

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

In the Matter of Requests from Evergy Metro,            )  
Inc. d/b/a Evergy Missouri Metro and Evergy        )       File No. EO-2024-0002  
Missouri West, Inc. d/b/a Evergy Missouri West    )  
for Customer Account Data Production            )

**OFFICE OF THE PUBLIC COUNSEL’S STATEMENT OF POSITION**

COMES NOW the Office of the Public Counsel (“OPC”) and respectfully submits the following *Statement of Position*:

On October 18, 2023, the Public Service Commission (“Commission”) issued an order setting the procedural schedule that ordered, among other things:

Each party shall file a simple and concise statement summarizing its position on each disputed issue. Position statements shall track the list of issues. Any position statement shall set forth any order requested, cite any law authorizing that relief, and allege facts relevant under that law with citations to any pre-filed testimony in support.<sup>1</sup>

On January 17, 2024, Public Service Commission Staff (“Staff”) and Evergy, Inc. (“Evergy” or “Company”) <sup>2</sup> filed two (2) separate lists of issues. To comply with the Commission’s *Order Setting Procedural Schedule*, the OPC will divide this filing into three (3) separate subparts:

- 1) The OPC’s general understanding of the issues at hand in this case, and response to those issues.
  
- 2) The OPC’s response to Staff’s list of issues.

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<sup>1</sup> *Order Setting Procedural Schedule*, pg.5 § H, EO-2024-0002, EFIS Item No. 24.

<sup>2</sup> Referring to Evergy Missouri Metro, inc. (“EMM” or “Evergy Metro”) and Evergy Missouri West, inc. (“EMW” or “Evergy West”), jointly.

- 3) The OPC's response to Evergy and Midwest Energy Consumer's Group's ("MECG's") list of issues.

### **Section 1. The OPC's General Understanding and Positions**

1. *Should the Commission order Evergy to produce the information the Company previously agreed to provide in its last rate case, case nos. ER-2022-0129 and ER-2022-0130, as the Agreement<sup>3</sup> specifies?*

The information that Staff is seeking from Evergy is, in general, beneficial for Staff to effectively fulfill its regulatory and ratemaking duties. As OPC witness, Dr. Geoff Marke, states in his surrebuttal testimony "Staff is limited in multiple areas of regulatory analysis due to Evergy's inability and/or unwillingness to retain and provide the data necessary for Staff to perform its job."<sup>4</sup>

2. *What is the estimated cost for Evergy to provide the information Staff is requesting?*

To date, Evergy has not put in a good faith effort to provide the information at the center of this case. As Dr. Marke states in his surrebuttal, "It has now been 473 days since the Commission approved the Stipulation and Agreement that formally instigated this dialogue, and we are now set to go to hearing at the end of the month with little to no progress."<sup>5</sup> Through discovery, the OPC has determined that Evergy's cost estimates appear to lack any material support. Further, the OPC maintains a healthy degree of skepticism that providing this information would cost the amount of money that the Company is alleging. Due to the Company's unwillingness to

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<sup>3</sup> *Stipulation and Agreement* pg. 12, ER-2022-0129, EFIS Item No. 326 (referring to *Direct Testimony of Sarah L. K. Lange*, pg. 3 line 9 to pg. 5 line 3); ER-2022-0130, EFIS Item No. 340 (referring to *Direct Testimony of Sarah L. K. Lange*, pg. 3 line 9 to pg. 5 line 3).

<sup>4</sup> *Surrebuttal Testimony of Geoff Marke*, pg. 7 lines 9-11, EO-2024-0002, EFIS Item No. 37.

<sup>5</sup> *Id.* at pg. 10 line 25 to p. 11 line 2.

provide good-faith, substantiated estimates regarding the cost of providing this information, the OPC does not know the true cost of this project.

