

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

The Staff of the Missouri Public Service Commission,	)	
	)	
Complainant,	)	
v.	)	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  
REPLY TO STAFF’S RESPONSE TO EVERGY’S PROPOSED PROCEDURAL  
SCHEDULE AND PROPOSED DISCOVERY CONDITIONS**

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”, the “Company”, or “Respondent”) and for their *Reply to Staff’s Response In Opposition to Evergy’s Proposed Procedural Schedule and Proposed Discovery Conditions*, states as follows:

1. On January 12, 2024, Staff (“Staff”) for the Missouri Public Service Commission (“Commission”) filed its *Response In Opposition To Evergy’s Proposed Procedural Schedule and Discovery Procedures* (“Staff Response”). Staff opposes Evergy’s request to adopt a procedural schedule that is approximately 38 days longer than proposed by Staff to allow more time for Evergy to prepare rebuttal testimony. Evergy’s proposed procedural schedule is a reasonable request given the press of business related to other PSC matters that are currently pending. Staff also objects to using the standard data request response times for discovery, as permitted by 20 CSR 4240-2.090(2)(c) which typically allows responses to be filed twenty (20) days after receipt, and instead insists that the Commission order a very abbreviated 5-day response time.

2. Staff does not challenge the fact that Evergy and Staff both have several significant proceedings already scheduled in the next several months, which is expected to stretch all parties’

resources. As Evergy explained in its motion to establish a procedural schedule, the Staff Complaint in this case is directly related to several proceedings which will be heard and probably concluded later this Spring. These include:

- *In the Matter of Requests for Customer Account Data Production from Evergy Metro, Inc. d/b/a Evergy Missouri Metro and Evergy Missouri West, Inc. d/b/a Evergy Missouri West, File No. EO-2024-0002.* The evidentiary hearings are scheduled for January 30-31, 2024, followed by simultaneous initial briefs on February 29, 2024, and reply briefs on March 15, 2024.
- *Rate Modernization Discussions.* discussion among Evergy, Staff and other parties were held on August 4 and 28, 2023, and rate modernization issues are also a subject of pre-filed testimony in File No. EO-2024-0002.
- *In the Matter of Evergy Missouri West, Inc. d/b/a Evergy Missouri West's Solar Subscription Rider Tariff Filings, File Nos. ET-2024-0182.* On January 12, 2024, the Commission issued its *Notice That Case May Be Discussed At Presentation* in EW-2023-0199 which indicated that this proceeding may be discussed by the Commission at an on-the-record presentation on January 22, 2024 in File No. EW-2023-0199. Discussions were included in the on-the-record presentation held on January 22, 2024.
- *In the Matter of a 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. An on-the-record presentation was held on January 22, 2024, and another anticipated in April 2024.

3. As was explained in Evergy's pleading proposing a procedural schedule, Evergy has several other matters not related to the Staff Complaint that will take considerable time of Evergy's regulatory and legal departments:

- *In the Matter of the Fifth/Eleventh Prudence Review of Costs Subject to the Commission-Approved Fuel Adjustment Clause of Evergy Metro, Inc. d/b/a Evergy Missouri Metro/Evergy Missouri West, Inc. d/b/a Evergy Missouri West, File Nos. EO-2023-0276/0277*. Evidentiary hearings on February 5-9, 2024; Initial briefs are expected in February and reply briefs in March, 2024.
- *In the Matter of the Application of Evergy Missouri West, Inc. d/b/a Evergy Missouri West for Permission and Approval of a Certificate of Public Convenience, File No. EA-2023-0291*. Evidentiary hearings on April 9-12, 2024, with initial briefs due May 3 and reply briefs due May 17, 2024;
- *In the Matter of the Second Prudence Review of the Missouri Energy Efficiency Act (MEEIA) Cycle 3 Energy Efficiency Programs of Evergy Metro, Inc. d/b/a Evergy Missouri Metro / Evergy Missouri West, Inc. d/b/a Evergy Missouri West, File Nos. EO-2024-0407/0408*. A Joint Procedural Schedule filed by Staff, Evergy and other parties requests hearings for May 29-30, 2024 with initial briefs due June 17, 2024 and reply briefs due July 9, 2024.

- *In the Matter of Evergy Missouri West, Inc. d/b/a Evergy Missouri West Request For Authority To Implement A General Rate Increase for Electric Service, File No. ER-2024-0189.* Expected to be filed in February 2024.

4. The request for additional time to prepare rebuttal testimony in this proceeding is reasonable, especially given the number of more urgent proceedings that are already scheduled. Staff's Response failed to explain why allowing more time for rebuttal testimony would in any way prejudice the Staff or any other party. A slightly more elongated schedule will only allow all parties, including the Staff, more time to prepare for the hearing, assuming hearings will be needed at all after the related proceedings are concluded.

5. With regard to Staff's proposal to severely reduce the time to respond to data requests, Staff argues that requests for extension of time to respond to data requests are generally granted by Staff without controversy. Unfortunately, that is not always the case. When the Company recently requested a short extension of the time to answer some of the more than 185 data requests in File No. EO-2024-0002 last month, Staff counsel declined to grant the Company any minimal accommodation. A 5-day response time is not necessary since Staff will have 30-days to prepare its surrebuttal testimony under Evergy's proposed procedural schedule.

6. Evergy's proposed procedural schedule including a slightly longer period for filing of rebuttal testimony would have the reply briefs filed only 21 days later than Staff's proposed schedule. Given the other business before the Commission at the present time, it is more reasonable to adopt Evergy's proposed procedural schedule and discovery conditions than the procedural schedule and discovery conditions proposed by Staff.

**WHEREFORE**, the Company requests that the Commission adopt Evergy's Proposed Procedural Schedule and Discovery Conditions in this case.

Respectfully submitted,

*/s/ Roger W. Steiner*

Roger W. Steiner, MBN 39586  
Evergy, Inc.  
1200 Main Street  
Kansas City, MO 64105  
Phone: (816) 556-2791  
Fax: (816) 556-2787  
[roger.steiner@evergy.com](mailto:roger.steiner@evergy.com)

James M. Fischer, MBN 27543  
Fischer & Dority, P.C.  
2081 Honeysuckle Lane  
Jefferson City, MO 65109  
Phone: (573) 353-8647  
[jfischerpc@aol.com](mailto:jfischerpc@aol.com)

**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 24<sup>th</sup> day of January 2024.

*/s/ Roger W. Steiner*

Roger W. Steiner