

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

In the Matter of Requests for Customer) File No. EO-2024-0002
Account Data Production)

**INITIAL BRIEF OF
EVERGY MISSOURI METRO AND EVERGY MISSOURI WEST**

COMES NOW, 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 “Evergy” or “Company”), pursuant to the Missouri Public Service Commission’s (“Commission”) *Order Setting Procedural Schedule* (“Order”) issued October 18, 2023¹, and states as follows:

I. INTRODUCTION

Evergy sincerely regrets that it has been necessary to present this case for resolution by the Commission. Evergy recognizes that many of the issues are highly technical in nature and not the types of issues that are easily susceptible to resolution in a litigated case. Nevertheless, Evergy and the Commission Staff have been unable to amicably resolve the remaining issues being presented to the Commission after numerous, and lengthy settlement discussions. Notwithstanding the filing of this brief, Evergy is willing to continue settlement discussions with Staff and other interested parties with the hope of resolving the issues in this proceeding through an amicable settlement.

Evergy recognizes that it has an obligation to provide the data necessary to fulfill the regulatory obligations of the Commission, its Staff, and other stakeholders in regulatory proceedings. In this case, Evergy has fulfilled its regulatory obligations and has complied with

¹ As amended by *Order Granting Extension of Time*, issued March 13, 2024.

the terms of the Stipulation and Agreement approved in by the Commission in the Company's last rate case (File Nos. ER-2022-0129/0130). It has carefully reviewed the individual sets of data requested by Staff, and when the data requested by Staff was unavailable or cost-prohibitive to create and produce, Evergy has made a good faith effort to explain the reasons the data is unavailable and has estimated the cost of the individual sets of data requested by Staff.

As the evidence has demonstrated in this case, however, just because data exists in some format in Evergy's systems does not mean it is available and deliverable in the format requested by Staff. Data or elements of data exist throughout Evergy's systems. The problem in this case is that Staff wants the data in specific forms, combinations or time intervals that are not inherently available in Evergy's systems. These aspects must be developed at a cost to the Company. Obviously, the cost of creation and production must be taken into account when the Commission decides if Evergy is required to create and produce the data demanded by Sarah Lange in this case. Even Staff now recognizes that it would be imprudent to spend \$80-100 million to create and produce the data requested by Staff in Data Set No. 1.²

The record also reflects that Staff has not shouldered its burden to show that there is a regulatory need at this time for all of the information requested. For example, as explained herein, Staff has failed to demonstrate that there is a need for a "Distribution System Study", whatever that term may envision, in order to establish just and reasonable rates in future rate proceedings. The Commission has processed many rate cases over the last thirty years relying on class cost of service data to affirm rates without the need for a specialized study into distribution costs, as contemplated by Staff witness Sarah Lange.³

² Tr. 295-96; Staff Position Statement, p. 3.

³ Tr. 329-330; 381-382.

II. PROCEDURAL HISTORY⁴

On August 30, 2022, the Company filed a *Stipulation and Agreement* (“Stipulation”) in File Nos. ER-2022-0129 and ER-2022-0130. A copy of this *Stipulation and Agreement* is attached to the Joint Stipulation of Facts as Attached A which was filed on January 22, 2024.

On September 22, 2022, the Missouri Public Service Commission (“Commission”) issued its *Order Approving Four Partial Stipulations and Agreements* (“Order”) which encompassed approval of the Stipulation referenced above. Per the approved Stipulation, the parties agreed to the following:

4. Data Retention:
 - a) Prior to July 1, 2023, the Company will identify and provide the data requested in the direct testimony of Sarah Lange. If the requested data is not available or cost-prohibitive to produce, the Company will file a motion to establish an EO docket. In that docket the Company will provide the reason why it cannot provide the requested data and its individual estimate of the cost to provide each set of requested data, for the further consideration of the parties and the Commission.⁵ (Emphasis added)

The “requested data,” as outlined in Sarah Lange’s Direct testimony is as follows⁶:

1. **Data Set No. 1.** Identify and provide the data required to determine: line transformer costs and expenses by rate code; primary distribution costs and expenses by voltage; secondary distribution costs and expenses by voltage; primary voltage service drop costs and expenses; line extension costs, expenses, and contributions by rate code and voltage; and meter costs by voltage and rate code;

2. **Data Set No. 2.** For each rate code, provide the total number of customers served on that rate schedule on the first day of the month and the last day of the month;

⁴ See Joint Statement of Facts filed on January 22, 2024.

⁵ See, *Stipulation*, p. 12, Rate Design and Program Settlement, §4(a).

⁶ File Nos. ER-2022-0129 and ER-2022-0130, Sarah Lange, Direct Testimony, pp. 61-64, June 22, 2022.

