

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service Commission held at its office in Jefferson City on the 13th day of December 2023.

In the Matter of the Establishment of a)
Working Case Regarding FERC Order 2222)
Regarding Participation of Distributed)
Energy Resource Aggregators in Markets)
Operated by Regional Transmission)
Organizations and Independent System)
Operators)

File No. EW-2021-0267

ORDER GRANTING CLARIFICATION

On November 8, 2023, Evergy Missouri Metro, Inc. d/b/a Evergy Missouri Metro (Evergy Metro) and Evergy Missouri West, Inc. d/b/a Evergy Missouri West (Evergy West) (collectively, Evergy) filed a *Motion for Clarification* regarding the Commission's *Order Partially Modifying the Commission's 2010 Order Regarding ARCs* (Order) filed in this docket on October 12, 2023.

The Commission's Staff, along with Voltus, Inc. and Enerwise Global Technologies, LLC, d/b/a CPower filed responses to Evergy's motion. In its response, Voltus concurred with Evergy that clarification of some of the points raised by Evergy would be helpful to Voltus' understanding and application of the Commission's Order. On November 29, 2023, the Commission issued an order extending the effective date of its partial modification Order to January 1, 2024, so that the Commission may have time to consider Evergy's motion and the responses. The Commission will provide clarification to the questions raised in Evergy's motion.

Secure Transfer of Customer Data

The Commission stated in its Order that “Missouri’s utilities are utilizing Green Button functionality that should allow for secure transfer of customer data to third parties.” However, Evergy stated in its motion that “[w]hile Evergy has adopted the Green Button platform, the Green Button capabilities are only available to residential and small and medium business customers. 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.” The Commission understands that while each of the utilities has made commitments to implement Green Button functionality, the level of adoption may be varied, not currently available to all customer segments, and at different stages of implementation.

Missouri’s utilities should take the steps necessary to ensure they are meeting their commitments to implement data sharing protocols in compliance with applicable standards (e.g., Green Button) and making available the capabilities the platform offers and that all applicable customers under the Order have some means to securely transfer their customer data to third parties. Additionally, the Commission will direct its Staff to review, no later than during each electric utility’s next general rate case, each electric utility’s Green Button implementation progress and any alternative practices for allowing customers to securely transfer their data to third parties to ensure they are sufficient to meet customer needs.

Dual Participation

As stated in the Commission’s Order, “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.” Therefore, the Order restricts a unique customer from dual participation in both the wholesale market directly or through a third-party aggregator of retail customers (ARC) and retail utility programs. As further stated in the Order, however, the Commission will continue to evaluate dual participation for future consideration.

Same Corporate Umbrella

As stated in the Commission’s Order: “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.” The Commission clarifies that the aggregator must provide evidence to the utility and the Commission during the Regional Transmission Organization (RTO) registration process that demonstrates the corporate relationship of the customers at multiple sites being aggregated and is sufficient to allow the utility and the Commission to confirm the eligibility of the customers included in the aggregation during the RTO registration and review process. The demonstrative information may include, for example, documentation identifying which sites fall under a single billing address or corporate parent company.

Same Utility Service Area

As Staff noted in its response to Evergy’s motion, Evergy Metro and Evergy West operate in Missouri as separate utility companies with different service areas. Therefore, Evergy Metro and Evergy West will be treated as separate utilities under the Order.

Evergy’s Special Rate for Incremental Load Service (SIL) tariff

Evergy’s Special Rate for Incremental Load Service (SIL) tariff is designed to provide certain customers access to a special rate that is not based on the company’s

cost of service. The tariff currently provides that service under the SIL tariff may not be combined with, among other things, participation in programs related to demand response, unless otherwise ordered by the Commission when approving a contract for service under the SIL tariff. The Commission's Order only modifies the 2010 prohibition on ARCs and does not modify or change the terms of any utility tariff or any contract for service under the SIL tariff. However, the Commission will direct its Staff to review, in each electric utility's next general rate case, the SIL tariff and/or any other special rate tariffs with the same or similar prohibitions on customers participating in programs related to demand response, and recommend to the Commission whether such prohibitions are still reasonable and as narrowly tailored as possible to ensure that as many customers as possible have the option of participating in wholesale demand response programs through an ARC.

Evergy's Market Based Demand Response (MBDR) Program

Evergy's Market Based Demand Response Program (MBDR) is a utility program structured through Evergy's membership and participation in the Southwest Power Pool (SPP) that offers qualified business demand response participants an additional opportunity to participate with the utility in the SPP's wholesale energy market as described in Evergy's MBDR tariff. As explained above, the Commission's Order in this docket does not modify or change the terms of any utility tariff.

Movement Between Retail and Wholesale Demand Response Programs

Because the Order does not change or modify any utility tariff or currently effective contract, movement between retail and wholesale demand response programs continues to be governed by any relevant rules, tariffs or contracts. As Staff notes in its response,

the Commission may consider this issue in utility tariff filings. The Commission will direct its Staff to review any applicable tariffs in future proceedings to ensure that the tariff language clearly delineates when and under what conditions a customer can leave a utility demand response program.

THE COMMISSION ORDERS THAT:

1. Evergy's motion for clarification is granted as set out above.
2. This order shall be effective immediately upon issuance.



BY THE COMMISSION

Nancy Dippell

Nancy Dippell
Secretary

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

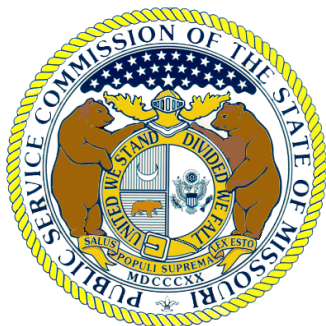
Dippell, Chief Regulatory Law Judge

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 13th day of December 2023.



Nancy Dippell

Nancy Dippell
Secretary

MISSOURI PUBLIC SERVICE COMMISSION

December 13, 2023

File/Case No. EW-2021-0267

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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**

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