

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

In the Matter of Requests for Customer) **File No. EO-2024-0002**
Account Data Production)

MECG STATEMENT OF POSITIONS

COMES NOW, the Midwest Energy Consumers Group, (“MECG”), and for its Statement of Positions, respectfully states:

Issue 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?*

Position: No, any cost incurred that will ultimately increase the rates customers pay for service should be closely scrutinized to ensure it is reasonable and necessary. For the disputed data creation and production in this case, Evergy agreed in its recent rate cases to provide the information with the caveat that if the data was not available or cost-prohibitive to produce it would file to establish this EO docket explaining its reasons. Evergy did not provide Staff the granular data requested but has provided its estimate that doing so would cost many millions of dollars. Without a clear demonstration that the creation and provision of this data will benefit customers or is necessary for the provision of safe and adequate service the Commission should not order the Company to incur those costs.

Issue 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?*

Position: To some degree, the Company can choose to spend its funds as it sees fit. But if it intends to recover those costs through rates paid by customers, it must be able to justify the additional cost by showing some need, benefit, or desire of customers. Here, the company has

decided it can't justify incurring the costs, and so, will not spend the money unless the Commission orders. The Commission should not force customers to pay for projects without a clear benefit to them or without a party demonstrating those costs are necessary for the provision of safe, adequate, and reasonable service. Evergy has estimated that creating and providing this data will cost many millions of dollars over multiple years while the benefits to customers, if any, from this endeavor are nebulous. The need to create and provide this data has not been demonstrated in a way that justifies the estimated cost.

Issue 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?*

Position: No, the Commission should not order deferral of costs related to the creation and production of the data requested by Staff. The Commission has repeatedly held that deferral mechanisms are limited to costs that meet an "extraordinary" standard. This limited basis is when events occur during a period which are extraordinary, unusual, and unique, and not recurring. While the dollar values at issue here may be significant these costs have not been incurred and we do not know whether whenever these costs would be incurred might fall within a test-year or true-up period. At a minimum, ordering deferral of these costs would be premature.

Issue 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?*

Position: MECG takes no position on these issues at this time.

Issue 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.

Position: MECG takes no position on these issues at this time.

Issue 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?*

Position: MECG takes no position on these issues at this time.

Issue 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?*

Position: MECG takes no position on these issues at this time.

Issue 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?*

Position: MECG takes no position on these issues at this time.

WHEREFORE, MECG submits its Statement of Positions.

Respectfully,

/s/ **Tim Opitz**

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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/ **Tim Opitz**