*3. Should the Commission order Evergy to actively work with Staff to produce the information the Company previously agreed to provide in the Agreement?*

Yes, or the Commission should order the Company to provide an equal alternative. Staff has said that this information is integral for it to adequately perform its duties.<sup>6</sup> The implementation of Time of Use (“ToU”) rates requires Staff to utilize new methods to accurately produce data central to Evergy’s future rate cases—from billing determinants to revenues. The Company has all of the data that Staff is requesting, but has said it is either unavailable in the form Staff requested or not deliverable to Staff.<sup>7</sup> Therefore, the Company has created a concerning situation where asymmetrical information<sup>8</sup> severely limits Staff’s ability to regulate Evergy effectively.

## **Section 2. The OPC’s Response to Staff’s List of Issues**

*1. What is Evergy Missouri Metro, Inc. d/b/a Evergy Missouri Metro’s (“Evergy Missouri Metro”) and Evergy Missouri West, Inc., d/b/a Evergy Missouri West’s (“Evergy Missouri West”) estimate of the cost to provide line transformer costs and expenses by rate code?*

The OPC is unaware of any individual estimate for this cost at this time.

*a. Should the Commission order production of line transformer costs and expenses by rate code as described in Stipulation provision 1 at that estimated cost?*

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<sup>6</sup> *Rebuttal Testimony of Sarah L. K. Lange*, pg. 1 lines 20-24, EO-2024-0002, Item No. 32.

<sup>7</sup> See generally *Direct Testimony of Bradley D. Lutz*, EO-2024-0002, Item No. 25.

<sup>8</sup> *Rebuttal Testimony of J Luebbert*, pg. 4 line 13 to pg. 6 line 22, EO-2024-0002, Item No. 33.

The OPC does not have enough information to provide an answer to this question at this time, but reserves the right to update its position in briefing.

*2. What is Evergy Missouri Metro's and Evergy Missouri West's estimate of the cost to provide primary distribution costs and expenses by voltage?*

The OPC is unaware of any individual estimate for this cost at this time.

*a. Should the Commission order production of primary distribution costs and expenses by voltage as described in Stipulation provision 1 at that estimated cost?*

The OPC does not have enough information to provide an answer to this question at this time, but reserves the right to update its position in briefing.

*3. What is Evergy Missouri Metro's and Evergy Missouri West's estimate of the cost to provide secondary distribution costs and expenses by voltage?*

The OPC is unaware of any individual estimate for this cost at this time.

*a. Should the Commission order production of secondary distribution costs and expenses by voltage as described in Stipulation provision 1 at that estimated cost?*

The OPC does not have enough information to provide an answer to this question at this time, but reserves the right to update its position in briefing.

*4. What is Evergy Missouri Metro's and Evergy Missouri West's estimate of the cost to provide primary voltage service drop costs and expenses?*

The OPC is unaware of any individual estimate for this cost at this time.

*a. Should the Commission order production of primary voltage service drop costs and expenses as described in Stipulation provision 1 at that estimated cost?*

The OPC does not have enough information to provide an answer to this question at this time, but reserves the right to update its position in briefing.

*5. What is Evergy Missouri Metro's and Evergy Missouri West's estimate of the cost to provide line extension costs, expenses, and contributions by rate code and voltage?*

The OPC is unaware of any individual estimate for this cost at this time.

*a. Should the Commission order production of line extension costs, expenses, and contributions by rate code and voltage as described in Stipulation provision 1 at that estimated cost?*

The OPC does not have enough information to provide an answer to this question at this time, but reserves the right to update its position in briefing.

*6. What is Evergy Missouri Metro's and Evergy Missouri West's estimate of the cost to provide meter costs by voltage and rate code?*

The OPC is unaware of any individual estimate for this cost at this time.

*a. Should the Commission order production of meter costs by voltage and rate code as described in Stipulation provision 1 at that estimated cost?*

The OPC does not have enough information to provide an answer to this question at this time, but reserves the right to update its position in briefing.

*7. What is Evergy Missouri Metro's and Evergy Missouri West's estimate of the cost to provide for each rate code, provide the total number of customers served on that rate schedule on the first day of the month and the last day of the month?*

The OPC is unaware of any individual estimate for this cost at this time.

*a. Should the Commission order production of the total number of customers served on each rate schedule, for each rate code, on the first day of the month and the last day of the month as described in Stipulation provision 2 at that estimated cost?*

The OPC does not have enough information to provide an answer to this question at this time, but reserves the right to update its position in briefing.

