



**Legal Department**

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February 2, 2024

**VIA EMAIL:** [Nancy.Dippell@psc.mo.gov](mailto:Nancy.Dippell@psc.mo.gov)

Ms. Nancy Dippell  
Secretary of the Commission  
Missouri Public Service Commission  
200 Madison Street, Suite 100  
Jefferson City, MO 65102

**RE: Evergy Missouri West, Inc. d/b/a Evergy Missouri West (“Evergy Missouri West”); File No.: ER-2024-0189**

Dear Ms. Dippell:

Filed concurrently with this letter is a separate letter with which is included certain tariff sheets consisting of electric rate schedules designed to increase Evergy Missouri West, Inc. d/b/a Evergy Missouri West’s (“Evergy Missouri West”) electric base rate annual revenues by \$104.5 million before the rebasing of fuel for the fuel adjustment clause. The above-cited figures are exclusive of applicable gross receipts, sales, franchise or occupational fees or taxes. The proposed tariff sheets bear a date of issue of February 2, 2024, and an effective date of March 3, 2024.

The test year employed by the Company is the 12 months ending June 30, 2023, with certain pro-forma adjustments to include known and measurable items through June 30, 2024, the true-up cutoff date the Evergy Missouri West is requesting in this case, as discussed in the direct testimony of Evergy Missouri West witness Ron Klote.

The rate increase sought by this filing is driven by several factors. This increase will support recovery of investments in dispatchable generation capacity, improving reliability and grid modernization and enhancing customer service and customer experience. This filing incorporates other changes in the Company's revenue requirement since base rates were last reset.

Also included herein or in Schedules to this letter is the information required by 20 CSR 4240-3.030(3)(B), as follows:

**3(B)1.** See Schedule 1.

**3(B)2.** See Schedule 2.

**3(B)3.** See Schedule 3.

**3(B)4.** See Schedule 4.

**3(B)5.** See Schedule 5.

**3(B)6.** See attached press release.

**3(B)7.** To reflect changes in net base energy costs, rate base, and other operating and maintenance expenses, to continue the Company's fuel adjustment clause, and to make changes to rate design.

As required by 20 CSR 4240-2.065(1), this filing includes Evergy Missouri West's direct testimony relating to this general rate increase request. Direct Testimony is provided by the following witnesses:

<b><u>Witness Name:</u></b>	<b><u>Topics:</u></b>
Kirkland Andrews	Capital Structure; Cost of Debt; Return on Equity ("ROE") Support
Albert Bass	Weather Normalization; 365-day Year Adjustment; Rate Switchers and Customer Growth; Energy Efficiency Annualization
Ann Bulkley	ROE; Capital Structure: Cost of Debt
Charles Caisley	Time of Use ("TOU") implementation; Critical Needs Program and Rehousing Pilot Program development; Customer Service Approach; Benefits of Missouri Energy Efficiency Investment Act
John Carlson	Dogwood Energy Facility ("Dogwood")
Hsin Foo	Energy Price Forecasting; Fuel, Purchased Power and Off-system Sales Normalization; Fuel Adjustment Clause ("FAC") Requirements
Melissa Hardesty	Excess Deferred Income Taxes; Current and Deferred Income Tax; Accumulated Deferred Income Tax; Potential Federal Tax Increase; Property Tax
Darrin Ives	Policy; Overview; Crossroads Energy Center ("Crossroads"); Dogwood; Critical Infrastructure Protection/Cybersecurity Tracker ("Security Tracker"); Storm Reserve; Injuries & Damages ("I&D") Reserve; TOU; Plant in Service Accounting ("PISA")
Ronald Klote	Revenue Requirement Model and Schedules; Test Year; Misc. Accounting Adjustments including Pensions and Other Post Employment Benefits, PISA, Security Tracker, Storm and I&D Reserves; TOU Deferral
Bradley Lutz	Rate Design Studies and Rate Case

