

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

In the Matter of the Petition of Evergy Missouri West, Inc., d/b/a Evergy Missouri West for a Financing Order Authorizing the Financing of Qualified Extraordinary Storm Costs Through an Issuance of Securitized utility Tariff Bonds))))) Case No. EF-2022-0155

EVERGY MISSOURI WEST’S RESPONSE TO STAFF RECOMMENDATIONS

COMES NOW Evergy Missouri West, Inc. d/b/a Evergy Missouri West (“Evergy Missouri West,” “EMW,” or the “Company”) and states the following in response to Staff’s Recommendation regarding the Company’s proposed Securitized Utility Tariff Rider:

1. On November 16, 2023 Evergy Missouri West filed tariff compliance sheets that conformed to the Securitized Utility Tariff Rider tariff provisions that were attached as Appendix B to the Financing Order contained in the Commission’s Amended Report & Order that was issued on November 17, 2022, with an effective date of November 27, 2022. The Commission assigned these tariff sheets Tracking No. JE-2024-0070.

2. EMW filed the tariff compliance sheets after the Court of Appeals decision affirming the Amended Report & Order and the Financing Order (“Financing Order”)¹ became final and not subject to further appeals with the Court’s Mandate of November 15, 2023.² The filing of the tariff compliance sheets was required by Ordered Paragraph 8 of the Financing Order which stated: “Before the issuance of any securitized utility tariff bonds under this Financing Order, Evergy West must file compliance tariff sheets that conform to the form of the Securitized

¹ Evergy Missouri West, Inc. v. Office of Public Counsel, 676 S.W.3d 438, 2023 Mo. App. LEXIS 711 (Mo. App. W.D. 2023).

² See EFIS Item No. 170, Court of Appeals Mandate and Opinion, No. EF-2022-0155 (filed Nov. 15, 2023).

Utility Tariff Rider tariff provisions attached to this Financing Order [Appendix B], but with rate elements left blank.” See Ordered Paragraph 8, Amended Report & Order at 113.

3. Pursuant to the Commission’s November 17 and 30, 2023 orders that Staff provide a recommendation in response to the Company’s November 16, 2023 tariff filing, the Staff Recommendation was filed on December 29, 2023. The Recommendation stated that Staff “has reviewed the tariff sheets ... and has determined that they are in substantial compliance” with the Financing Order “to the extent possible prior to bond issuance.” See Staff Recommendation ¶ 6 at p. 2. It noted that information regarding rates and the date of recovery periods was not included as they are “not known at this time.” Id.

4. Given that the Securitized Utility Tariff Bonds have not been priced or issued, and the Securitized Utility Tariff Charge has not been determined, it was appropriate for EMW to omit such information. This was also consistent with the second sentence of Ordered Paragraph 8 which required Evergy Missouri West to file compliance tariff sheets that conformed to Appendix B of the Financing Order “but with rate elements left blank.”

5. Instead of providing a recommendation that supported the approval of the Company’s tariff filing, Staff provided three options. Option (1) recommended that the Commission issue an order finding that the tariff sheets were “in substantial compliance with the Financing Order ... but rejecting the tariff submission JE-2024-0070, and instructing Evergy to file a new tariff submission 5 business days prior to its desired effective date.” See Staff Recommendation ¶ 7(1). However, this recommendation is contrary to the Financing Order and would violate the Commission’s mandate to Evergy regarding the filing of pro forma tariffs “with rate elements left blank” in Ordered Paragraph 8.

6. Staff's Option (2) recommends that the Commission issue an order "finding the tariff sheets in substantial compliance with the Financing Order ... and approving the tariff submission JE-2024-0070." Evergy Missouri West agrees with this portion of Option (2). See Staff Recommendation ¶ 7(2). However, Option (2) goes on to recommend that the Commission "instruct Evergy" to take certain steps which it is already obligated to take under Ordered Paragraph 8 of the Financing Order. There is no need for the Commission to provide further instructions to the Company.

7. Finally, Staff offers an "alternative approach" that would include the Commission "further suspending the tariff sheets until March 1, 2024" and ordering other action which Staff concedes "is apparently inconsistent with the ordered language of Ordered Paragraph 8 of the Financing Order" See Staff Recommendation ¶ 7 at 3-4. Because the Financing Order contained in the Commission's Amended Report & Order is final and non-appealable, there is no legal or factual basis for the Commission to issue an order regarding the Company's proposed Securitized Utility Tariff Rider which would purport to modify the terms of the Financing Order.

8. Because the tariff compliance sheets submitted to the Commission by the Company conformed to the Securitized Utility Tariff Rider tariff provisions that were attached as Appendix B to the Financing Order, and fully comply with the second sentence of Ordered Paragraph 8, the Commission should approve the tariff submission, with its effective date of January 15, 2024, or simply allow it to become effective on that date.

WHEREFORE, Evergy Missouri West respectfully requests the Commission allow its tariff compliance sheets (No. JE-2024-0070) to become effective on January 15, 2024, or otherwise approve the proposed Securitized Utility Tariff Rider submitted on November 16, 2023.

/s/ Roger W. Steiner

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**ATTORNEYS FOR EVERGY MISSOURI
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CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of the foregoing document has been emailed or mailed, postage prepaid, to all counsel of record as reflected on the service list maintained by the Commission in its electric filing information system on this 5th day of January 2024.

/s/ Roger W. Steiner

Attorney for Evergy Missouri West, Inc.