*8. Customer counts*

*a. Total customer counts: What is Evergy Missouri Metro's and Evergy Missouri West's estimate of the cost to provide for each rate schedule on which customers may take service at various voltages, the number of customers served at each voltage on the first day of the month and the last day of the month?*

The OPC is unaware of any individual estimate for this cost at this time.

*i. Should the Commission order production, for each rate schedule on which customers may take service at various voltages of the number of customers served at each voltage on the first day of the month and the last day of the month as described in Stipulation provision 2a at that estimated cost?*

The OPC does not have enough information to provide an answer to this question at this time, but reserves the right to update its position in briefing.

*b. Counts of AMI metered customers: What is Evergy Missouri Metro's and Evergy Missouri West's estimate of the cost to provide for each rate code, the number of customers served on that rate schedule on the first day of the month and the last day of the month for which interval meter readings are obtained?*

The OPC is unaware of any individual estimate for this cost at this time.

*i. Should the Commission order production of the number of customers served on each rate schedule, by rate code, on the first day of the month and the last day of the month for which interval meter readings are obtained as described in Stipulation provision 3 at that estimated cost?*

The OPC does not have enough information to provide an answer to this question at this time, but reserves the right to update its position in briefing.

*c. Counts of AMI metered customers by voltage: What is Evergy Missouri Metro's and Evergy Missouri West's estimate of the cost to provide for each rate code on which customers may take service at various voltages, the number of customers served at each voltage on the first day of the month and the last day of the month for which interval meter readings are obtained?*

The OPC is unaware of any individual estimate for this cost at this time.

*i. Should the Commission order, for each rate code on which customers may take service at various voltages, production of the number of customers served at each voltage on the first day of the month and the last day of the month for which interval meter readings are obtained as described in Stipulation provision 3a at that estimated cost?*

The OPC does not have enough information to provide an answer to this question at this time, but reserves the right to update its position in briefing.

9. *Customer hourly usage*

a. *What is Evergy Missouri Metro's and Evergy Missouri West's estimate of the cost to provide for each rate code for which service is available at a single voltage, the sum of customers' interval meter readings, by interval?*

The OPC is unaware of any individual estimate for this cost at this time.

i. *Should the Commission order production for each rate code for which service is available at a single voltage, the sum of customers' interval meter readings, by interval as described in Stipulation provision 4 at that estimated cost?*

The OPC does not have enough information to provide an answer to this question at this time, but reserves the right to update its position in briefing.

b. *What is Evergy Missouri Metro's and Evergy Missouri West's estimate of the cost to provide for each rate code on which customers may take service at various voltages, the sum of customers' interval meter readings, by interval and by voltage?*

The OPC is unaware of any individual estimate for this cost at this time.

i. *Should the Commission order, for each rate code on which customers may take service at various voltages, production of the sum of customers' interval meter readings, by interval and by voltage; as described in Stipulation provision 4a at that estimated cost?*

The OPC does not have enough information to provide an answer to this question at this time, but reserves the right to update its position in briefing.

c. *What is Evergy Missouri Metro's and Evergy Missouri West's estimate of the cost to provide if any internal adjustments to customer interval data are necessary for the company's billing system to bill the interval data referenced in parts 4. and 4.a., such adjustments should be applied to each interval recording prior to the customers' data being summed for each interval?*

The OPC is unaware of any individual estimate for this cost at this time.

i. *Should the Commission order production of any applicable internal adjustments to customer interval data as necessary for the company's billing system to bill the interval data referenced in parts 4. and 4.a., if not internally applied; as described in Stipulation provision 5 at that estimated cost?*

The OPC does not have enough information to provide an answer to this question at this time, but reserves the right to update its position in briefing.

*10. What is Evergy Missouri Metro's and Evergy Missouri West's estimate of the cost to provide information the Commission may designate from time to time pertaining to certain customer subsets for more granular study?*

The OPC is unaware of any individual estimate for this cost at this time.