	Commitments; Rate Modernization Plan; Non-Residential Rate Design; Reactive Demand; Misc. Tariff Changes; Municipal Street Lighting; Special Rate for Incremental Load Service
Marisol Miller	Annualized/Normalized Revenues; Class Cost of Service; Electric Rate Design
Ryan Mulvany	Distribution System; Storm Reserve
Linda Nunn	Jurisdictional Allocations; FAC Requirements; Misc. Accounting Adjustments; Cash Working Capital
Buck Reuter	Transource; Retail vs Wholesale ROE
Jessica Tucker	Fuel Runs; Fuel Inventories; Fuel Prices
Cody VandeVelde	Crossroads, Dogwood, EMW Steel in the Ground Discussion

Also included with this letter is a verification as required by 20 CSR 4240-22.080(18) and gross receipts tax information required by 20 CSR 4240-10.060.

I request that you please bring this filing to the attention of the appropriate Commission personnel and see that a copy of all correspondence, notices, orders or other communications in connection with this matter and proceeding are furnished to the undersigned counsel for the Company at the address listed in the letterhead above, and also to the following persons:

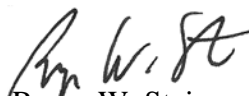
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Thank you for your assistance with this filing. Should you have any questions, please contact me.

Sincerely,



Roger W. Steiner

RWS/arw

cc: Counsel for Staff of Missouri Public Service Commission  
Counsel for Office of the Public Counsel  
Counsel representing residential customers in File No. ER-2022- 0130.

INFORMATION FILED IN ACCORDANCE WITH  
20 CSR-4240-3.030 (3) (B) (1)

Aggregate Annual Increase

The aggregate annual increase over current revenues reflecting impacts before the rebasing of fuel for the fuel adjustment clause, is \$104.5 million or 13.42% for Evergy Missouri West jurisdiction. The aggregate annual increase over current revenues which the tariffs propose including the rebasing of fuel for the fuel adjustment clause is \$108.9 million or 13.99% for Evergy Missouri West. The tariffs also reflect a continuation of the fuel adjustment clause as approved in ER-2007-0004 including the rebasing of the net fuel cost. Within this fuel clause, recovery/return of the over/under net fuel spend as compared to that base will be collected/reimbursed at 95% of the difference.

INFORMATION FILED IN ACCORDANCE WITH  
20 CSR-4240-3.030 (3) (B) 2

Names of Counties and Communities Affected by Proposed Electric Rate Increase

EVERGY MISSOURI WEST

Page 1 of 3

Andrew County

Amazonia  
Bolckow  
Cosby  
Country Club Village  
Fillmore  
Flag Springs  
Helena  
Nodaway  
Rea  
Rochester  
Rosendale  
Savannah  
Whitesville  
Wyeth

Atchison County

Fairfax  
Langdon  
Phelps City  
Rockport  
Tarkio  
Watson  
Westboro

Barton County

Burgess  
Hannon  
Iantha  
Irwin  
Lamar Heights  
Liberal  
Milford

Bates County

Adrian

Amoret  
Amsterdam  
Foster  
Hume  
Merwin  
Rockville  
Virginia  
Worland

Benton County

Blue Branch  
Cole Camp  
Ionia  
Lincoln  
Warsaw  
Whitakerville  
White Branch

Buchanan County

Agency  
Armour  
DeKalb  
Faucett  
Gower  
Halls  
Lewis & Clark  
Maxwell Heights  
Rushville  
Saint Joseph  
San Antonio  
Sugar Lake  
Wallace  
Winthrop

Carroll

Norborne

Cass County

Archie  
Baldwin Park  
Belton  
Creighton  
Drexel  
East Lynne  
Freeman  
Garden City  
Gunn City  
Harrisonville  
Lake Winnebago  
Lees Summit  
Peculiar  
Pleasant Hill  
Raymore  
Strasburg

Cedar County

Clay County

Glenaire  
Kansas City  
Liberty  
Missouri City  
Nashua  
Paradise  
Smithville

