

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

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)

Case No. EO-2022-0078

**Response to Evergy’s Reply to the
OPC’s Motion to Deny Evergy Intervention**

COMES NOW the Office of the Public Counsel (“OPC”) and states:

1. Evergy’s response to the OPC’s motion to deny Evergy’s intervention request does not provide any new argument or analysis that the Commission was not aware of when it denied Evergy intervention in Empire and Ameren’s rate cases. Nothing has changed that would lead this Commission to reach a different conclusion in its interpretation of 20 CSR 4240-2.075. Evergy’s claim that this case would “establish regulatory precedent and policies that will directly and adversely affect Evergy’s future plans” was already rejected by the Commission as inconsistent with the law. Moreover, Evergy does not provide a single example of this ever occurring in a MEEIA case or any other case.

2. Evergy’s arguments that it must be allowed to intervene to protect its interests clearly indicates that Evergy *would* seek to challenge a settlement agreement and/or order, despite the fact that nothing in Empire’s

MEEIA case would or could threaten or alter Evergy's MEEIA in any way. Evergy's insistence on intervening in this case suggests 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 Empire.

3. The Commission should ignore Evergy's misleading claims that the OPC has been oppositional to Evergy's MEEIA. Evergy has been through three MEEIA applications, three market potential studies, seven evaluation, measurement and verifications, and seven prudency reviews. Of these twenty opportunities to challenge aspects of Evergy's MEEIA, OPC raised public interest concerns in one application and one prudency audit.

4. Lastly, the OPC, Empire and the Commission's Staff engaged in discussions regarding a portfolio of MEEIA programs for Empire well before Empire filed its MEEIA application, and the OPC anticipates the parties will soon file a settlement agreement for a set of MEEIA programs. Evergy's input is not needed and could only work to negate the work done to date, and needlessly delay Empire from beginning MEEIA programs if Evergy challenges programs that may be right for Empire but not consistent with Evergy's vision of its own MEEIA programs.

WHEREFORE, the Office of the Public Counsel respectfully files this response and renews its request to deny intervention to Evergy.

Respectfully submitted,

OFFICE OF THE PUBLIC COUNSEL

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed, emailed or hand-delivered to all counsel of record this 25th day of October 2021.

/s/ Marc Poston
