

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

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

STAFF’S RESPONSE TO THE MOTION FOR CLARIFICATION

COMES NOW the Staff of the Missouri Public Service Commission, by and through counsel, and in response to the Commission’s November 13, 2023, *Order Setting Time for Responses* hereby submits its Response to the Motion for Clarification as follows:

1. On October 12, 2023, the Commission issued an Order Partially Modifying the Commission’s 2010 Order (“Order”) Regarding Aggregator of Retail Customers (“ARCs”).

2. On November 7, 2023, Evergy Missouri Metro, Inc. (“Evergy Metro”) and Evergy Missouri West, Inc. (“Evergy West”), jointly filed a motion for clarification of the Commission’s Order. Evergy Metro and Evergy West’s Motion included eight questions for clarification. *Motion ¶ 8, a – f.*

3. On November 13, 2023, The Commission issued an *Order Setting Time For Responses* and ordered that any interested stakeholder wishing to respond to the motion for clarification shall do so no later than November 27, 2023.

4. Staff’s response to Evergy Metro and Evergy West’s Motion for Clarification, specifically Paragraphs 8 (a) – (f) is as follows:

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?

Staff Response: The Order states in pertinent part that: “In addition, this modification allowing C&I customers to participate in wholesale demand response programs *does not include* C&I customers participating in retail demand response programs. The Commission will continue to evaluate dual participation for future consideration.” *Emphasis added, Order, Pg. 5.* The language from the Order is clear that no dual participation is allowed at this time.

b. What is the definition of “same corporate umbrella?”

Staff Response: The meaning of same corporate umbrella is set forth on page 5 of the Order, which states: “A customer with multiple sites under the same corporate ownership may aggregate multiple sites within an electric utility’s service area to meet this minimum size requirement.”

c. Does the “same utility service area” mean that Evergy Missouri West and Evergy Missouri Metro are treated separately, or as Evergy Missouri jointly?

Staff Response: No clarification is warranted, as Evergy Metro and Evergy West are considered different or separate utility companies that have different service areas.

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?

Staff Response: The Order clearly states that no dual participation is allowed at this time, as set forth in Staff’s response above in paragraph 4(a).

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?

Staff Response: The Order clearly states that no dual participation is allowed at this time, as set forth in Staff's response above in paragraph 4(a).

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?

Staff Response: Staff recommends this should only be considered in utility tariff filings.

WHEREFORE, for the reasons stated above, Staff respectfully requests the Commission accept Staff's responses to Evergy Metro and Evergy West's Motion for Clarification and find accordingly.

Respectfully submitted,

/s/ J. Scott Stacey

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**Attorney for the Staff of the
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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been transmitted by electronic mail to counsel of record this 27th day of November, 2023.

/s/ J. Scott Stacey