

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

In the Matter of Evergy Metro, Inc. d/b/a Evergy )  
Missouri Metro’s Notice of Intent to File an ) **File No. EO-2023-0369**  
Application for Authority to Establish a Demand- )  
Side Programs Investment Mechanism )

In the Matter of Evergy Missouri West, Inc. d/b/a )  
Evergy Missouri West’s Notice of Intent to File an ) **File No. EO-2023-0370**  
Application for Authority to Establish a Demand- )  
Side Programs Investment Mechanism )

**PROPOSED PROCEDURAL SCHEDULE**

**COMES NOW**, the Staff of the Missouri Public Service Commission, by and through the undersigned counsel, and for its *Proposed Procedural Schedule* respectfully states as follows:

1. On November 16, 2023, the Missouri Public Service Commission (“Commission”) issued its *Order Approving Stipulation and Agreement Extending Evergy’s MEEIA Cycle 3 An Additional Year* (“Order”) in File No. EO-2019-0132 (“0132-Docket”).

2. Per the *Unanimous Stipulation and Agreement* (“Agreement”) filed in the 0132-Docket and approved by the Order, Staff, the Office of the Public Counsel (“OPC”), and the Company agreed to file a procedural schedule for the Company’s MEEIA Cycle 4 by January 1, 2024.

3. On December 21, 2023, the Company filed a *Notice to the Commission* (“Notice”) in the 0132-Docket to inform the Commission that Staff, OPC, and Evergy Metro, Inc. d/b/a Evergy Missouri Metro (“Evergy Missouri Metro”) and Evergy Missouri West, Inc. d/b/a Evergy Missouri West (“Evergy Missouri West”)

(collectively, the “Company” or “Evergy”) will file the required procedural schedule or a status report by January 16, 2024.

4. On January 16, 2024, the parties filed a *Status Report* stating they would file a procedural schedule on January 26, 2024. Parties have had discussions, but were not able to agree upon a procedural schedule. The parties disagree about the appropriateness of having an opportunity for all parties to file direct testimony as part of the schedule.

5. It is Staff’s belief that all parties being afforded an opportunity to provide direct testimony to present a case-in-chief regarding the structuring of an appropriate MEEIA portfolio is appropriate in light of operating realities of the utility, relevant policy and background information that informs and shapes the scope and type of programs offered, as well as appropriate methods to address lost earnings from capital expenses or reduced sales. In Staff’s experience with three previous MEEIA applications, the considerations in evaluating utility’s applications have become increasingly complex, necessitating a different approach in setting a schedule. MEEIA applications have begun to rival rate cases in the variety of issues and programs presented and the dollars at stake. For instance, Evergy’s prior MEEIA Cycle application, approved in the 0132 Docket and EO-2019-0133,<sup>1</sup> was for three years, and **\$96.3 million**. To compare, in Evergy’s last rate case,<sup>2</sup> Evergy Metro requested an increase of **\$43.9 million**, and Evergy West requested an increase of **\$27.7 million**. In those rate cases, all parties were afforded an

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<sup>1</sup> In the Matter of Evergy Missouri Metro and Evergy Missouri West’s Notice of Intent to File Applications for Authority to Establish a Demand-Side Programs Investment Mechanism.

<sup>2</sup> In the Matter of Evergy Metro, Inc. d/b/a Evergy Missouri Metro Request for Authority to Implement A General Rate Increase for Electric Service, Case No. ER-2022-0129. In the Matter of Evergy Missouri West, Inc. d/b/a Evergy Missouri West’s Request for Authority to Implement A General Rate Increase for Electric Service, Case No. ER-2022-0130.

opportunity to present a case-in-chief. Ameren Missouri has requested authority to implement a three year MEEIA Cycle 4, at a cost of **\$370 million** in its pending case, Case No. EO-2023-0136.<sup>3</sup> Ameren Missouri requested an increase of **\$316 million** in their last rate case.<sup>4</sup> As MEEIA Cycle applications become more similar in scope to rate case filings, as illustrated above, it only makes sense to structure procedural approaches similarly. Staff notes that Ameren Missouri and the other parties to its MEEIA Cycle 4 application have agreed to, and implemented, a procedural schedule that includes the opportunity for all parties to file direct testimony. Staff believes that providing more information for the Commission to consider, including potential alternative case-in-chiefs on a well-structured MEEIA portfolio and robust factual backgrounds, is a positive development in ensuring that before the substantial amount of ratepayer funds at issue in these increasingly expansive applications is approved, they have been thoroughly vetted and supported by competent evidence that the programs will result in benefits for all customers as required by law.

