



stakeholders. Mr. Riley testifies that the Company's use of a Billing System and an Accounting/Asset Tracking System as core systems fed by and linked to Metering systems, Work Management systems and even data warehouse systems are typical for this industry. He also points out that the Uniform Systems of Account requires consistency so that regulators can determine reasonable, cost-based revenue requirements ensuring consistency between utilities. He also testifies that Evergy's responses to data availability and deliverability in this case are reasonable, based upon what Mr. Riley has observed across the country.

4. Perhaps most importantly, Mr. Riley testifies that based on his experience working with utilities across the United States, he is not aware of data existing in a format requested by Staff that could be provided to immediately to satisfy Staff's request for "costs by rate code." Mr. Riley's direct testimony is proper direct testimony that helps explain Evergy's case-in-chief, and should not be stricken from the record.

5. Second, Staff seeks to strike a portion of the surrebuttal testimony of Mr. Bradley D. Lutz on page 24, lines 7-10 which states: "The Commission should provide guidance to the Company and Staff concerning rate design proposals. Should there continue to be competing, even mutually exclusive rate design proposals offered by Staff and the Company?"

6. Contrary to Staff's arguments, Mr. Lutz's surrebuttal testimony on page 24 is directly in response to extensive testimony of Staff witnesses Sarah Lange, who continues to support the creation and production of extensive data that will be used, in part, to develop independent Staff proposals related to rate design issues in future cases. In response to this Staff testimony, Evergy seeks guidance from the Commission regarding whether Staff's use of this data to develop such independent rate design proposals is proper and necessary. This is a proper and appropriate request in response to the Staff's rebuttal testimony.

7. As explained in the responsive surrebuttal testimony of Mr. Lutz, the Commission should provide guidance to the Company and Staff on 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 the Company's proposals and normal operational requirements. This data support represents incremental work often performed in place of Company operational work. It is the Company's position, that it should not be required to create and produce such extensive data just because Staff says it needs it for the development of its own rate design proposals.

8. Staff is seeking in this case comprehensive access to customer data, possibly made available at all times and at a level of detail beyond Company need, for the purpose of supporting their own independent recommendations for rate designs. The Staff is seeking to have the Company create data and do analysis merely so the Staff can develop its own rate design proposals which may not be supported by the Company or consistent with any industry practices. They are seeking data access outside of general rate proceedings in the name of reducing regulatory lag. They are not seeking to affirm Company rate design proposals, but instead want to pursue rate design plans in spite of Company recommendations.

9. The data requests by Staff to support these independent proposals have grown considerably and have moved beyond the data granularity and frequency the Company maintains for its own operational and ratemaking purposes. As a result, these requests would compel the Company to devote incremental effort, taxing a wide cross-section of corporate resources, to provide. (Lutz Surrebuttal, p. 7) Every does not believe the Staff approach is reasonable or appropriate.

10. In exercising this regulation, the Commission may set policy or expectations for the Company and Staff to meet. Under these roles, it is not necessary that Staff have symmetric access to the Company's information systems. And Staff should not be dictating (especially over the

Company's objections) the rate design that is to be offered by the Company to its customers. In other words, the Staff should not be dictating to the Company how it manages its business and what analysis it is required to do—irrespective of the cost of that analysis or the cost to create new data.

11. Therefore, the Company should not be required to expend significant sums to support a Staff proposed rate design which may be radically different from the status quo and which has not been approved by the Commission.

12. At the conclusion of this docket, the Company will seek to obtain specific guidance from the Commission on what data, if any, the level of effort, and what cost is reasonable to address Staff's stated need for such information and what should be the role of Staff in developing independent rate design proposals.

**WHEREFORE**, for all of these reasons discussed herein, the Commission should deny Staff's motion to strike the testimony of Sean P. Riley and Bradley D. Lutz.

Respectfully submitted,

*/s/ Roger W. Steiner*

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**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the above and foregoing document was served upon counsel for all parties on this 29<sup>th</sup> day of January 2024 by either e-mail or U.S. Mail, postage prepaid.

*/s/ Roger W. Steiner* \_\_\_\_\_

Roger W. Steiner