- a. For each rate schedule on which customers may take service at various voltages, the number of customers served at each voltage on the first day of the month and the last day of the month;
3. **Data Set No. 3.** For each rate code, the number of customers served on that rate schedule on the first day of the month and the last day of the month for which interval meter readings are obtained;
 - a. For each rate code on which customers may take service at various voltages, the number of customers served at each voltage on the first day of the month and the last day of the month which interval meter readings are obtained;
4. **Data Set No. 4.** For each rate code for which service is available at a single voltage, the sum of customers' interval meter readings, by interval;
 - a. For each rate code on which customers may take service at various voltages, the sum of customers' interval meter readings, by interval and by voltage;
5. **Data Set No. 5.** If any internal adjustments to customer interval data are necessary for the company's billing system to bill the interval data referenced in parts 4. and 4.a., such adjustments should be applied to each interval recording prior to the customers' data being summed for each interval;
6. **Data Set No. 6.** From time to time the Commission may designate certain customer subsets for more granular study. If such designations have been made, the information required under parts 1 – 5 should be provided or retained for those instances.
7. **Data Set No. 7.** Individual customer interval data shall be retained for a minimum of fourteen months. If individual data is acquired by the Company in intervals of less than one hour in duration, such data shall be retained in intervals of no less than one hour.
8. **Data Set No. 8.** Evergy shall:
 - a. Retain individual hourly data for use in providing bill-comparison tools for customers to compare rate alternatives.

b. Retain coincident peak determinants for use in future rate proceedings.

c. Provide to Staff upon request:

- 1) the information described in part 1;
- 2) a minimum of 12 months of the data described in parts 2-5;
- 3) for rate codes with more than 100 customers, a sample of individual customer hourly data, and identified peak demands for those 100 customers in the form requested at that time (i.e. monthly 15 minute non-coincident, annual 1 hour coincident);
- 4) for rate codes with 100 or fewer customers, individual customer hourly data, and identified peak demands for those customers in the form requested at that time (i.e. monthly 15 minute non-coincident, annual 1 hour coincident).

d. For purposes of general rate proceedings, Evergy shall provide all data described above for a period of not less than 36 months, except that Staff does not request individual customer data for 36 months except as described in part 8.c.3.

9. **Data Set No. 9.** Develop the determinants for assessment of an on-peak demand charge to replace the current monthly billing demand charge, and for potential implementation for customers not currently subject to a demand charge; and

10. **Data Set No. 10.** EMM and EMW begin to retain and study data related to the reactive demand requirements of each rate code, and sample customers within each rate code.

This EO docket was established to provide the reasons why Evergy cannot provide the requested data and its individual estimate of the cost to provide each set of requested data, for the

further consideration of the parties and the Commission pursuant to a *Stipulation and Agreement* entered into by Staff, Evergy, and various other Signatories.”⁷

On June 30, 2023, the Company filed a *Motion To Establish Docket For Further Consideration of Data Production* in File Nos. ER-2022-0129 and ER-2022-0130.

On July 6, 2023, the Commission issued its *Order Directing Notice, Setting Deadline for Intervention Requests, and Setting Prehearing Conference* in File No. EO-2024-0002 which provided notice, established an intervention deadline, and scheduled a prehearing conference.

On October 18, 2023, the Commission issued its *Order Setting Procedural Schedule* which approved a procedural schedule for this case. On November 1, 2023, the Company filed the direct testimony of Bradley D. Lutz, Julie Dragoo, and Sean Riley.

On December 15, 2023, the Commission Staff filed rebuttal testimony of Sarah L.K. Lange, Michael Stahlman, Kim Cox, and J Luebbert.

On January 8, 2024, the Company filed surrebuttal testimony of Bradley D. Lutz and Julie Dragoo, and OPC filed surrebuttal testimony of Geoff Marke.

Evidentiary hearings were held on January 30 and 31, 2024.

Following admonitions from the Commissioners at the conclusion of the hearing,⁸ extensive settlement discussions were held between Evergy and the Staff, but no settlement of the issues was achieved. Despite the inability to achieve a reasonable settlement before submitting briefs, Evergy remains committed to proposing alternatives to resolve the issues through settlement discussions rather than Commission order.

⁷ The other signatories included the Office of the Public Counsel, Nucor Steel Sedalia, LLC, the City of St. Joseph, Missouri, Midwest Energy Consumers Group, and Renew Missouri Advocates. Evergy was the only electric utility corporation that was a party to the *Stipulation and Agreement*. Neither Ameren Missouri nor the Empire District Electric Company d/b/a Liberty were parties or signatories to the *Stipulation and Agreement*.

⁸ Tr. 467-68, and 479.