Clinton County

Gower  
Grayson  
Hemple  
Trimble

INFORMATION FILED IN ACCORDANCE WITH  
20 CSR-4240-3.030 (3) (B) 2

Names of Counties and Communities Affected by Proposed Electric Rate Increase

EVERGY MISSOURI WEST

Page 2 of 3

**Dade County**

NW Rural

**Daviess**

Jamesport  
Lock Springs

**DeKalb County**

Clarksdale  
Stewartsville  
Union Star

**Gentry County**

Gentry  
King City

**Grundy County**

Brimson  
Dunlap  
Edinburg  
Laredo  
Spickard  
Tindall  
Trenton

**Harrison County**

Blythedale  
Cainsville  
Eagleville  
Martinsville  
Mount Moriah  
New Hampton  
Ridgeway

**Henry County**

Blairstown  
Brownington  
Calhoun  
Clinton  
Deepwater  
Montrose  
Urich  
Windsor

**Holt County**

Bigelow  
Craig  
Forbes  
Forest City  
Fortescue  
Maitland  
Mound City  
New Point  
Oregon

**Jackson County**

Blue Springs  
Buckner  
Grain Valley  
Grandview  
Greenwood  
Kansas City  
Lake Lotawana  
Lee's Summit  
Levasy  
Little Blue  
Lone Jack

Oak Grove  
Pleasantville  
Raytown  
Sibley  
Tarsney Lakes  
Unity Village

**Johnson County**

Centerview  
Chilhowee  
Holden  
Kingsville  
Knob Noster  
La Tour  
Leeton  
Montserrat  
Pittsville  
Postoak  
Warrensburg  
Whiteman AFB

**Lafayette County**

Bates City  
Concordia  
Dover  
Higginsville  
Lexington  
Napoleon  
Oakgrove  
Wellington

**Livingston County**

Chula

INFORMATION FILED IN ACCORDANCE WITH  
20 CSR-4240-3.030 (3) (B) 2

Names of Counties and Communities Affected by Proposed Electric Rate Increase

EVERGY MISSOURI WEST

Page 3 of 3

**Mercer County**

Mill Grove  
Modena

**Nodaway County**

Arkoe  
Barnard  
Burlington Junction  
Clearmont  
Clyde  
Conception  
Conception Junction  
Elmo  
Graham  
Guilford  
Hopkins  
Maryville  
Parnell  
Pickering  
Quitman  
Ravenwood  
Skidmore  
Wilcox

**Pettis County**

Green Ridge  
La Monte  
Sedalia  
Windsor

**Platte County**

Bean Lake

Beverly  
Camden Point  
Dearborn  
Edgerton  
Farley  
Ferrelview  
Iatan  
Kansas City  
New Market  
Platte City  
Tracy  
Weston

**Ray County**

Camden  
Fleming  
Hardin  
Henrietta  
Orrick  
Richmond  
Swanwick

**Saint Clair County**

Appleton City  
Lowry City  
Osceola  
Roscoe

**Vernon County**

Arthur  
Bronaugh  
Deerfield

Eve  
Hardwood  
Horton  
Metz  
Milo  
Moundville  
Nevada  
Richards  
Schell City  
Sheldon  
Walker

**Worth County**

Allendale  
Denver  
Grant City  
Isadora  
Sheridan  
Worth



**SCHEDULES 3, 4, and 5  
CONTAIN CONFIDENTIAL  
INFORMATION  
NOT AVAILABLE TO THE PUBLIC.  
  
ORIGINALS FILED UNDER SEAL.**

## Evergy requests to recover costs related to generation capacity, grid modernization for Evergy Missouri West customers

*Evergy Missouri West rates maintain price advantage compared with neighboring states*

KANSAS CITY, MO., Feb. 2, 2024 – Evergy, Inc. (NASDAQ: EVRG) filed a request and supporting documentation with the Missouri Public Service Commission today to recover investments made in generation capacity and grid modernization for customers in its Evergy Missouri West service area.

