order directing notice, and setting a deadline of October 22, 2021, for requests to intervene.

On October 8, 2021, Evergy Missouri Metro and Evergy Missouri West (collectively "Evergy") filed an application to intervene. The Office of the Public Counsel (OPC) filed a pleading opposing Evergy's application to intervene on October 15, 2021. OPC argues that Evergy's application to intervene fails to satisfy the requirements of Commission Rule 20 CSR 4240-2.075.

OPC's opposes Evergy's application to intervene because Evergy does not have an interest that may be adversely affected, and Evergy's intervention does not serve the public interest. OPC asserts that Evergy does not have an interest under Commission Rule 20 CSR 4240-2.075(3)(A), because a MEEIA order applicable to Liberty is not

binding on Evergy. OPC asserts that the Commission cannot grant Evergy's intervention under Commission Rule 20 CSR 4240-2.075(3)(B), because Evergy did not plead that its intervention would serve the public interest.

Applications to intervene are governed by Commission Rule 20 CSR 4240-2.075, which states in relevant part:

(2) A motion to intervene or add new member(s) shall include:

(E) A statement of the proposed intervenor's or new member's interest in the case and reasons for seeking intervention or to be added; and

(F) A statement as to whether the proposed intervenor or new member supports or opposes the relief sought or that the proposed intervenor or new member is unsure of the position it will take.

(3) The commission may grant a motion to intervene or add new member(s) if—

(A) The proposed intervenor or new member(s) has an interest which is different from that of the general public and which may be adversely affected by a final order arising from the case; or

(B) Granting the proposed intervention would serve the public interest.

On October 25, 2021, Evergy replied to OPC's opposition. Evergy is concerned that Staff and OPC's arguments in the Liberty case will be similar to the arguments raised in Evergy's last MEEIA 3 case and could establish regulatory policies inconsistent with what was approved in Evergy's MEEIA Cycle 3. Evergy believes this will adversely affect Evergy's future plans for energy efficiency and demand-side management programs.

OPC filed a response to Evergy's reply on October 25, 2021. OPC reiterates that Evergy would attempt to litigate an issue in this case relevant to Evergy's MEEIA, and not issues relevant to Liberty's MEEIA.

Evergy may have an interest in this MEEIA case that differs from that of the general public, but it has not articulated an interest that may be adversely affected by a final order in this case. This case does not establish regulatory policy, as Evergy argues, and any order in this case would not be binding on this or any future Commission when making decisions regarding Evergy's MEEIA cycles. Evergy's application states that it will assist in creating a record for the Commission's decision in this case. The Commission does not find that Evergy assisting with the record serves the public interest, because the existing parties (Liberty, the Commission's Staff, OPC, the Missouri Division of Energy, the National Housing Trust, and Renew Missouri Advocates d/b/a Renew Missouri) will create a sufficient record.

Evergy states that it expects to support or not oppose the overall relief requested by Liberty. However, OPC points out that allowing Evergy to intervene in this case would allow it to oppose settlements and challenge issues, which could slow and hamper this proceeding. OPC additionally adds that Evergy would attempt to litigate an issue in this case that is relevant to what Evergy wants for its MEEIA, and not an issue that is relevant to Liberty. The Commission again reiterates that no final Liberty MEEIA order would be binding on a future Commission or Evergy's MEEIA. Evergy's intervention to litigate issues that would be unaffected by a final Commission order does not serve the public interest.

Evergy has not articulated an interest that may be adversely affected by a final order and its intervention does not serve the public interest. Therefore, Commission Rule 20 CSR 4240-2.075(3) does not justify allowing Evergy to intervene. If Evergy wants to be heard on some item of interest to the larger utility community, it may seek leave to file an amicus brief to bring its concerns to the Commission's attention.

The Commission will deny Evergy's application to intervene.

THE COMMISSION ORDERS THAT:

1. Evergy Missouri Metro and Evergy Missouri West's application to intervene is denied.
2. This order shall be effective when issued.



BY THE COMMISSION

A handwritten signature in black ink that reads "Morris L. Woodruff".

Morris L. Woodruff
Secretary

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

Clark, 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 3rd day of November, 2021.




Morris L. Woodruff
Secretary

MISSOURI PUBLIC SERVICE COMMISSION

November 3, 2021

File/Case No. EO-2022-0078

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
101 Madison Street, Suite 400
Jefferson City, MO 65101
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
101 Madison Street, Suite 400
Jefferson City, MO 65101
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
David Woodsmall
308 E. High Street, Suite 204
Jefferson City, MO 65101
david.woodsmall@woodsmalllaw.com

Missouri Division of Energy
Ryan P Conway
1101 Riverside Dr.
PO Box 176
Jefferson City, MO 65102
ryan.conway@dnr.mo.gov

Missouri Public Service Commission
Nicole Mers
200 Madison Street, Suite 800
P.O. Box 360
Jefferson City, MO 65102
nicole.mers@psc.mo.gov

National Housing Trust
Andrew J Linhares
3115 S. Grand Ave
Suite 600
St. Louis, MO 63118
Andrew@renewmo.org

Renew Missouri
Alissa Greenwald
2705 McGee Trfwy, Apt. 3209
Kansas City, MO 64108-3910
alissa@renewmo.org

Renew Missouri
Tim Opitz
409 Vandiver Dr Building 5, Suite 205
Columbia, MO 65202
tim@renewmo.org

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 "Morris L. Woodruff". The signature is written in a cursive style with a large, prominent "M" and "W".

**Morris L. Woodruff
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.