

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service Commission held at its office in Jefferson City on the 21st day of March, 2024.

In the Matter of Evergy Metro, Inc. d/b/a)
Evergy Missouri Metro’s Notice of Intent to)
File an Application for Authority to) **File No. EO-2023-0369**
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 Application for Authority to) **File No. EO-2023-0370**
Establish a Demand-Side Programs)
Investment Mechanism)

ORDER ESTABLISHING PROCEDURAL SCHEDULE

Issue Date: March 21, 2024 Effective Date: March 21, 2024

On November 16, 2023, in File No. EO-2019-0132, the Commission approved a stipulation and agreement extending Evergy Metro, Inc. d/b/a Evergy Missouri Metro and Evergy Missouri West, Inc. d/b/a Evergy Missouri West’s (collectively “Evergy”) Missouri Energy Efficiency Investment Act (MEEIA) Cycle 3 until December 31, 2024. The stipulation and agreement stated that the procedural schedule for Evergy’s MEEIA Cycle 4 would be determined by January 1, 2024. On December 21, 2023, Evergy filed notice that it would file the required procedural schedule by January 16, 2024. Evergy filed a status report on January 16, 2024, stating that it would file a procedural schedule by January 26, 2024.

On January 26, 2024, Evergy and Staff filed proposed procedural schedules in this case. Both proposed procedural schedules were similar and contained the same

proposed evidentiary hearing date, briefing dates, and requested Commission order dates. However, Staff's proposed schedule provided for all parties to provide direct testimony, whereas Evergy's proposed schedule did not. Staff supports its request by noting that MEEIA applications have become increasingly complex and rival rates cases in the variety of issues and the monetary amount.

Proposed procedural schedules were not filed until the end of January, and an Evergy MEEIA Cycle 4 application is not anticipated until April under either proposed schedule. The Commission is persuaded by both Staff's argument and the condensed schedule that the filing of direct testimony by parties other than Evergy is reasonable and appropriate in this case. Therefore, the Commission will allow non-utility parties to file direct testimony.

Both proposed procedural schedules requested the Commission hold an evidentiary hearing from September 9 through 12 of 2024. Due to Commission conflicts, those dates are not available. The Regulatory Law Judge corresponded with the parties and determined that a four-day hearing from September 3 through 6 of 2024 was sufficient. The Commission will also hold September 9, 2024, open as an overflow hearing date, if the parties are unable to address all hearing issues by the end of September 6, 2024.

To ensure that discovery disputes can be promptly resolved, the Commission will exercise its authority under Section 386.240, RSMo, by delegating its authority to the Regulatory Law Judge to rule on discovery disputes and to rule on all motions to compel.

THE COMMISSION ORDERS THAT:

1. The following procedural schedule is established:

Evergy Application¹	April 15, 2024
Direct Testimony (Non-Utility)	May 10, 2024
Rebuttal Testimony	July 9, 2024
Surrebuttal Testimony	August 1, 2024
Settlement Conference	August 15, 2024
List of Issues, Last day to Issue Discovery and Notices of Depositions	August 21, 2024
Position Statements	August 26, 2024
Evidentiary Hearing	September 3 through 6, 2024
Overflow Hearing Date	September 9, 2024
Initial Briefs	October 4, 2024
Reply Briefs	October 18, 2024

2. The evidentiary hearing is scheduled for September 3-6, 2024, beginning at 9:00 a.m. The hearing is also scheduled for September 9, 2024, if an extra day is necessary. The hearing will be held Governor Office Building, Room 310, 200 Madison Street, Jefferson City, Missouri, and will begin each day at 9:00 a.m. or as ordered by the Regulatory Law Judge at the hearing. This building meets accessibility standards required by the Americans with Disabilities Act. If you need additional accommodations to participate in this hearing, please call the Public Service Commission's Hotline at 1-800-392-4211 (voice) or Relay Missouri at 711 before the hearing.