*a. Should the Commission order Evergy Missouri Metro's and Evergy Missouri West's to take steps to facilitate such production of information as described in Stipulation provision 6 at that estimated cost?*

The OPC does not have enough information to provide an answer to this question at this time, but reserves the right to update its position in briefing.

*11. What is Evergy Missouri Metro's and Evergy Missouri West's estimate of the cost to retain individual customer interval data for a minimum of 14 months where individual data is acquired by the Company in intervals of less than one hour in duration, such data shall be retained in intervals of no less than one hour?*

The OPC is unaware of any individual estimate for this cost at this time.

*a. Should the Commission order such retention as described in Stipulation provision 7 at that estimated cost?*

The OPC does not have enough information to provide an answer to this question at this time, but reserves the right to update its position in briefing.

*12. What is Evergy Missouri Metro's and Evergy Missouri West's estimate of the cost to retain individual hourly data for use in providing bill-comparison tools for customers to compare rate alternatives?*

The OPC is unaware of any individual estimate for this cost at this time.

*a. Should the Commission order such retention of individual hourly data for use in providing bill-comparison tools for customers to compare rate alternatives as described in Stipulation provision 8a at that estimated cost?*



The OPC does not have enough information to provide an answer to this question at this time, but reserves the right to update its position in briefing.

*13. What is Evergy Missouri Metro's and Evergy Missouri West's estimate of the cost to retain coincident peak determinants for use in future rate proceedings?*

The OPC is unaware of any individual estimate for this cost at this time.

*a. Should the Commission order Evergy Missouri Metro and Evergy Missouri West to retain information to provide coincident peak determinants for use in future rate proceedings as described in Stipulation provision 8b at that estimated cost?*

The OPC does not have enough information to provide an answer to this question at this time, but reserves the right to update its position in briefing.

*14. What is Evergy Missouri Metro's and Evergy Missouri West's estimate of the cost to provide to Staff, upon request, the information described in part 1, related to distribution costs and expenses?*

The OPC is unaware of any individual estimate for this cost at this time.

*a. Should the Commission order production to Staff upon request of the distribution data described in Stipulation provision 1, as described in Stipulation provision 8c1 at that estimated cost?*

The OPC does not have enough information to provide an answer to this question at this time, but reserves the right to update its position in briefing.

*15. What is Evergy Missouri Metro's and Evergy Missouri West's estimate of the cost to provide to Staff upon request a minimum of 12 months of the data described in parts 2-5 (customer counts and interval usage by rate code)?*

The OPC is unaware of any individual estimate for this cost at this time.

*a. Should the Commission order production to Staff upon request a minimum of 12 months of the data described in parts 2-5 (customer counts and interval usage by rate code) as described in Stipulation provision 8c2 at that estimated cost?*

The OPC does not have enough information to provide an answer to this question at this time, but reserves the right to update its position in briefing.

*16. What is Evergy Missouri Metro's and Evergy Missouri West's estimate of the cost to provide to Staff upon request for rate codes with more than 100 customers, a sample of individual customer hourly data, and identified peak demands for those 100 customers in the form requested at that time (i.e. monthly 15 minute non-coincident, annual 1 hour coincident)?*

The OPC is unaware of any individual estimate for this cost at this time.

*a. Should the Commission order production to Staff upon request such information as described in Stipulation provision 8c3 at that estimated cost?*

The OPC does not have enough information to provide an answer to this question at this time, but reserves the right to update its position in briefing.

*17. What is Evergy Missouri Metro's and Evergy Missouri West's estimate of the cost to provide to Staff upon request for rate codes with 100 or fewer customers, individual customer hourly data, and identified peak demands for those customers in the form requested at that time (i.e. monthly 15 minute non-coincident, annual 1 hour coincident)?*

The OPC is unaware of any individual estimate for this cost at this time.

*a. Should the Commission order production to Staff upon request such information as described in Stipulation provision 8c4 at that estimated cost?*

The OPC does not have enough information to provide an answer to this question at this time, but reserves the right to update its position in briefing.