III. LEGAL ARGUMENTS

A. **IT IS INAPPROPRIATE FOR THE COMMISSION TO REQUIRE THE CREATION AND PRODUCTION OF THE DATA SETS BY STAFF SINCE THE COMMISSION HAS NOT APPROVED A LONG-TERM RATE DESIGN PLAN OR OPTIONS FOR EVERGY OR THE OTHER ELECTRIC COMPANIES IN MISSOURI.**

Before addressing the specific issues in this case, it is important to note that much of the data requested by Staff in this proceeding appears to be designed, in part, to support Staff's long-term vision or "options" for electric rate design for the future. However, the Commission has not been presented with the Staff's long-term vision or options⁹ for electric rate design, and the Commission has not adopted them as the policy of the State of Missouri.

The Staff has also argued that some data will be needed to process future rate cases.¹⁰ However, if that is true, the data should be requested in the context of future rate cases, and not in an open-ended proceeding dealing with data requested from the last general rate case. It would be preferable for all parties to future rate cases to be able to participate in the discovery process, and the Commission may deal with discovery disputes, if any, in the context of those future rate cases.

Evergy respectfully suggests that it is inappropriate for the Commission to require the creation and production of the data requested by Staff in this case since the Commission has not determined that this enormous effort is required or cost-beneficial for future rate cases or rate design cases. During the hearing, it appeared that Staff was no longer requesting the creation and production of Data Set No. 1 because of the enormous cost of creating and producing that specific data. However, Staff is searching for alternative methods of studying the distribution

⁹ Tr. 288.

¹⁰ Ex. 200, Cox Rebuttal, p. 10; Ex. 203, Stahlman Rebuttal, p. 6; and Ex. 201, Lange Rebuttal, p. 27-28, 39.

system.¹¹ While the Company is willing to work with Staff to discuss alternative, cost-effective methods of studying the distribution system costs, for the reasons stated herein, Evergy does not believe that Staff's recommendation to leave this docket open to resolve discovery disputes is practical or workable since it will effectively put the Regulatory Law Judge in the difficult position of deciding whether it is cost-effective for the Commission to order the creation and production of data or analysis that does not exist.¹² Such an order to create and produce data or analysis that does not exist would exceed the traditional parameters of the discovery rules and historical discovery orders.¹³ The Commission should not go down this slippery slope by adopting Staff's recommendation to leave this docket open to resolve such disputes where Staff may be seeking Evergy to create and produce data or analysis that does not exist.

RATE MODERNIZATION

In informal meetings with the Staff, Staff has presented its long-term vision or options for electric rate design in two parts, one focused on non-residential rates and a second addressing all customer classes with a long-term view. In short, the Company is not able to endorse the Staff plans. There are aspects of the plans that represent material changes from existing rate structures and the impact to customers is unknown. Specifically, proposals related to elimination of customer classes or pricing based on location. There are also aspects that are forward-looking and speculative where future developments could impact the plan as proposed. Specifically, proposals related to distributed energy resource loads and revenue decoupling are problematic.¹⁴

¹¹ Tr. 386.

¹² See Tr. 311-312

¹³ Tr. 442.

¹⁴ Ex. 4, Lutz Surrebuttal, p. 21.

On the topics of rate modernization, the Company and Staff have had two meetings to explore the topic,¹⁵ and the Company has participated in the initial non-residential rate design workshop held by Ameren, resulting from Ameren’s rate cases, File Nos. ER-2021-0240 and ER-2022-0337 rate cases. Regarding the meetings between the Company and Staff, these resulted from the ER-2022-0129/0130 rate cases and included a representative of the Midwest Energy Consumers Group (“MECG”). Staff provided a detailed walk-through of the non-residential plan for the Company’s consideration.¹⁶

Staff included the following proposals as part of its long-term “options”¹⁷ for rate design in its Rate Modernization PowerPoint presentation on August 28, 2023:

Residential Rate Structure¹⁸

- Customer Charge—Same as Continuous Design¹⁹
- Facilities charge
 - o May be per kW, or may be fixed based on standardization installations
- Time Based Energy Charge—Same as Continuous Design
- Reactive Demand Charge
 - o If warranted after study
- Critical Peak Charge²⁰—Same as Continuous Design

¹⁵ Tr. 286, 289.

¹⁶ Ex. 4, Lutz Surrebuttal, p. 22.

¹⁷ Tr. 288.

¹⁸ Ex. 7, Rate Modernization, Slide 20.

¹⁹ According to Slide 21 of Staff Rate Modernization PowerPoint presentation, “Existing classes are an artifact of the unavailability of hourly load data.” Under continuous rate design proposals, traditional customer classes would be eliminated and replaced with rate structures with uniform energy prices adjusted for voltage levels and location specific customer charges. Such proposals have not been approved by the Commission, and the Company is not expected to support such a major change in its approved rate structure in the near term. See Ex. 4, Lutz Surrebuttal, p. 23.

²⁰ Critical Peak Pricing Charge and Rider are summarized in Slide 19 of the Staff’s Rate Modernization PowerPoint presentation. It includes the doubling of applicable Time-Based Energy Charges when the RTO posts a notice of an emergency that may require curtailments. See Ex. 7, Slide 19.

