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AUDIO RECORDING
IN RE: EVERGY METRO AND EVERGY MISSOURI WEST'S SOLAR
SUBSCRIPTION RIDER TARIFF
VOLUME I
CASE NO. ET-2024-0182
JANUARY 3, 2024

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TRANSCRIBED BY: MELISSA LANE

1 LAW JUDGE DIPPELL: Start recording, Emily.

2 All right. So we are meeting for a pre --
3 procedural conference. No hearing yet in ET-2024-0182
4 in the matter of Evergy Missouri -- Evergy Metro,
5 Inc., doing business as Evergy Missouri Metro, and
6 Evergy Missouri West, Inc., doing business as Evergy
7 Missouri West Solar subscription rider tariff filings.

8 I am Nancy Dippell, and I'm the regulatory
9 law judge assigned to this matter, and I'm going to
10 start by asking the attorneys to go ahead and make
11 entries of appearance.

12 Mr. Steiner.

13 MR. STEINER: Good morning. I ask -- I'm
14 having camera issues. Is it okay if I'm a disembodied
15 voice?

16 LAW JUDGE DIPPELL: That's fine.

17 MR. STEINER: Thank you.

18 Roger Steiner. I'm an attorney for Evergy,
19 and my address is 1200 Main Street, Kansas City,
20 Missouri 64105.

21 LAW JUDGE DIPPELL: And Mr. Graham.

22 MR. GRAHAM: Yeah. This is Paul Graham.
23 I'm the attorney for the staff on this case. I've got
24 several staff witnesses here that will be
25 participating in this because of the technical aspects

1 of what -- what's being presented today.

2 LAW JUDGE DIPPELL: Okay. And we don't
3 have anybody for public counsel at this time.

4 Oh, I'm sorry. Mr. Graham, were you about
5 to introduce who you had with you?

6 MR. GRAHAM: Oh. I'll introduce them as
7 they speak.

8 LAW JUDGE DIPPELL: Okay. So this is a
9 little -- a little different because I set this
10 conference to kind of figure out what's going on in
11 this and what -- how we need to proceed, and so I had
12 a few questions to start, and then I'll -- I'll let
13 you all speak as well.

14 So my first question is -- and I guess I'll
15 address this to Everyg to start, and then maybe staff
16 can give their opinion, but I -- I was confused at
17 first about why -- why the filing of the ET case and
18 the closing of the EO cases that was EO-2023-0423 and
19 0424, was that just to consolidate and get this under
20 a tariff number or were the EO cases originally open
21 for some other reason?

22 MR. STEINER: Yeah. Basically, Your Honor,
23 exact -- precisely we were -- the EO case had other
24 issues besides the tariff. There was the audit of the
25 (inaudible) solar project, and staff's audit was

1 complete and weren't any issues to address, but we
2 wanted to -- thought it would be cleaner if we had a
3 separate docket that just dealt with the tariff issues
4 with staff, and I'm not sure about the OPC, but I know
5 the staff has issues with the tariff, so we would just
6 have that proceeding with testimony, you know,
7 later -- rounds of testimony about the tariffs and
8 then (inaudible).

9 LAW JUDGE DIPPELL: Okay. So when this
10 case was filed, you were in -- anticipating that staff
11 was going to have issues or those issues just came up
12 after the filing?

13 MR. STEINER: In our discussions in the EO
14 docket and I think in testimony, too, staff indicated
15 they had some problems with the tariffs. So we knew
16 all along that that would be a -- the (inaudible)
17 commission that would have to deal with or settle it
18 or whatever, but we just wanted to get the audit
19 issues out because they're really different than the
20 tariff issues, so that's -- that's why we wanted a
21 separate docket.

22 LAW JUDGE DIPPELL: And Mr. Steiner, you're
23 cutting out just a little bit.

24 MR. STEINER: Sorry. Is that any better?

25 LAW JUDGE DIPPELL: Yeah. That -- that

1 sounds clearer.