*18. What is Evergy Missouri Metro's and Evergy Missouri West's estimate of the cost to provide for purposes of general rate proceedings, all data described above for a period of not less than 36 months, except that Staff does not request individual customer data for 36 months except as described in part 8.c.3.?*

The OPC is unaware of any individual estimate for this cost at this time.

*a. Should the Commission order production, for purposes of general rate proceedings, of all data described above for a period of not less than 36 months,*

*except that Staff does not request individual customer data for 36 months except as described in part 8.c.3. as described in Stipulation provision 8d at that estimated cost?*

The OPC does not have enough information to provide an answer to this question at this time, but reserves the right to update its position in briefing.

*19. What is Evergy Missouri Metro's and Evergy Missouri West's estimate of the cost to provide and develop the determinants for assessment of an on-peak demand charge to replace the current monthly billing demand charge, and for potential implementation for customers not currently subject to a demand charge?*

The OPC is unaware of any individual estimate for this cost at this time.

*a. Should the Commission order production and development of the determinants for assessment of an on-peak demand charge to replace the current monthly billing demand charge, and for potential implementation for customers not currently subject to a demand charge; and as described in Stipulation provision 9 at that estimated cost?*

The OPC does not have enough information to provide an answer to this question at this time, but reserves the right to update its position in briefing.

*20. What is Evergy Missouri Metro's and Evergy Missouri West's estimate of the cost for Evergy Missouri Metro and Evergy Missouri West to begin to retain and study data related to the reactive demand requirements of each rate code, and sample customers within each rate code?*

The OPC is unaware of any individual estimate for this cost at this time.

*a. Should the Commission order Evergy Missouri Metro and Evergy Missouri West to begin to retain and study data related to the reactive demand requirements of each rate code, and sample customers within each rate code as described in Stipulation provision 10 at that estimated cost?*

The OPC does not have enough information to provide an answer to this question at this time, but reserves the right to update its position in briefing.

### **Section 3. The OPC's Response to Evergy's and MECG's List of Issues**

1. *Should the Commission order Evergy to create and produce the data requested in the direct testimony of Staff witness Sarah Lange in File Nos. ER-2022-0129 and ER-2022-0130 as detailed in witness Lange's direct testimony on p. 62, ln. 1 through p. 64, ln. 28?*

*More specifically, should the Commission order Evergy to create and produce the following data:*

#### ***Data Request No. 1.***

*Identify and provide the data required to determine: line transformer costs and expenses by rate code; primary distribution costs and expenses by voltage; secondary distribution costs and expenses by voltage; primary voltage service drop costs and expenses; line extension costs, expenses, and contributions by rate code and voltage; and meter costs by voltage and rate code;*

#### ***Data Request No. 2.***

*For each rate code, provide the total number of customers served on that rate schedule on the first day of the month and the last day of the month;*

- a. *For each rate schedule on which customers may take service at various voltages, the number of customers served at each voltage on the first day of the month and the last day of the month;*

#### ***Data Request No. 3.***

*For each rate code, the number of customers served on that rate schedule on the first day of the month and the last day of the month for which interval meter readings are obtained;*

- a. *For each rate code on which customers may take service at 1 various voltages, the number of customers served at each voltage on the first day of the month and the last day of the month which interval meter readings are obtained;*

#### ***Data Request No. 4.***

*For each rate code for which service is available at a single voltage, the sum of customers' interval meter readings, by interval;*

- a. *For each rate code on which customers may take service at various voltages, the sum of customers' interval meter readings, by interval and by voltage;*

#### ***Data Request No. 5.***

*If any internal adjustments to customer interval data are necessary for the company's billing system to bill the interval data referenced in parts 4. and 4.a., such adjustments should be applied to each interval recording prior to the customers' data being summed for each interval;*

**Data Request No. 6.**

*From time to time the Commission may designate certain customer subsets for more granular study. If such designations have been made, the information required under parts 1 – 5 should be provided or retained for those instances.*

**Data Request No. 7.**

*Individual customer interval data shall be retained for a minimum of fourteen months. If individual data is acquired by the Company in intervals of less than one hour in duration, such data shall be retained in intervals of no less than one hour.*