Non-Residential Rate Structure²¹

- Continuous Rate Design
 - o All Rates Equal for All Non-Residential Customers
 - o Adjusted for losses to Service Voltage level
- Elements (New ~~Eliminated~~)
 - o Customer Charge
 - o Facilities Charge
 - o ~~Demand Charge~~
 - o ~~Hours Use Declining Block Energy Charge~~
 - o Time Based Energy Charge
 - o Reactive Demand Charge
 - o Critical Peak Charge

Ms. Lange also presented Staff's proposals for rate modernization in her rebuttal testimony in this case:

The most reasonable path forward from Staff's perspective is:

1. adoption of voltage and infrastructure specific customer and facility charges for non-residential customers that vary with the customer's actual infrastructure and annual (or triennial) NCP, without regard to customer class,
2. transitioning of demand charges to the highest usage in a pre-established on-peak period, such as 6 am – 10 pm
3. adoption of time-based energy rates without an hours use structure.

If these steps are taken, it may be necessary or appropriate to transition customers to rate codes denominated as "commercial" and "industrial" based on FERC Form 1 usage of those terms, but separate

²¹ Id. at Slide 11.

rates for each class will be superfluous and no longer necessary or appropriate.²²

Although the Company has not formally replied or offered details on Evergy's respective plans, the details shared by Staff have been considered within the Company's rate design proposals for the 2024 Evergy Missouri West rate case. In that case, the Company is proposing to adjust non-residential customer charges and facility charges to align with its Class Cost of Service study. Testimony was offered concerning reactive demand, on-peak demand charges, and the hours-use energy charge structures, but Evergy has not suggested material changes within this case. The Company will not be supporting the adoption of voltage and infrastructure specific customer and facility charges without regard to class.²³

As it is expected these proposals will be fully examined in an upcoming rate case and additional views offered by other intervening parties, the Company recommends the Commission decline to order sweeping changes to the Company's systems and processes to accommodate Staff's long-term vision or options for rate design. Staff witness Lange also has indicated that Staff does not wish to have the Commission mandate changes to the Company's systems and accounting processes to accommodate Staff's requested data in Data Set No. 1.²⁴ Simply put, it is inappropriate to require the creation and production of the data requested by Staff in Data Set No. 1 since the Commission has not endorsed and approved Staff's long-term options or plan for electric rate design in Missouri.

²² Ex. 201, Lange Rebuttal, pp. 59-60.

²³ Ex. 4, Lutz Surrebuttal, pp. 22.

²⁴ Tr. 278-79, 392, 41.

DISTRIBUTION SYSTEM STUDY

According to Ms. Lange, the Staff believes that it needs to perform a Distribution System Study every few decades.²⁵ However, Ms. Lange was less than clear regarding exactly what she means by a “distribution system study.”²⁶ In the hearings, Ms. Lange testified that “...the phrase distribution study is probably too vague to put in an order.”²⁷

Instead, she pointed to a Stipulation and Agreement between Kansas City Power & Light Company, Staff and other parties in Case No. EO-94-199 which was approved by the Commission on July 3, 1996. However, Ms. Lange conceded that the Stipulation in Case No. EO-94-199 was not an example of what she called a “distribution system study:”

Well, it's not really a distribution study. It was an agreement among the Staff, the industrials involved at that time and KCPL about how to align each party's view of cost with what the rate structure is. So the rate structure was agreed to back in '96 and carried forward with, as Mr. Lutz said yesterday, changes made in cases. So it's not like there's a literal study that we say here's how much it costs to install a meter for a customer who's using, you know, a big factory. It's that we said, we being Staff 30 years ago, said we agree with the Company that if you have a meter of this size, you should be charged a customer charge of this size. If you have, you know, facilities of this size, you should be charged a facility's charge of this price. That's what we have from the '90s. We don't have a literal distribution study. We have an agreement about how to price in a way that is not unduly preferential.

Every agrees with Staff that the stipulation and agreement in Case No. EO-94-199 does not represent a “distribution system study”, but the “Stipulation and Agreement requires a reduction in KCPL’s revenue requirement in addition to a reallocation of revenue sources among customer classes.”²⁸ Appendix A indicates that Class Revenue Requirements were being moved toward cost of service levels. The rate design was based upon a two-phase reduction in

²⁵ Tr. 263, 330.

²⁶ Tr. 302-303.

²⁷ Tr. 330.

²⁸ Ex. 213, Order Approving Stipulation and Agreement, p. 1, Case No. EO-94-199 (July 3, 1996).