The Evergy Missouri West service area serves more than 340,000 customers and includes St. Joseph, Liberty, Platte City, Harrisonville, and Warrensburg, among other cities. The majority of the Kansas City Metropolitan region is not in the Missouri West service area. Most Kansas City Metropolitan customers are in the Missouri Metro service area. Evergy is not asking for any changes to base rates in its Missouri Metro service area.



As part of today's filing, Evergy is requesting to increase base rates for Evergy Missouri West customers by about \$104 million, or 13.42% percent, excluding fuel. The prices customers pay for electric service are calculated based on actual costs the company incurred and investments the company has made. To justify any price increase, Evergy must demonstrate that the costs were warranted and prudent. The request also includes a 0.57% increase to account for increased fuel costs. Evergy has not requested structural changes to the time-based rate plans that were implemented in 2023.

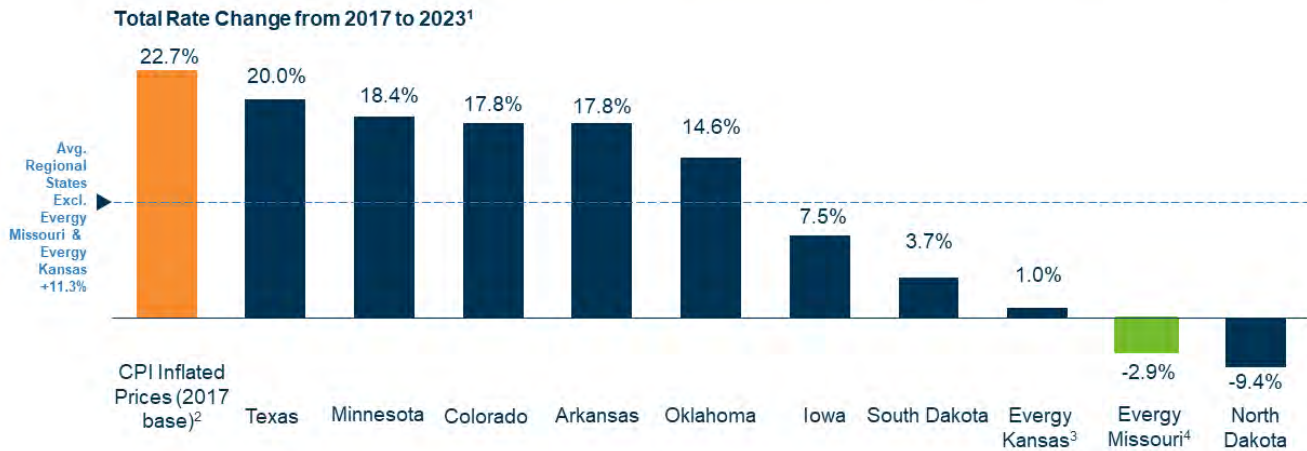
The filing today begins an 11-month process where regulators and interveners will review, audit and evaluate the request to ensure the resulting prices reflect the actual cost of serving Evergy Missouri West customers.

The process will include public hearings later in the year, which are yet to be scheduled. If approved, new rates will become effective on January 1, 2025.

"We are investing strategically to ensure customers have reliable, affordable energy," said Evergy President and Chief Executive Officer David Campbell. "Our focus continues to be on more efficiently running the business, which despite this period of record inflation has resulted in a reduced increase ask for our customers. While most area states have seen electricity costs increase about 11 percent over the past six years, Evergy's prices have remained regionally competitive and even declined in some areas," Campbell continued.

Since 2017, Evergy Missouri total rates decreased about 3%\*

During same period, regional rates have increased about 11% and inflation was 23%



*Footnote on p. 3*

Evergy’s request includes the recovery of investments related to two natural gas plants to help ensure Evergy Missouri West has sufficient generation capacity for customers and to reduce Missouri West’s exposure to market price volatility for electricity purchased from the market. Evergy is also asking to recover investments in the electric grid to improve reliability and resiliency, as well as to recognize the end of a transmission-related credit that had been offsetting costs. Cost reductions, including pension and benefits savings, as well as growth in customer energy demand helped cut about \$24.5 million from the request.