**Data Request No. 8.**

*Evergy shall:*

- a. Retain individual hourly data for use in providing bill comparison tools for customers to compare rate alternatives.*
- b. Retain coincident peak determinants for use in future rate proceedings.*
- c. Provide to Staff upon request:
  - 1) the information described in part 1;*
  - 2) a minimum of 12 months of the data described in parts 2-5;*
  - 3) for rate codes with more than 100 customers, a sample of individual customer hourly data, and identified peak demands for those 100 customers in the form requested at that time (i.e. monthly 15 minute non-coincident, annual 1 hour coincident);*
  - 4) for rate codes with 100 or fewer customers, individual customer hourly data, and identified peak demands for those customers in the form requested at that time (i.e. monthly 15 minute non-coincident, annual 1 hour coincident).**
- d. For purposes of general rate proceedings, Evergy shall provide all data described above for a period of not less than 36 months, except that Staff does not request individual customer data for 36 months except as described in part 8.c.3.*

**Data Request No. 9.**

*Develop the determinants for assessment of an on-peak demand charge to replace the current monthly billing demand charge, and for potential implementation for customers not currently subject to a demand charge; and*

**Data Request No. 10.**

*EMM and EMW begin to retain and study data related to the reactive demand requirements of each rate code, and sample customers within each rate code.*

The OPC does not have enough information to provide an answer to this question at this time, but reserves the right to update its position in briefing.

2. *Should the Company expend the funds to create and produce the data requested by Staff? What is the expected cost of creation and production of the data requested by Staff?*

The OPC does not have enough information to provide an answer to this question at this time, but reserves the right to update its position in briefing. The OPC is unaware of any individual estimate for this cost at this time.

3. *If the Commission orders the creation and production of the data requested by Staff, should the Commission also order the deferral of all costs for possible recovery in a future rate case?*

No. There has been no request for an AAO in this case and no evidence produced to support such a request.

4. *Should the Commission provide guidance concerning rate design proposal development, and the Company's obligation to support the data needs of Staff when the data needs are beyond the needs of the Company and not associated with Company proposals, as recommended by Evergy witness Bradley D. Lutz?*

Staff is an asset whose purpose is to provide an independent recommendation on the issue of rate design, among others, and the Commission should do everything to empower its Staff to engage in a robust and thorough analysis.

5. *Should the Commission order that this docket remain open for resolution of discovery disputes related to data provision, as recommended by Staff expert J Luebbert? Specifically, Staff recommended this docket be used as a means to resolve areas where Evergy asserts that it cannot provide requested data because production of this data would require Evergy to perform additional analysis to provide required data in a usable format.*

The OPC does not take a position on this issue at this time, but reserves the right to update its position in briefing.

6. *Should the Commission order that this docket remain open for use as a discovery repository and forum for dispute resolution related to the provision of information to conduct a distribution system cost study, as recommended by Staff expert Sarah Lange?*

The OPC does not take a position on this issue at this time, but reserves the right to update its position in briefing.

*7. Should the Commission order Evergy to have the discussions with Staff that Ms. Dragoo suggests in her direct testimony and to order Evergy to provide the data requested in 2, 3, and 4, which Evergy states is more reasonable and should only be provided with support from the Commission? To the extent that Evergy is unable to retrieve this information after a day, month, or billing cycle has passed, should Evergy retain that information so that it is available for use in future general rate cases?*

The OPC does not take a position on this issue at this time, but reserves the right to update its position in briefing.

*8. Should the Commission direct Evergy to provide any usable hourly customer usage information by rate code along with the customer count information, and 15 minute on-peak period demand determinants by rate code for non-residential rate schedules, as recommended by Staff Witness Sarah L. K. Lange?*

The OPC does not have enough information to provide an answer to this question at this time, but reserves the right to update its position in briefing.

**WHEREFORE**, the OPC respectfully submit this *Statement of Position* in this case.

Respectfully submitted,

By: /s/ Anna Kathryn Martin  
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**CERTIFICATE OF SERVICE**

I hereby certify that copies of the foregoing have been mailed, emailed or hand-delivered to all counsel of record this 18th day of January 2024.

**/s/ Anna Kathryn Martin**