KCP&L’s revenues, with phase 1 reducing rates by \$9 million, and phase 2 reducing rates by an additional \$11 million. Appendix A explained that: “The intent of this stipulation is to replace most of KCP&L’s existing Missouri general application tariffs with new tariffs shown in Appendix F to eliminate certain special use tariffs, to implement an optional two-part time-of-use rate schedule for non-residential customers, and to leave selected tariffs unchanged.” The 1994 Stipulation is quite similar to many other settlements in rate cases where the parties agree how the rate increase should be allocated among the customer classes and the rate design for each class.²⁹ The 1994 stipulation is not a road map for future cases that would last for decades, as Staff seems to suggest. In fact, Evergy’s rates and rate designs have been modified in many rate cases since 1994.

Staff has not demonstrated a need to do a deep dive into distribution system allocation issues at this time outside the context of a general rate case. Such a study, if it was done, should be performed in the context of a rate case or a rate design proceeding, and not in a vacuum where there are no specific parameters for the proceeding. It is also not clear that a “distribution system study” done outside the context of a specific rate case or test year period would be helpful in setting rates for a specific general rate case with a different test year, rate base and cost of service components.

²⁹ See e.g., *Stipulation and Agreement Regarding Class Revenue Allocation, Re Evergy’s Request for Authority to Implement A General Rate Increase for Electric Service*, File Nos. ER-2022-0129 and ER-2022-0130 (filed September 7, 2022); *Non-Unanimous Partial Stipulation and Agreement Concerning Rate Design Issues, Re Kanas City Power & Light Company’s and KCP&L Greater Missouri Operations Company’s Request for Authorization to Implement A General Rate Increase*, File Nos. ER-2018-0145 and ER-2018-0146 (filed September 25, 2018).

B. EVERGY HAS COMPLIED WITH THE TERMS OF THE RATE CASE STIPULATION AND EXPLAINED THE REASONS THE DATA IS NOT AVAILABLE AND COST-PROHIBITIVE TO CREATE AND PRODUCE, AND HAS PROVIDED INDIVIDUAL ESTIMATES OF THE COST OF THE SETS OF DATA REQUESTED BY STAFF.

Throughout this proceeding, Staff has mischaracterized Evergy's agreement in the last rate case. Staff implies with their testimony that the Company agreed to provide the data and then failed to honor the agreement by opening this docket.³⁰

Evergy did not commit to provide all the requested data if it were not available or cost-prohibitive to produce. However, Staff seems to have ignored this important caveat. When Evergy determined the requested sets of data were not available or cost-prohibitive to produce, Evergy filed to open this docket so that it could explain the reasons the data were not available, and provide an estimate of the cost to create and produce each of the ten sets of data listed above and in Lange's Direct testimony in the last rate case. Evergy has fully complied with this agreement. As Mr. Lutz explained in his surrebuttal testimony:

A critical point to make clear is many of the statements made by the Company concern data being unavailable is focused on the unavailability due to specific attributes requested by Staff. For many of the requests, requiring data by voltage or in 15-minute intervals are the aspects most problematic to provide as they deviate from data retained for normal Company operations. That said, it is a misrepresentation to say data for ratemaking is unavailable; instead, it would be more correct to say data in the precise format and granularity requested by Staff is unavailable.³¹

Further, the Staff testimony misrepresents the Company testimony and discovery responses to contend the Company is not retaining data needed to support future rate cases. The Company's direct testimony clearly notes that much of the requested data is available in the

³⁰ Ex. 201, Lange Rebuttal, pp. 5-11.

³¹ Ex. 4, Lutz Surrebuttal, p. 3.

Company systems, but deliverability in the manner and detail sought by Staff is the primary issue.³²

Staff has twisted the word “individual” to mean that Evergy was required to provide an itemized estimate of the cost of the data, at the level expressed in their discovery. However, this is a gross mischaracterization of the meaning of the Stipulation. The Stipulation states that “If the requested data is not available or cost-prohibitive to produce, the Company will file a motion to establish an EO docket. In that docket the Company will provide the reason why it cannot provide the requested data and its individual estimate of the cost to provide each set of requested data, for the further consideration of the parties and the Commission.” (emphasis added) As explained in more detail below, the Company provided its good faith estimate of the cost to create and produce the ten (10) individual sets of data requested by Staff in Schedule BDL-1. However, in this proceeding, Staff is incorrectly arguing that Evergy was required to make individual estimates of all of the many sub-parts of Data Set No. 1.³³ This is a fatal flaw in Staff’s position and should be rejected by the Commission.

Staff witness Lange has twisted the meaning of “individual estimates” to mean that although Evergy has provided a range of cost estimates for creating and producing Data Set No. 1 in the aggregate, the above-quoted Stipulation language, according to Ms. Lange, really meant that Evergy was to provide, “its individual estimate of the cost to provide each set of data described, for the further consideration of the parties and the Commission,” and then Lange adds in her rebuttal testimony that this provision means:

in reference to the following sets of data:

line transformer costs and expenses by rate code;
primary distribution costs and expenses by voltage;

³² Ex. 4, Lutz Surrebuttal, pp. 2-3.