As part of this request, Evergy Missouri West has asked the commission to review a pending acquisition of 148 megawatts (or 22.2% interest) of Dogwood Energy Center, a 668 MW natural gas plant in Pleasant Hill, Mo., as a cost-effective resource to serve customers. Evergy Missouri West needs additional capacity and energy resources to meet growing customer demand for energy and reduce reliance on market-priced purchased power.

Crossroads Energy Center, a 300 megawatt natural gas plant in Clarksdale, Miss., serves customers in Evergy Missouri West today and helps ensure customers have the needed energy capacity for their growing energy needs. Evergy is asking to recover the transmission costs associated with the plant as it is a necessary resource. Without approval to recover these costs, the benefits of this capacity will be lost in 2029, requiring the company to find alternative and potentially more costly ways to provide 300 megawatts of generation capacity. In past studies, Crossroads has been identified as the most cost-efficient way to meet capacity requirements for Evergy Missouri West customers.

The request also includes recovery of investments made to upgrade and modernize the power grid. Evergy has replaced a large number of aging power poles, overhead power lines, and underground cables. Along with these projects, newly deployed automation technology communicates grid-health indicators back to Evergy. These new tools inform a predictive-maintenance program to reduce outages and, when outages occur, help to reduce outage length by isolating events and assisting in cause identification and restoration planning.



“Evergy West customers need additional generation to meet their growing demand for electricity. Our investment in the Dogwood Energy Center and transmission for the Crossroads power plant are a step in the right direction to ensure that our customers have affordable power well into the future,” said Campbell. “These generation investments, along with the improvements we have made to modernize and strengthen the electrical grid, will help ensure customers have electricity that continues to be reliable.”

### **\*Evergy Missouri rates slide footnote information**

1) Regional state data is sourced from EIA and is comprised of revenues and sales for all sectors, with 2023 data using a rolling twelve-month average of total revenues and sales ending November 2023. EIA data is preliminary that is subject to change, with 2023 data to be finalized in October 2024. 2) Source: US Bureau of Labor Statistics for historic CPI-U and uses rolling twelve-month average ending November 2023. 3) Evergy pro forma data uses rolling twelve-month average of total revenues and sales ending March 2023 and includes adjustments for the annualized impacts of: ACA/RECA (implemented April 1, 2023). TDC (implemented May 1, 2023); Kansas Income Tax reductions; and Property Tax Surcharge update; outcomes of rate case settlement in docket 23-EKCE-775-RTS. Evergy data is sourced from FERC Form 1 pg. 304 and general ledger and inclusive of customer bill credits. The corresponding change in total rates for Evergy KS Central and Evergy KS Metro were 4.9% and -9.5%, respectively 4) The corresponding change in total rates for Evergy MO Metro and Evergy MO West were -4.0% and 7.9%, respectively.

### **About Evergy**

Evergy, Inc. (NASDAQ: EVRG), serves 1.7 million customers in Kansas and Missouri. Evergy's mission is to empower a better future. Our focus remains on producing, transmitting and delivering reliable, affordable, and sustainable energy for the benefit of our stakeholders. Today, about half of Evergy's power comes from carbon-free sources, creating more reliable energy with less impact to the environment. We value innovation and adaptability to give our customers better ways to manage their energy use, to create a safe, diverse and inclusive workplace for our employees, and to add value for our investors. Headquartered in Kansas City, our employees are active members of the communities we serve.

For more information about Evergy, visit us at [www.evergy.com](http://www.evergy.com).

