

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

The Staff of the Missouri Public Service Commission,	)	
	)	
Complainant,	)	
vs.	)	Case No. EC-2024-0092
Evergy Metro, Inc. d/b/a Evergy Missouri Metro and Evergy Missouri West, Inc. d/b/a Evergy Missouri West,	)	
	)	
Respondents.	)	

**EVERGY MISSOURI METRO’S AND EVERGY MISSOURI WEST’S  
PROPOSED PROCEDURAL SCHEDULE  
AND RESPONSE TO STAFF’S PROPOSED PROCEDURAL SCHEDULE**

COMES NOW, Evergy Metro, Inc. d/b/a Evergy Missouri Metro (“EMM”) and Evergy Missouri West, Inc. d/b/a Evergy Missouri West (“EMW”) (collectively, “Evergy” or the “Company” or “Respondent”) and for their *Proposed Procedural Schedule*, states as follows:

**EVERGY’S PROPOSED PROCEDURAL SCHEDULE**

1. The Company recommends that the Commission adopt the following Procedural Schedule:

<b><u>Item</u></b>	<b><u>Date</u></b>	<b><u>Add'l Days<sup>1</sup></u></b>
Answer to Amended Complaint	January 3, 2024	(filed)
Direct Testimony (Staff)	February 6, 2024	(same)
Rebuttal Testimony (Company)	May 6, 2024	(38 days)
Surrebuttal Testimony (All Parties)	June 6, 2024	(38 days)
Discovery Cut-off	June 9, 2024	(38 days)
List of Issues, List and Order of Witnesses, Order of Opening, and Order of Cross-Examination	June 14, 2024	(36 days)

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<sup>1</sup> This column illustrates the number of additional days on the calendar proposed by Evergy beyond the dates proposed in Staff’s proposed procedural schedule.

Statements of Positions	June 21, 2024	(36 days)
Evidentiary Hearing	June 26-28, 2024	(36 days)
Initial Briefs (All Parties)	July 16, 2024	(22 days)
Reply Briefs (All Parties)	July 30, 2024	(21 days)

**DISCOVERY CONDITIONS**

2. The parties will file prepared written testimony pursuant to 20 CSR 4240-2.130, according to the schedule set out above.

3. The Parties agree to provide all workpapers, in electronic format, whenever feasible, within two business days following the date on which the related testimony is filed.

4. Where workpapers or data request responses include models or spreadsheets or similar information originally in a commonly-available format where inputs or parameters may be changed to observe changes in inputs or outputs, if available in that original format, the party providing the workpaper or response shall provide this type of information in that original format.

5. All Parties shall provide copies of testimony, schedules, exhibits, and pleadings to other counsel of record by electronic means and in electronic form essentially concurrently with the filing of such testimony, schedules, exhibits, or pleadings where the information is available in electronic format. Parties shall not be required to put information that does not exist in electronic format into electronic format for purposes of exchanging it.

6. The Parties agree as follows with respect to Data Requests:

(A) No Data Requests or other discovery requests may be served on any party after the Discovery Cut-off Date.

7. The Parties agree to the following provisions regarding discovery:

- (A) Discovery conferences shall be held on one week's prior notice to all parties.
- (B) Discovery conferences will be held virtually unless otherwise ordered. Each discovery conference will begin at 10:00 a.m.
- (C) Not less than two (2) business days before each discovery conference, any party that has a discovery disagreement or concern involving another party shall file a brief statement describing that disagreement or concern and identifying any other parties involved. Such statement does not need to be a formal motion to compel. Any party may attend a discovery conference, but only those parties involved in an identified discovery disagreement must attend.
- (D) Discovery conferences shall be recorded and shall be transcribed if necessary.
- (E) Any pending written discovery motion may be taken up at a discovery conference and may be ruled upon by the presiding regulatory law judge either on the record, or in a written order.
- (F) Commission Rule 20 CSR 4240-2.090's requirement that a party must seek a telephone conference with the presiding officer before filing a discovery motion is waived.
- (G) The parties shall make an effort to not include confidential information in data request questions and the parties shall make an effort not to over-designate information as confidential. If confidential information must be included in data request questions, the confidential information should be appropriately designated

as such pursuant to 20 CSR 4240-2.135. Responsibility to make this designation is upon the party claiming such. Other parties are entitled to rely on the presence or absence of such designation.

(H) Any data requests issued by or to Staff shall be submitted and responded to in the Commission's Electronic Filing and Information System (EFIS). All data requests other than those issued by or to Staff, as well as all objections to data requests, or notifications of the need for additional time to respond, shall be sent by e-mail to counsel for the other parties. Counsel may designate other counsel to be added to the certified service list and shall assume responsibility for compliance with any restrictions on confidentiality. If any party responds to a data request in EFIS, the response is available in EFIS to all counsel on the certified service list. Data request responses, other than responses to data requests issued by or to Staff, will be served on counsel for the requesting party's employee or representative who submitted the data request and shall be served electronically, if feasible and not voluminous as defined by Commission rule. If a party desires the response to a data request that has been served on another party, the party desiring a copy of the response must request in writing a copy of the responses from the party answering the data request; thereby providing the responding party the opportunity to object. If a data request has been responded to, a party's request for a copy of the response shall timely be responded to, considering that the underlying data request has already been responded to.