³³ Tr. 313-318.

secondary distribution costs and expenses by voltage;
primary voltage service drop costs and expenses;
extension costs, expenses, and contributions by rate code and
voltage; and
meter costs by voltage and rate code.³⁴

As explained below, Evergy provided a good faith estimate of the cost of creating and producing the data requested in the Data Set No. 1. The Stipulation does not say that Evergy was agreeing to produce individual estimates of all of the subparts of Data Set No. 1, as Lange now asserts. Words matter, and the words of the Stipulation do not say that Evergy agreed to provide individual estimates of “line transformer costs and expenses by rate code: primary distribution costs and expenses by voltage; secondary distribution costs and expenses by voltage; primary voltage service drop costs and expenses; extension costs, expenses, and contributions by rate code and voltage; and meter costs by voltage and rate code” as Staff incorrectly asserts. Evergy in good faith made its individual cost estimate of providing the data in Data Set No. 1-10, as required by the terms of the Stipulation.

C. EVERGY HAS MADE A GOOD FAITH EFFORT TO ESTIMATE THE COST OF CREATING AND PRODUCING THE SETS OF DATA REQUESTED BY STAFF.

Based upon her incorrect interpretation of the terms of the Stipulation, Staff witness Lange made an unfounded and particularly disturbing assertion that Evergy has not acted in “good faith” in estimating the cost of the Data Set No. 1 requested by Staff.³⁵ The Commission should flatly reject this assertion. Evergy went to great lengths to estimate the cost of providing the Data Set No. 1 in the format requested by Staff. As explained by Mr. Lutz, the Company’s cost estimates contained in Schedule BDL-1 were prepared to capture the efforts of a team of Company subject matter experts to provide the data. Given the breadth of data being requested, a

³⁴ Ex. 201, Lange Rebuttal, p. 40.

³⁵ Id. at 40, lines 6-9.

cross functional team was assembled to respond as to the availability of the requested data. The team included representatives of Evergy’s Customer Operations, Customer Analytics, Customer Systems, Application Systems, Property Accounting, Geographic Information Services Support, Engineering & Analytics, Support Services Departments. This team included individuals with direct administrative and operational knowledge of Company Billing, Mapping, Work Management, Plant Accounting, and Meter Data Management.³⁶ Some individuals on the team were involved with this work since the first data requests were received from Staff with the complete team beginning formal work in September 2022 shortly after the 0129/0130 Stipulation was filed. Work to provide the data requested continued until June 2023 when it was clear that that the data would not be provided by the July 1 target date. Work then focused on the EO case and documenting the data availability and deliverability.³⁷

Evergy witness Julie Dragoo, Evergy’s Senior Director, Customer Strategy & Support, explained how the cost estimate for Data Set No. 1 was developed. She explained that Evergy had to look at Data Set No. 1 on a holistic basis, or as a “top down” estimate because there were not refined business requirements on how the data could be created and produced. As a result, it was difficult to do a “bottoms up” estimate without specific items to describe how Evergy’s systems would need to work to make the requested data available.³⁸ Evergy experts were familiar with the cost of large transformational projects. Ms. Dragoo’s team took that expertise along with knowledge that this project would be a new concept for the industry³⁹ and a huge organizational change management effort for Evergy and used it to develop the cost estimates.⁴⁰ Trying to estimate efforts to complete reporting asks, or potentially large overhauls of Evergy’s

³⁶ Ex. 3, Lutz Direct, p. 7.

³⁷ Ex. 3, Lutz Direct, p. 7.

³⁸ Tr. 72

³⁹ Ex. 5, Riley Direct, pp. 7-8.

⁴⁰ Tr. 73.

enterprise systems is even more difficult when the scope is vague or worse, undefined. Any technology project requires a review of effort to understand what resources internally and externally and/or software and hardware will be necessary to complete the job. Without fully detailed scope, technology efforts are “shirt sized” and given a range of S – XXL. The requests from Staff range from items Evergy can build with data that exists, to trying to report on data that does not exist, the range was very wide for the estimate. Evergy recognizes that some of the requests will require the use of outside resources including Evergy’s technology partners and system integrators, to assess gaps and define processes to create the data required to support these requests. These resources range in cost from \$150-\$500+/hour. From recent experience, Evergy knows the costs associated with just the design phase of these large technology projects (the effort to align on scope and confirm the solution) can be anywhere from \$5M-\$10M. In addition, Data Set No. 1 with its request of data not available, the effort to create the data in question would require extensive work on the described systems and business processes. Based on past projects to inform estimates for those system upgrades, the cost to achieve could be well over \$100 million dollars.⁴¹

No party, including the Commission Staff, provided alternative cost estimates for the creation and provision of the Data Set No. 1 or any other data requested.⁴² As a result, there is no alternative cost estimates for Data Set Nos. 1-10 in the record of this case.

