

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

In the Matter of the Establishment of a )  
Working Case Regarding FERC Order 2222 ) File No. EW-2021-0267  
Regarding Participation of Distributed Energy )  
Resource Aggregators in Markets Operated )  
By Regional Transmission Organizations and )  
Independent System Operators )

**MOTION FOR CLARIFICATION**

COMES NOW, Evergy Metro, Inc. d/b/a as Evergy Missouri Metro (“Evergy Missouri Metro”) and Evergy Missouri West, Inc. d/b/a Evergy Missouri West (“Evergy Missouri West”) (collectively, “Evergy” or the “Company”) and, for their *Motion for Clarification* (“Motion”), state as follows:

1. On October 12, 2023, the Missouri Public Service Commission (“Commission”) issued its *Order Partially Modifying the Commission’s 2010 Order Regarding ARCs* (“Order”).

2. In the Order, the Commission modified the 2010 Order to allow commercial and industrial (“C&I”) customers of Commission-jurisdictional electric utilities with demands of 100 kilowatts (“kW”) or greater to transfer demand response load reductions to regional transmission organizations (“RTO”) markets directly or through third-party aggregator of retail customers (“ARCs”) under the specific conditions of:

a. A customer with multiple sites under the same corporate ownership may aggregate multiple sites within an electric utility’s service area to meet the minimum size requirement of 100 kW.

b. The modification allowing C&I customers to participate in wholesale demand response programs does not include C&I customers participating in retail demand response programs.

c. Order is effective December 11, 2023.

3. The Commission acknowledges that the partial modification will assist all stakeholders in developing a policy framework for ARCs going forward.<sup>1</sup> Evergy wholeheartedly endorses this implication that a regulatory and utility policy framework will be created in Missouri in anticipation of FERC 2222. Decisions on several important topics remain open that pertain to both ARC participation and to policies that will be implemented under FERC 2222 (such as concerns to address dual participation, double counting, and double compensation).

4. Evergy appreciates that the Commission acknowledges that “the partial modification of the 2010 Order will allow for the Commission and utilities to gain valuable experience with ARCs as FERC moves toward implementation of Order No. 2222”<sup>2</sup> and that the Commission further reinforces that the partial modification is intended to minimize the impact and burdens on utilities.<sup>3</sup>

5. As noted above, the Order was provided on October 12, 2023, with an effective date of December 11, 2023, which is an approximate eight-week timeframe for the retail utilities to prepare for the partial modification of the opt-out provision, which had been in place for over a decade. It will be important for the retail utilities to review business processes as well as all tariffs for modification and submit tariffs in the future for Commission approval as appropriate.

6. Evergy seeks to clarify the Commission’s statement that “Missouri’s utilities are utilizing Green Button functionality that should allow for secure transfer of customer data to third parties.”<sup>4</sup>

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<sup>1</sup> File No. EW-2021-0267, Order Partially Modifying the Commission’s 2010 Order Regarding ARCs.

<sup>2</sup> See, *Order Partially Modifying the Commission’s 2010 Order Regarding ARCs*, Page 6. Docket No. EW-2021-0267; October 12, 2023.

<sup>3</sup> File No. EW-2021-0267, Order Partially Modifying the Commission’s 2010 Order Regarding ARCs, Page 7.

<sup>4</sup> File No. EW-2021-0267, Order Partially Modifying the Commission’s 2010 Order Regarding ARCs, Page 8.

7. While Evergy has adopted the Green Button platform, the Green Button capabilities are only available to residential and small and medium business customers<sup>5</sup>. Therefore, Evergy will continue to utilize its Customer Data Authorization form as necessary for those C&I customers that cannot access the Green Button functionality.

8. The Company also seeks clarification on the following:

- a. Does the partial modification restrict a *unique customer* from dual participation in the wholesale market and retail utility programs, or is the partial modification restricting a *customer's load* from dual participation?
- b. What is the definition of “same corporate umbrella?”
- c. Does the “same utility service area” mean that Evergy Missouri West and Evergy Missouri Metro are treated separately, or as Evergy Missouri jointly?
- d. Does the partial modification provide market participation access to customers that may be on a special contract rate (specifically “SIL” tariff in Evergy territories) that prevents the customer from participation in demand response programs?
- e. Does the Order allow for the continuation of Evergy’s Market Based Demand Response tariff (“MBDR”) that allows for customers who participate in the retail Business Demand Response (“BDR”) tariff program to also bid into the wholesale market for energy and ancillary services?

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<sup>5</sup> File No. EW-2021-0267, Evergy Missouri Metro’s and Evergy Missouri West’s Response to Order Regarding an Opportunity for Additional Comments, order Scheduling workshop and Notice of LBNL Report, Page 17.

- f. Does the Order allow for movement between retail and wholesale demand response programs at any time or is there only specific times or terms of either intended?

Pending the Commission responses to these clarification questions, the Company will work through updates to appropriate tariffs as well as proposals for customer processes related to market participation, market registration and aggregator coordination.

**WHEREFORE**, The Company submits this Motion for consideration by the Commission and requests clarification on the above items.

Respectfully submitted,

*/s/ Roger W. Steiner*

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Roger W. Steiner, MBN 39586  
Phone: (816) 556-2314  
E-mail: [roger.steiner@evergy.com](mailto:roger.steiner@evergy.com)  
Evergy, Inc.  
1200 Main – 16<sup>th</sup> Floor  
Kansas City, Missouri 64105  
Fax: (816) 556-2787

**Attorney 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 all counsel for Staff and the Office of the Public Counsel on this 8<sup>th</sup> day of November 2023 via e-mail.

*/s/ Roger W. Steiner*