

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

In the Matter of the Application of Trevor King for Change of Electric Supplier from Evergy Missouri West, Inc. d/b/a Evergy Missouri West to Osage Valley Electric Cooperative)
)
) **File No. EO-2024-0161**
)
)

STAFF’S RESPONSE AND RECOMMENDATION

COMES NOW Staff of the Missouri Public Service Commission, by and through the undersigned counsel, and respectfully states as follows:

1. In its *Ordering Directing Notice, Adding Parties, and Directing Responses to Application* issued on November 13, 2023, the Commission ordered Staff to file a recommendation in that case no later than January 3, 2024.

2. On November 7, 2023, Trevor King (“Applicant”) filed an application with the Commission requesting a change of electric supplier from Evergy Missouri West, Inc. d/b/a Evergy Missouri West (“EMW” or “Company”) to Osage Valley Electric Cooperative (“Osage Valley” or “Co-op”). The Commission ordered Staff to file its recommendation regarding the application or a report no later than January 3, 2023.

3. On January 2, 2024, Staff reported that there were three files involved, namely EO-2024-0161, EO-2024-0166¹, and EO-2024-0181² (collectively “Applications”). The *Applications* were similar requests from three neighboring property owners. The three *Applications* assert common legal questions (supplier change), facts

¹ In the Matter of the Application of Matthew Gibreal for Change of Electric Supplier from Evergy Missouri West, Inc. d/b/a Evergy Missouri West to Osage Valley Electric Cooperative

² In the Matter of the Application of Tyler Watts for Change of Electric Supplier from Evergy Missouri West, Inc. d/b/a Evergy Missouri West to Osage Valley Electric Cooperative

(service area), and requested relief (switch to Osage Valley). Staff requested to consolidate the three cases and the Commission ordered consolidating the files on January 24, 2024.

4. On December 13, 2023, Evergy Missouri filed their response to the Applicants' *Application*. The Company marked their response as confidential in its entirety.

5. On December 13, 2023, Osage Valley Electric Cooperative ("Osage Valley") filed its response to the *Application*. Osage Valley took no position on the sufficiency of the *Application* and took no position on whether the Commission approve or deny Applicants' request.

6. Osage Valley is a rural electric cooperative organized under Chapter 394 RSMo (2020) to provide electric service to its members in all or parts of seven Missouri counties, including Cass County. The Commission has limited jurisdiction over rural electric cooperatives. For the purposes of this case, Osage Valley is subject to the jurisdiction of the Commission under Section 394.312 RSMo (2020).

7. EMW is a Delaware corporation with its principal office and place of business at 1200 Main Street, Kansas City, Missouri 64102. EMW is primarily engaged in the business of providing electric services in Missouri to the public in its certificated areas. EMW is an electrical corporation and a public utility as defined in Section 386.020 RSMo (Supp. 2019).

8. The Applicant who submitted the *Application* for a change of supplier bears the burden of proof. The Applicant must prove that the requested supplier change is in the best interests of the public and not solely driven by a rate differential.³

9. Attached hereto and incorporated herein by reference is *Staff's Recommendation*, in which Staff recommends the Commission approve the *Applications* in File nos. EO-2024-0161, EO-2024-0166, and EO-2024-0181. Osage Valley already has distribution lines on the customers' properties thus approval of the *Applications* will prevent further duplication of services.

WHEREFORE, Staff recommends the Commission approve the *Applications* in File nos. EO-2024-0161, EO-2024-0166, and EO-2024-0181, and grant such relief as just under the circumstances.

Respectfully submitted,

/s/ Eric Vandergriff

Eric Vandergriff

Legal Counsel

Missouri Bar No. 73984

P.O. Box 360

Jefferson City, MO 65012

(573) 522-9524 (Telephone)

(573) 751-9285 (Fax)

eric.vandergriff@psc.mo.gov

Counsel for the Staff of the

Missouri Public Service Commission

CERTIFICATE OF SERVICE

³ The Applicant is required by 20 CSR 4240-3.140(1)(G) to include reasons why a change in electrical suppliers is in the public interest.

I hereby certify that copies of the foregoing have been mailed or hand-delivered, transmitted by facsimile or electronically mailed to all counsel of record on this 16th day of February, 2024.

/s/ Eric Vandergriff