For all these reasons, it the Commission should conclude that Evergy made a good faith effort to comply with the terms of the Stipulation.

⁴¹ Ex. 2, Drago Direct, pp. 10-11.

⁴² Tr. 438.

IV. EVERGY'S LIST OF ISSUES

1. Should the Commission order Evergy to create and produce the data requested in the direct testimony of Staff witness Sarah Lange in File Nos. ER-2022-0129 and ER-2022-0130 as detailed in witness Lange's direct testimony on p. 62, ln. 1 through p. 64, ln. 28?

The Commission should not order Evergy to create and produce the information requested in Data Set No. 1 and the related Data Set No. 8(c)(1)(same information "upon request" of the Staff). The information requested in Data Set No. 1 and 8(c)(1) is cost-prohibitive and unnecessary to support ratemaking now or expected in the future. Evergy estimates that the cost of complying with Data Set No. 1 and 8(c)(1) is \$5-10 Million for the Design Phase, and \$75-100 Million for the Implementation Phase.

The Commission Staff also agrees that it would be imprudent for the Commission to order Evergy to spend \$80-\$100 Million to create and produce the Data Set No. 1.⁴³ While Staff agrees that it would be imprudent to spend the estimated amount of money to create and produce the Data Set No. 1, Staff has not abandoned its request that the data be produced. Sarah Lange stated, "To be very clear, Staff has not abandoned pursuit of the information in data 1."⁴⁴ However, Staff apparently now wants to pursue "alternative data"⁴⁵ to review distribution system costs, but it must be made clear by the Commission that the competent and substantial evidence on the whole record demonstrates that the specific information requested by Staff in Data Set No. 1 is cost-prohibitive to create and produce.⁴⁶ Nor has Staff provided a practical way for the specific data requested in Data Set No. 1 to be created and produced without the expenditure of an exorbitant amount of money.

⁴³ Staff Position Statement, pp. 2-6; Tr. 295-96; 437.

⁴⁴ Tr. 386.

⁴⁵ Tr. 251-52; 310; 346-47; 386.

⁴⁶ Id.

Neither capital investments nor maintenance expenses are currently tracked by voltage class or rate code.⁴⁷ In some instances, current capital investments and expenses impact multiple primary voltages and rate codes. For distribution system costs that are attributable to specific individual customers and rate schedule/code would require an overhaul of the entire cost tracking and work management recording processes and systems. Individual systems are separate and have singular purposes with no natural alignment that would enable syncing and connection. As such, it would require consultation with system experts to not only configure the individual systems for linkage, but also assist with creating dynamic integrated processes to allow for the tracking and reporting of the data being requested. To support this request, Evergy would also likely need to hire on-going resources to sustain these processes to support an expectation of continual creation, tracking, storing, and reporting of this data.⁴⁸

The Commission should also reject Data Set Nos. 8b, 9 and 10. Deployment of on-peak demand charges or changes to reactive demand charges have not been ordered for the Company by the Commission nor explored in any detail as part of a recent general rate proceeding.⁴⁹

The Commission should reject Data Set Nos. 8b, 9 and 10 since there has been no policy to collect meter interval data for all hours of the day, 365 days of the year for customers with AMI meters. Configuration would be needed to create reporting for the collection of hourly kw during any peak period identified. Evergy does not have a study design in place to inform the portion of this Data Set related to reactive demand.⁵⁰

The Commission should provide guidance concerning each of the remaining Data Set items detailed on Schedule BDL-1. Data Set Nos. 2, 3, 4, and 8 (with the exception of 8(b) and

⁴⁷ Ex. 3, Lutz Direct, pp. 15-19.

⁴⁸ Ex. 3, Lutz Direct, Schedule BDL-1, page 1 of 2.

⁴⁹ Ex. 4, Lutz Surrebuttal, p. 25.

⁵⁰ Ex. 3, Lutz Direct, Schedule BDL-1, page 2 of 2.

8(c)(1)) should only be provided with support from the Commission to do so. Unless otherwise specified, the Company recommends these data should be provided no more than annually and only in years that do not include a general rate proceeding.