2 MR. STEINER: I'm stepping away from the
3 mic a little bit.

4 LAW JUDGE DIPPELL: Yeah. And Mr. Graham,
5 do you agree -- is that staff's understanding of the
6 origins of this?

7 MR. GRAHAM: Ms. Lange, do you have
8 something that you need to add to this?

9 MS. LANGE: Yeah.

10 MR. GRAHAM: I do not.

11 MS. LANGE: This is Sarah Lange from
12 technical staff.

13 LAW JUDGE DIPPELL: Okay. I'll -- I'll
14 allow that so that we can get this background
15 information.

16 Go ahead, Ms. Lange.

17 MS. LANGE: Staff's understanding with the
18 conclusion of the EO cases is that Evergy was going to
19 address only the issue of participation of SSP
20 customers and time based rates in an ET filing and
21 that all other issues would be postponed until a
22 general rate case. So staff honestly is a bit
23 confused as to what is being filed where at this time.

24 LAW JUDGE DIPPELL: Okay. And then my --
25 well, my next question maybe goes to that -- that

1 point. In staff's memorandum at page 2 at the bottom
2 paragraph of appendix A, page 2, so Mr. Steiner, do --
3 do you agree with staff's statement that the -- that
4 the changes to accommodate billing SSR customers on
5 time based rate plans other than peak adjustment rate
6 plan that the -- that's what these tariffs are
7 designed to address is that implementation?

8 MR. STEINER: Your Honor, I don't have that
9 in front of me. I -- I -- I apologize. I don't think
10 I can answer it. I don't have any technical person
11 with me. I maybe misread or misunderstood. I thought
12 we were going to talk about a schedule with staff, so
13 I didn't bring any technical person with me, so I
14 just -- I don't think I can do justice to your
15 question at this time. I can --

16 LAW JUDGE DIPPELL: Okay.

17 MR. STEINER: I can take it back and submit
18 something, but I just -- I'm not able to answer that
19 off the top of my head.

20 LAW JUDGE DIPPELL: Can you just address in
21 general your understanding of what these tariffs were
22 filed to address?

23 MR. STEINER: We need a tariff for the
24 source subscription program to be approved or to be --
25 yeah. That's as deep as I can go.

1 LAW JUDGE DIPPELL: Okay. Okay. So in
2 staff's original filing, you had asked for an on the
3 record to get some information. Is -- are you still
4 thinking that that is necessary or --

5 MR. GRAHAM: Yes.

6 LAW JUDGE DIPPELL: -- can it just
7 proceed -- you said yes?

8 MR. GRAHAM: Yes. That's -- that's exactly
9 the next question that the commission should ask at
10 this point in these proceedings. It's an imperative,
11 Your Honor, and it's not only an imperative, it's
12 something we need to do yesterday. We need to do it
13 next week or very, very soon, and I'm going to let
14 Ms. Lange again address the particularities of that so
15 that the commission's uncertainty about some of these
16 things is -- is dispelled.

17 Can you speak to this, Sarah?

18 MS. LANGE: Yes. Briefly, Judge, what --
19 what we have here is, we are under the understanding
20 that Evergy cannot bill or its billing system is not
21 programmed and its current tariff does not contemplate
22 dealing with customers who are on time based rates who
23 are participating in the solar program. This is
24 outlined across three different dockets, as you're
25 aware, but every day that goes by customers are -- are

1 put between a rock and a hard place, so to speak.
2 Without getting in too deep into the merits, we just
3 need to resolve this as quickly as we can and -- and
4 that I think is going to be best accomplished with
5 live testimony where the commission -- you know, I
6 think the commission has indicated they have strong
7 feelings about time based rates. The commission, I
8 think, has strong based feelings about community
9 solar, and I think that just having a -- a session to
10 hash out what Evergy can do on what timeline, I can't
11 contemplate a way that we would do that absent and on
12 the record where the commission can frankly say, you
13 know, if we want this outcome, can you do it and can
14 you do it before summer billing period hits, and I --
15 I can't contemplate a way we can do that through
16 testimony and a series of orders. You know, I'm
17 afraid that if we -- if staff files a recommendation
18 to say, treat these customers this way, I think we
19 need Evergy's input on how long it will take them to
20 program their billing system to do that, and just that
21 back and forth will necessarily get us past the -- the
22 summer billing period beginning and possibly even the
23 date that the company has proposed in their tariff
24 which is next fall.