### **Cautionary statements regarding certain forward-looking information**

Statements made in this document that are not based on historical facts are forward-looking, may involve risks and uncertainties, and are intended to be as of the date when made. Forward-looking statements include, but are not limited to, statements relating to Evergy's strategic plan, including, without limitation, those related to earnings per share, dividend, operating and maintenance expense and capital investment goals; the outcome of legislative efforts and regulatory and legal proceedings; future energy demand; future power prices; plans with respect to existing and potential future generation resources; the availability and cost of generation resources and energy storage; target emissions reductions; and other matters relating to expected financial performance or affecting future operations. Forward-looking statements are often accompanied by forward-looking words such as "anticipates," "believes," "expects," "estimates," "forecasts," "should," "could," "may," "seeks," "intends," "proposed," "projects," "planned," "target," "outlook," "remain confident," "goal," "will" or other words of similar meaning. Forward-looking statements involve risks, uncertainties and other factors that could cause actual results to differ materially from the forward-looking information.

In connection with the safe harbor provisions of the Private Securities Litigation Reform Act of 1995, Evergy, Inc., Evergy Kansas Central, Inc. and Evergy Metro, Inc. (collectively the Evergy Companies) are providing a number of risks, uncertainties and other factors that could cause actual results to differ from the forward-looking information. These risks, uncertainties and other factors include, but are not limited to: economic and weather conditions and any impact on sales, prices and costs; changes in business strategy or operations; the impact of federal, state and local political, legislative, judicial and regulatory actions or developments, including deregulation, re-regulation, securitization and restructuring of the electric utility industry; decisions of regulators regarding, among other things, customer rates and the prudence of operational decisions such as capital expenditures and asset retirements; changes in applicable laws, regulations, rules, principles or practices, or the interpretations thereof, governing tax, accounting and environmental matters, including air



and water quality and waste management and disposal; the impact of climate change, including increased frequency and severity of significant weather events and the extent to which counterparties are willing to do business with, finance the operations of or purchase energy from the Evergy Companies due to the fact that the Evergy Companies operate coal-fired generation; prices and availability of electricity and natural gas in wholesale markets; market perception of the energy industry and the Evergy Companies; the impact of future Coronavirus (COVID-19) variants on, among other things, sales, results of operations, financial condition, liquidity and cash flows, and also on operational issues, such as supply chain issues and the availability and ability of the Evergy Companies' employees and suppliers to perform the functions that are necessary to operate the Evergy Companies; changes in the energy trading markets in which the Evergy Companies participate, including retroactive repricing of transactions by regional transmission organizations (RTO) and independent system operators; financial market conditions and performance, disruptions in the banking industry, including changes in interest rates and credit spreads and in availability and cost of capital and the effects on derivatives and hedges, nuclear decommissioning trust and pension plan assets and costs; impairments of long-lived assets or goodwill; credit ratings; inflation rates; effectiveness of risk management policies and procedures and the ability of counterparties to satisfy their contractual commitments; impact of physical and cybersecurity breaches, criminal activity, terrorist attacks, acts of war and other disruptions to the Evergy Companies' facilities or information technology infrastructure or the facilities and infrastructure of third-party service providers on which the Evergy Companies rely; impact of the Ukrainian and Middle East conflicts on the global energy market; ability to carry out marketing and sales plans; cost, availability, quality and timely provision of equipment, supplies, labor and fuel; ability to achieve generation goals and the occurrence and duration of planned and unplanned generation outages; delays and cost increases of generation, transmission, distribution or other projects; the Evergy Companies' ability to manage their transmission and distribution development plans and transmission joint ventures; the inherent risks associated with the ownership and operation of a nuclear facility, including environmental, health, safety, regulatory and financial risks; workforce risks, including those related to the Evergy Companies' ability to attract and retain qualified personnel, maintain satisfactory relationships with their labor unions and manage costs of, or changes in, wages, retirement, health care and other benefits; disruption, costs and uncertainties caused by or related to the actions of individuals or entities, such as activist shareholders or special interest groups, that seek to influence Evergy's strategic plan, financial results or operations; the impact of changing expectations and demands of the Evergy Companies' customers, regulators, investors and stakeholders, including heightened emphasis on environmental, social and governance concerns; the possibility that strategic initiatives, including mergers, acquisitions and divestitures, and long-term financial plans, may not create the value that they are expected to achieve in a timely manner or at all; difficulties in maintaining relationships with customers, employees, regulators or suppliers; and other risks and uncertainties.