## **EVERGY'S RESPONSE TO STAFF'S PROPOSED PROCEDURAL SCHEDULE**

8. Evergy requests that it be allowed three (3) months to respond to the Staff's direct testimony. This is approximately 38 days more than in the Staff's proposal. It is also consistent with the amount of time that Evergy has been allowed for the preparation of rebuttal testimony in other Complaint cases brought by the Staff. See e.g., *Order Adopting Procedural Schedule, Staff v. Evergy Missouri Metro and Evergy Missouri West*, File No. EC-2015-0309 (July 28, 2015).

9. Evergy also needs more time to prepare its rebuttal testimony in this case due to the press of other PSC proceedings. As discussed in *Evergy's Response to Amended Complaint* filed on January 3, 2024, there are several cases and informal matters that are directly related to this Complaint which have already been scheduled for hearing or informal meetings in the next several months. Evergy believes that progress in any of these proceedings may make the issues in the Complaint related to them either moot, or narrower than expected at the present time. Certainly, resolution of some, or all, of these matters may significantly affect the need of the parties to pursue this Complaint.

10. The following proceedings are directly related to each of these respective counts:  
Re Requests from Evergy Missouri Metro, Inc. d/b/a Evergy Missouri Metro and Evergy Missouri West, Inc. d/b/a Evergy Missouri West for Customer Data Account Data Production, File No. EO-2024-0002. The Commission issued its Order Setting Procedural Schedule, File No. EO-2024-0002 on October 18, 2023, which directs the filing of testimony by the parties and evidentiary hearings on January 30-31, 2024.

Rate Modernization Discussions—discussion among Evergy, Staff and other parties were held on August 4 and 28, 2023. Additional meetings related to this matter may also occur;

In the Matter of Evergy Missouri West, Inc. d/b/a Evergy Missouri West's Solar Subscription Rider Filings, File Nos. ET-2024-0182. A procedural conference in this matter was held on January 3, 2024. While a procedural schedule has not been established, as yet, Staff has proposed an expedited schedule and the Company expects to file its schedule with testimony dates starting in February.

Re Collaborative Workshop for Customer Education and Outreach Regarding the Introduction of Default Time-of-Use Rates by Evergy Metro, Inc. d/b/a Evergy Missouri Metro and Evergy Missouri West, Inc. d/b/a Evergy Missouri West, File No. EW-2023-0199. The Commission opened this docket on December 19, 2022. Subsequently, there have been 2 workshops, an Agenda presentation on August 10, 2023, and an on-the-record presentation on November 28, 2023 regarding the progress of Evergy TOU Implementation Plan. An additional on-the-record presentation is scheduled for January 22, 2024, and another anticipated in April 2024.

11. Evergy also has several other matters that will take considerable time of the Evergy regulatory and legal departments. These proceedings include hearings in Re Evergy Missouri Metro and Evergy Missouri West's FAC Prudence Review, File Nos. ER-2023-0276/0277 which are scheduled for February 5-9, 2024, hearings in the EMW's request of a Certificate of Convenience and Necessity for the Dogwood Energy Center, File No. EA-2023-0291, scheduled for April 9-12, 2024, and Re Evergy Missouri Metro and Evergy Missouri West Prudence Review of MEEIA 3 Programs, EO-2024-0407/0408 which have hearings proposed for May 29-30, 2024. In addition, EMW plans to file a general rate case in February, 2024, in File No. ER-2024-0189.

All of these matters are expected to stretch the resources of the Company, and probably Staff and the Office of the Public Counsel.

12. Evergy's proposed schedule otherwise is consistent with the Staff's proposed procedural schedule by adding approximately 36-38 calendar days to each procedural event, with the exception that Evergy's proposed briefing schedule is slightly shortened. (see Evergy Proposed Procedural, third column on page 1)

13. Evergy also objects to Staff's proposal to shorten the date for responding to data requests to only 5 days after the filing of direct testimony. This proposal is inconsistent with the PSC Rule 20 CSR 4240-2.090(2)(c) which typically allows responses to be filed twenty (20) days after receipt, unless otherwise agreed to by the parties or otherwise ordered by the Commission. There is nothing so urgent about this case that requires the expediting of data request responses.

14. With the exception of the shortened response time for discovery, Staff's proposed Discovery Conditions are consistent with those proposed by Evergy.

**WHEREFORE**, the Company submits this Proposed Procedural Schedule and asks that the Commission issue an order setting the various deadlines as requested by the Company.

Respectfully submitted,

*/s/ Roger W. Steiner*

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**COUNSEL FOR EVERGY MISSOURI  
METRO AND EVERGY MISSOURI WEST**

**CERTIFICATE OF SERVICE**

The undersigned certifies that true and correct copies of the foregoing have been e-mailed to counsel of record for all parties this 9<sup>th</sup> day of January 2024.

*/s/ Roger W. Steiner*

Roger W. Steiner