25 LAW JUDGE DIPPELL: I guess I'm still

1 trying to wrap my head around how -- how and on the
2 record that you make it sound as if it's going to be,
3 you know, basically just a conversation.

4 MS. LANGE: Understood. If I may perhaps,
5 I guess, clarify what I probably should have said to
6 begin with. To the extent that commissioners have
7 strong feelings about whether or not they would like
8 customers on various time based rate plans to be able
9 to participate, that information guides us in what we
10 need to include in the tariff. So if, for example,
11 commissioners do not feel it is important for
12 customers on perhaps the high differential time based
13 rates to participate and subscribe solar, then
14 different tariff work, different billing system needs
15 to be done than if commissions -- commissioners
16 believe it is very important for those customers to be
17 able to participate in the solar program, and I would
18 suspect the commissioners can demonstrate that
19 interest or lack of interest by either attending the
20 hearing and asking those questions or perhaps
21 e-mailing or providing you with questions in advance
22 directed towards that.

23 LAW JUDGE DIPPELL: Okay.

24 MR. STEINER: I'm not -- I'm not -- I don't
25 necessarily agree that on the record is needed if --

1 it sounds like staff is looking for commission
2 guidance. The commission can provide those in the
3 context of this hearing as well.

4 LAW JUDGE DIPPELL: Okay. And just for the
5 benefit of someone transcribing later, that was Roger
6 Steiner. I guess I should have asked that you
7 identify yourselves before you start speaking, but.

8 Okay. Let me -- I've got just a couple of
9 other questions, and then let me see if you all need
10 to -- to give any more input. I'm just trying to make
11 sure you haven't already answered my question.

12 My -- my next question was about in staff's
13 recommendations and their memo recommendation number
14 three says, staff's further -- staff further
15 recommends that the commission direct Evergy to file
16 tariff sheets allowing customers who are solar
17 subscription program participants to opt into service
18 on time based rate plans as soon as possible under the
19 terms and conditions directed by the commission. And
20 are you speaking there in -- as to future terms and
21 conditions directed by the commission or are you
22 referring to some -- one of the prior cases where the
23 commission --

24 MS. LANGE: This is Sarah Lange. The
25 answer is yes. So our understanding and Evergy's

1 representations to staff is that currently if a
2 customer who was a participant in the solar community
3 solar program calls up Evergy and says, I would like
4 to be on the two-part time of use rate, Evergy says,
5 you cannot do that. If you want to do that, you have
6 to drop out of the solar program.

7 So what we are -- what we are requesting is
8 that as soon as possible we get clarification on how
9 Evergy should handle customers who make that phone
10 call and that if changes need to be made to what
11 happens -- to what happens to customers when they make
12 that phone call that those changes be implemented as
13 quickly as possible in particular before the beginning
14 of the summer billing seasons.

15 LAW JUDGE DIPPELL: Okay. I think I'm
16 starting to figure it out now.

17 MR. GRAHAM: Can I ask -- and I'll just ask
18 Ms. Lange a question to clarify, Your Honor. This is
19 Paul Graham speaking.

20 LAW JUDGE DIPPELL: Yes. Go ahead.

21 MR. GRAHAM: Absent a on the record back
22 and forth exchange where the staff gets a sense --
23 specific particularized sense to the extent possible
24 from the commission on how it wants to go on these
25 things, the extent we do not -- are not accorded that

1 opportunity next week or very soon, is there a
2 substantial likelihood that we will not get this all
3 taken care of before the summer billing period begins?