6. Therefore, Staff proposes the following procedural schedule, which includes a direct filing for all parties.

Evergy Application:	April 5th
Direct Testimony- Non Utility Parties:	May 10th
Rebuttal:	July 9th
Surrebuttal:	August 14th

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<sup>3</sup> In the Matter of Union Electric Company d/b/a Ameren Missouri's 4th Filing to Implement Regulatory Changes in Furtherance of Energy Efficiency as Allowed by MEEIA.

<sup>4</sup> In the Matter of Union Electric Company d/b/a Ameren Missouri's Tariffs to Adjust Its Revenues for Electric Service, Case No. ER-2022-0337.

List of Issues; Last Day to Issue Discovery and Notices of Depositions:	August 21st
Position Statements:	August 29th
Hearing:	September 9th-12th
Brief:	October 4th
Reply:	October 18th

Staff further proposes the following discovery procedures.

**Discovery Procedures**

1. The Parties request that the Commission adopt the following procedures regarding discovery:

- a. All parties shall provide copies of testimony (including schedules), exhibits, and pleadings to other counsel of record by electronic means and in electronic form essentially concurrently with the filing of such testimony, exhibits or pleadings where the information is available in electronic format. Parties are not required to put information that does not exist in electronic format into electronic format for purposes of exchanging it.
- b. Parties shall make all reasonable efforts to not include confidential information in data request questions. If confidential information must be included in data request questions, the confidential information will be appropriately designated as such pursuant to 4 CSR 240-2.135.
- c. Data requests issued to or by Staff shall be submitted and responded to in the Commission’s Electronic Filing and Information System (“EFIS”), if feasible, or in electronic format on compact disc or by other means agreed to by counsel, if infeasible. Counsel for each party shall receive electronically from each other party serving a data request, an electronic copy of the text of the “description” of that data request contemporaneously with service of the data request. Regarding Staff-issued data requests, if the description contains confidential information, or is voluminous, a hyperlink to the EFIS record of that data request shall be considered a

sufficient copy. 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 a copy of the response from the party answering the data request. Data requests, objections to data requests, and notifications respecting the need for additional time to respond to data requests shall be sent by e-mail to counsel for the other parties. Counsel may designate other personnel to be added to the service list for data requests, but shall assume responsibility for compliance with any restrictions on confidentiality. Data request responses shall be served on counsel for the requesting party, unless waived by counsel, and on 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. Evergy's responses to Staff data requests will be available to other parties on EFIS. In addition, Evergy's responses to all parties' data requests will be available for review on CaseWorksEX for parties who complete the requirements for accessing the CaseWorksEX system.

- d. Until the filing of Rebuttal testimony, the response time for all data requests shall be 20 calendar days, and 10 calendar days to object or notify that more than 20 calendar days will be needed to provide the requested information. After the filing of Rebuttal testimony, the response time for data requests shall be 10 calendar days to provide the requested information, and 5 business days to object or notify that more than 10 calendar days will be needed to provide the requested information. After the filing of Surrebuttal testimony, the response time for data requests shall be 5 business days to provide the requested information, and 2 business days to object or notify that more than 5 calendar days will be needed to provide the requested information. Data requests sent after 5:00 pm will be considered served on the next business day. The Commission may rule on discovery motions filed after Surrebuttal testimony is filed without holding the conference required by 4 CSR 240-2.090(8)(B).

- e. Workpapers prepared in the course of developing a witness' testimony (including schedules) and exhibits shall not be filed with the Commission, but shall be submitted to each party within 2 business days following the filing of the particular testimony, unless a party has indicated that it does not want to receive some or all of the workpapers. Workpapers containing confidential information shall be appropriately marked. Counsel shall undertake to advise other counsel if the sponsored witness has no workpapers related to the round of testimony.
- f. 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 with formulas intact. Workpapers shall be provided in electronic format by e-mailing or by delivery of a compact disc or other electronic storage media.
- g. Documents filed in EFIS shall be considered properly served by serving the same on counsel of record for all other parties via e-mail.

**WHEREFORE**, Staff respectfully requests the Commission set the procedural schedule as outlined above.

Respectfully submitted,

**/s/ Nicole Mers**

Nicole Mers

Deputy Counsel

Missouri Bar No. 66766

P.O. Box 360

Jefferson City, MO 65012

(573) 751-6651 (Telephone)

(573) 751-9285 (Fax)

[Nicole.mers@psc.mo.gov](mailto:Nicole.mers@psc.mo.gov)

**CERTIFICATE OF SERVICE**

I hereby certify that copies of the foregoing have been mailed or hand delivered, transmitted by facsimile or by electronic mail to all counsel of record on this 26th day of January 2024.

**/s/ Nicole Mers**