This list of factors is not all-inclusive because it is not possible to predict all factors. You should also carefully consider the information contained in the Evergy Companies' other filings with the Securities and Exchange Commission (SEC). Additional risks and uncertainties are discussed from time to time in current, quarterly and annual reports filed by the Evergy Companies with the SEC. New factors emerge from time to time, and it's not possible for the Evergy Companies to predict all such factors, nor can the Evergy Companies assess the impact of each such factor on the business or the extent to which any factor, or combination of factors, may cause actual results to differ materially from those contained or implied in any forward-looking statement. Given these uncertainties, undue reliance should not be placed on these forward-looking statements. The Evergy Companies undertake no obligation to publicly update or revise any forward-looking statement, whether as a result of new information, future events or otherwise, except as required by law.

### **Available Information**

The SEC maintains an internet site that contains reports, proxy and information statements and other information regarding issuers that file electronically with the SEC at [sec.gov](http://sec.gov). Additionally, information about the Evergy Companies, including their combined annual reports on Form 10-K, combined quarterly reports on Form 10-Q, current reports on Form 8-K and amendments to those reports filed with the SEC, is also available through the Evergy Companies' website, <http://investors.evergy.com>. Such reports are accessible at no charge and are made available as soon as reasonably practical after such material is filed with or furnished to the SEC.

Investors should note that the Evergy Companies announce material financial information in SEC filings, press releases and public conference calls. In accordance with SEC guidelines, the Evergy Companies also use the Investor Relations section of their website, <http://investors.evergy.com>, to communicate with investors. It is possible that the financial and other information posted there could be deemed to be material information. The information on the Evergy Companies' website is not part of this document.



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**GROSS RECEIPTS TAX INFORMATION  
REQUIRED BY 20 CSR 4240-10.060  
CONTAINS CONFIDENTIAL  
INFORMATION  
NOT AVAILABLE TO THE PUBLIC.**

**ORIGINAL FILED UNDER SEAL.**

**VERIFICATION**

This undersigned states that this request is substantially consistent with the preferred resource plan specified in the most recent triennial compliance filing made by Evergy Missouri West, Inc. d/b/a Evergy Missouri West (“Evergy Missouri West”), pursuant to 20 CSR 4240-22.080(18).

A handwritten signature in black ink, appearing to read "D. R. Ives", is written over a solid horizontal line.

Darrin R. Ives  
Vice President-Regulatory Affairs  
Evergy Missouri West



**Evergy Metro, Inc. d/b/a Evergy Missouri Metro and  
Evergy Missouri West, Inc. d/b/a Evergy Missouri West**

Docket No.: ER-2024-0189

Date: February 2, 2024

CONFIDENTIAL INFORMATION

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The following information is provided to the Missouri Public Service Commission under CONFIDENTIAL SEAL:

Document/Page	Reason for Confidentiality from List Below
Schedule 3	1, 3, 4, and 6
Schedule 4	1, 3, 4, and 6
Schedule 5	1, 3, 4, and 6
Gross Receipt Tax Information	1, 3, 4, and 6

Rationale for the “confidential” designation pursuant to 20 CSR 4240-2.135 is documented below:

1. Customer-specific information;
2. Employee-sensitive personnel information;
3. Marketing analysis or other market-specific information relating to services offered in competition with others;
4. Marketing analysis or other market-specific information relating to goods or services purchased or acquired for use by a company in providing services to customers;
5. Reports, work papers, or other documentation related to work produced by internal or external auditors, consultants, or attorneys, except that total amounts billed by each external auditor, consultant, or attorney for services related to general rate proceedings shall always be public;
6. Strategies employed, to be employed, or under consideration in contract negotiations;
7. Relating to the security of a company's facilities; or
8. Concerning trade secrets, as defined in section 417.453, RSMo.
9. Other (specify) \_\_\_\_\_.

Should any party challenge the Company’s assertion of confidentiality with respect to the above information, the Company reserves the right to supplement the rationale contained herein with additional factual or legal information.