4 MS. LANGE: I can't contemplate a way we
5 could and -- and part of what I think --

6 MR. GRAHAM: Is that the driver here?

7 MS. LANGE: It -- it is, and just to be
8 clear, we understand that Evergy can't snap its
9 fingers and reprogram its billing system to take
10 effect tomorrow. And so why I think it's important
11 that there be on the record that provides an
12 opportunity for Evergy to respond to that is, we -- we
13 need to know -- and Evergy needs to know -- or I'm
14 sorry, we need to know how long realistically it will
15 take Evergy to make the changes that are being
16 contemplated. So if -- if Evergy has 30 days lead
17 time to reprogram the billing system, we need to know
18 that and we can't -- you know, we wouldn't request
19 that they be able to do something they can't do in
20 less than 30 days at that time.

21 MR. GRAHAM: So if they don't have that
22 hearing next week, we wait. We're within, say,
23 30 days of the summer billing period, and we're all
24 jammed up.

25 MS. LANGE: Indeed. And my understanding

1 from prior conversations with Evergy is that if they
2 had started on this in July, when we had the
3 conversation, they would have been able to make
4 changes in time for the summer billing season. So
5 that's -- that's what I view as the imperative is
6 that -- that lead time appears to be set, and frankly,
7 I'm concerned that given that timeline that I was
8 provided by Evergy, I think that if an order comes out
9 approving the tariff that Evergy proposed in May, I
10 don't think they would be able to make these changes
11 on the timeline that they proposed in the tariff.

12 LAW JUDGE DIPPELL: So let me ask one
13 more -- then just -- just to be sure that I understand
14 what it is that staff thinks it needs guidance from --
15 from the commission because, I mean, obviously, you
16 guys could just talk to Evergy about the length of
17 time it takes to program, but you're wanting guidance
18 from the commission on exactly what it is that the
19 commission is expecting out of Evergy with regard to
20 these customers.

21 MS. LANGE: This is Sarah. Sorry. This is
22 Sarah again.

23 And, yes. And to be clear, I guess the --
24 the other information, we would want a view from the
25 commission on the direction they have as far as what

1 rates would be allowed to participate and as far as
2 whether or not some form of arbitrage is, I guess, a
3 goal, a necessary evil or something we try to avoid.
4 And -- and by that I mean, you know, whether or not
5 customers who opt into community solar would have the
6 ability to make money consistent with the rate they've
7 opted into or not, and I think the commissioners who
8 have strong feelings about this issue will understand
9 what I mean by that, and for others, I don't know that
10 I can succinctly explain it.

11 LAW JUDGE DIPPELL: Okay. So Mr. Steiner,
12 did you want to respond to any of those statements or
13 I mean, you said you came basically prepared to talk
14 about the procedure going forward.

15 MR. STEINER: That's right. I still think
16 we can do it without -- without an on the record, but
17 I really sort of need my technical folks, and I don't
18 think I'm going to get them, so. I've pinged them,
19 but I don't think they're going to join (inaudible).

20 LAW JUDGE DIPPELL: Okay. All right.
21 Mr. Graham, did you have anything else or does staff
22 have anything else that they needed to add?

23 MR. GRAHAM: I do not believe so, Your
24 Honor. No.

25 LAW JUDGE DIPPELL: Okay. I think I would

1 like to, you know, cover -- cover all bases because
2 I'm going to have to discuss with the commissioners
3 about what they want to do, if they want to see an on
4 the record -- I mean, there is an on the record set in
5 the working group case for later this month. I'm not
6 sure how we could schedule anything any sooner than
7 that, frankly, but I -- I'm wondering if we can't
8 maybe notice that up in both these cases and ask some
9 of these questions at that time. I'm just kind of
10 thinking out loud, but.