¹ The Commission will issue notice and set an intervention deadline after Evergy's MEEIA Cycle 4 application is filed.

3. 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.

4. 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.

5. 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.

6. 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 five 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 five business days to provide the requested information, and two business days to object or notify that more than five 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).

7. 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 two 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.

8. 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.

9. Documents filed in EFIS shall be considered properly served by serving the same on counsel of record for all other parties via e-mail.

10. Although not all parties may agree upon how each issue should be described, or on whether a listed issue is in fact a proper issue, the parties shall agree upon and Staff shall file a list of the issues to be heard, the witnesses to appear on each day of the hearing, the order in which they will be called, and the order of cross examination for each witness. The list of issues should be detailed enough to inform the Commission of each issue that must be resolved. The Commission will view any issue not contained in this list of issues as not requiring resolution by the Commission.

11. Each party shall file a simple and concise statement summarizing its position on each issue. Position statements shall track the list of issues. Any position statement

shall set forth any order requested, cite any law authorizing that relief, and allege facts relevant under the law with citations to any pre-filed testimony in support.

12. This order shall be effective when issued.



BY THE COMMISSION

A handwritten signature in black ink that reads "Nancy Dippell". The signature is written in a cursive, flowing style.

Nancy Dippell
Secretary

Hahn, Ch., Rupp, Coleman, Holsman
and Kolkmeier CC., concur.

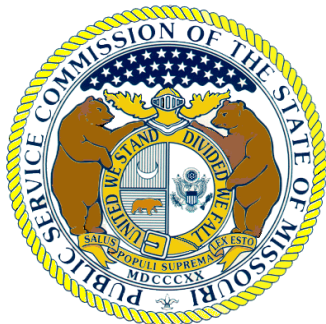
Clark, Senior Regulatory Law Judge

STATE OF MISSOURI

OFFICE OF THE PUBLIC SERVICE COMMISSION

I have compared the preceding copy with the original on file in this office and I do hereby certify the same to be a true copy therefrom and the whole thereof.

WITNESS my hand and seal of the Public Service Commission, at Jefferson City, Missouri, this 21st day of March 2024.



Nancy Dippell

Nancy Dippell
Secretary

MISSOURI PUBLIC SERVICE COMMISSION

March 21, 2024

File/Case No. EO-2023-0369 and EO-2023-0370

MO PSC Staff

Staff Counsel Department
200 Madison Street, Suite 800
P.O. Box 360
Jefferson City, MO 65102
staffcounservice@psc.mo.gov

**Office of the Public Counsel
(OPC)**

Marc Poston
200 Madison Street, Suite 650
P.O. Box 2230
Jefferson City, MO 65102
opcservice@opc.mo.gov

Evergy Missouri Metro

James Fischer
2081 Honeysuckle Lane
Jefferson City, MO 65109
jfischerpc@aol.com

Evergy Missouri Metro

Roger Steiner
1200 Main Street, 16th Floor
P.O. Box 418679
Kansas City, MO 64105-9679
roger.steiner@evergy.com

Evergy Missouri West

James Fischer
2081 Honeysuckle Lane
Jefferson City, MO 65109
jfischerpc@aol.com

Evergy Missouri West

Roger Steiner
1200 Main Street, 16th Floor
P.O. Box 418679
Kansas City, MO 64105-9679
roger.steiner@evergy.com

MO PSC Staff

Nicole Mers
200 Madison Street
Jefferson City, MO 65101
nicole.mers@psc.mo.gov

**Office of the Public Counsel
(OPC)**

Lindsay VanGerpen
200 Madison Street, Suite 650
P.O. Box 2230
Jefferson City, MO 65102
lindsay.vangerpen@opc.mo.gov

Enclosed find a certified copy of an Order or Notice issued in the above-referenced matter(s).

Sincerely,



**Nancy Dippell
Secretary**

Recipients listed above with a valid e-mail address will receive electronic service. Recipients without a valid e-mail address will receive paper service.