11 MR. STEINER: Judge, when is that scheduled
12 for?

13 LAW JUDGE DIPPELL: I want to say the 17th,
14 but I can't -- let me -- let me look on the calendar.

15 JARED GIACONE: 22nd.

16 LAW JUDGE DIPPELL: 22nd. Okay. Yeah.
17 I've got 10:00 o'clock on the 27th -- I mean, 22nd,
18 sorry.

19 MR. STEINER: Parties scheduled on the
20 record.

21 LAW JUDGE DIPPELL: Yes.

22 MR. STEINER: Yeah. In the (inaudible).

23 LAW JUDGE DIPPELL: And that's in case
24 EW-2023-0199. So I'm seeing that as a possibility,
25 but in the meantime, I think you all should go ahead

1 and propose a procedural schedule as if this is going
2 to go to hearing and try to figure out what that would
3 look like so that we could address it as quickly as
4 possible and maybe that doesn't look like the
5 traditional several rounds of pre-filed testimony. I
6 don't know, because I don't know the technical stuff
7 either, and I don't know how that plays into this, but
8 I would like you to go ahead and try to come up with
9 something.

10 MR. STEINER: That's fine.

11 LAW JUDGE DIPPELL: You think that's
12 doable, Mr. Graham?

13 MR. GRAHAM: I -- if the -- if the
14 commission orders it, it's doable.

15 LAW JUDGE DIPPELL: Okay. Would you all
16 like to continue discussions on this line after we end
17 this or get together --

18 MR. STEINER: That works.

19 MR. GRAHAM: We can do that or I imagine
20 we're going to end up exchanging e-mails back and
21 forth, Mr. Steiner, on dates and so forth. We can go
22 straight to that process.

23 MR. STEINER: That's fine, too.

24 MR. GRAHAM: I got my technical staff here.
25 You don't have yours here. They're going to be the

1 drivers for me on my end in determining whatever
2 deadlines or whatever process we've got here, but --

3 MR. STEINER: Okay. Would you like me to
4 propose a draft first or are you going to propose a
5 draft first? I'm fine either way.

6 MS. LANGE: I -- well, I think we need to
7 kind of prepare two alternate schedules. You know, I
8 think that -- the timeline for resolution of the
9 participation issue needs to be accelerated as
10 possible. I think the timeline for resolution of the
11 program expansion and the other program changes
12 necessarily would look quite different.

13 MR. GRAHAM: In the procedural schedule?

14 MS. LANGE: Yes.

15 MR. GRAHAM: Okay. Sounds like we need to
16 draft on our end.

17 MS. LANGE: Yes.

18 MR. GRAHAM: We'll draft a proposal at this
19 end and get it to you forthwith, if that's okay with
20 you, Judge.

21 LAW JUDGE DIPPELL: That sounds good. Do
22 you -- I would just ask that you -- I mean, I can set
23 a date for you to file it or when -- how long do you
24 think it will take for the back and forth?

25 MR. GRAHAM: Is Monday -- next Monday

1 acceptable as a deadline to get an actual proposed
2 procedural schedule filed with the commission?

3 LAW JUDGE DIPPELL: That would be good and
4 then, perhaps, there will still be time to deal with
5 it next week even at agenda if we need it -- need to.

6 MR. GRAHAM: Okay.

7 LAW JUDGE DIPPELL: So, okay. Is there
8 anything else anyone else wants to put before we
9 conclude?

10 MR. GRAHAM: Nothing from staff, Your
11 Honor.

12 LAW JUDGE DIPPELL: Okay. Mr. Steiner.

13 MR. STEINER: No. Thank you.

14 LAW JUDGE DIPPELL: All right. Well, thank
15 you very much for your participation in explaining
16 things to me a little bit. Like I say, I will go
17 ahead and have this transcribed and get a transcript
18 put in the record, but we never know exactly anymore
19 when those are going to be coming to us, so.

20 If there's nothing further, then, we can go
21 ahead and go off the record.

22 (Audio ended.)

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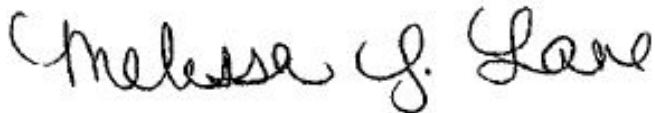
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