- a. For Data Set No. 2, confirm appropriateness of the data requested and approve regulatory treatment for prompt Company recovery of expenditures to deliver the data requested.
- b. For Data Set No. 3, confirm appropriateness of the data requested and approve regulatory treatment for prompt Company recovery of expenditures to deliver the data requested.
- c. For Data Set No. 4, confirm appropriateness of the data requested and approve regulatory treatment for prompt Company recovery of expenditures to deliver the data requested.
- d. For Data Set No. 5, confirm appropriateness of the data requested and approve regulatory treatment for prompt Company recovery of expenditures to deliver the data requested.
- e. For Data Set No. 6, affirm that this is a prospective request and cannot be appropriately assessed at this time.
- f. For Data Set No. 7, confirm the Company response is appropriate, satisfying the Data Set. Data Set No. 7, a data request detailing data retention timing, is already being done by the Company.
- g. For Data Set No. 8a, confirm the Company response is appropriate, satisfying the Data Set.
- h. For Data Set No. 8b, the Commission should reject this item because deployment of on-peak demand charges or changes to reactive demand charges have not been ordered for the Company by the Commission nor explored in any detail as a part of a general rate proceeding.⁵¹
- i. For Data Set No. 8(c)2, confirm the Company response is appropriate, satisfying the Data Set.
- j. For Data Set No. 8(c)3, confirm appropriateness of the data requested and approve regulatory treatment for prompt Company recovery of expenditures to deliver the data requested.

⁵¹ Ex. 6, Errata Sheet to Lutz Surrebuttal, p. 26, Ins. 10-11.

- k. For Data Set No. 8(c)4, confirm appropriateness of the data requested and approve regulatory treatment for prompt Company recovery of expenditures to deliver the data requested.
- l. For Data Set No. 8(d), confirm the appropriateness of the data requested and approve regulatory treatment for prompt Company recovery of expenditures to deliver the data requested.⁵²

The Company believes that certain Data Sets could be provided at a cost, if the Commission orders it, and allows for the deferral of all costs associated with the creation and production of the data. These would include: Data Request Nos. 2, 3, 4, 7, 8a, 8(c)(2), 8(c)(3), 8(c)(4) and 8(c)(5).

In her opening statement, Staff counsel indicated that Staff believes the following requests for data are moot because Evergy's metering and billing systems account for the information internally or they are already addressed with the rate codes: 2a, 3a, 4a and 5.⁵³ With regard to Data Set No. 5, the adjustments that need to be made in order for those numbers to "be added together are made when the information is sent to the billing system."⁵⁴

Data Set No. 6 requests: "From time to time the Commission may designate certain customer subsets for more granular study." Data Set No. 6 is a prospective request and cannot be appropriately assessed at this time. According to Staff witness Lange, Staff did not have particular designations of subsets in mind at the time the Data Set No. 6 was issued, but "just to be aware as they're setting up software that if we're doing a lot of programming, let's get the capability we think we're going to need and not wait until it's too, you know, imminent."⁵⁵ Given this explanation by Staff, there is nothing for the Commission to consider or order related to Data Set No. 6.

⁵² Ex. 6, Errata Sheet to Lutz Surrebuttal, p. 26, lns. 20-21.

⁵³ Tr. 40-41. See also Tr. 256-57.

⁵⁴ Tr. 257.

⁵⁵ Tr. 259.

Data Set No. 7 requests: “Individual customer interval data shall be retained for a minimum of fourteen months. If individual data is acquired by the Company in intervals of less than one hour in duration, such data shall be retained in intervals of no less than one hour.” The Commission should find that the Company’s response to this Data Set is appropriate and has satisfied Data Set No. 7. The portion of the data request detailing data retention timing, is already being done by the Company.⁵⁶

Data Set No. 8(a) requests: “Evergy shall: a. Retain individual hourly data for use in providing bill-comparison tools for customers to compare rate alternatives.” This information is being retained by Evergy and there is no need for the Commission to address this item, except to confirm that Evergy has provided an appropriate response to this item.

As explained above, Data Set 8(b) to: “Retain coincident peak determinants for use in future rate proceedings” should be rejected since there has been no determination by the Commission that the use of coincident peak determinants is appropriate for ratemaking.

For Data Set No. 8, “Evergy shall:

- a. Retain individual hourly data for use in providing bill-comparison tools for customers to compare rate alternatives.
- b. Retain coincident peak determinants for use in future rate proceedings. [Should be rejected as discussed above];
- c. Provide to Staff upon request:
 - 1) the information described in part 1; [Should be rejected as discussed above];
 - 2) a minimum of 12 months of the data described in parts 2-5;

⁵⁶ Ex. 3, Lutz Direct, p. 24.

- 3) for rate codes with more than 100 customers, a sample of individual customer hourly data, and identified peak demands for those 100 customers in the form requested at that time (i.e. monthly 15 minute non-coincident, annual 1 hour coincident);
- 4) for rate codes with 100 or fewer customers, individual customer hourly data, and identified peak demands for those customers in the form requested at that time (i.e. monthly 15 minute non-coincident, annual 1 hour coincident).”

For Data Set Nos. 8(c)(2)-(4), this information is available from Evergy, but it should not be made available “upon request” but only within the context of a rate case or rate design proceeding.

Should the Company expend the funds to create and produce the data requested by Staff? What is the expected cost of creation and production of the Data Sets by Staff?

The Commission should not order Evergy to expend the funds to create and produce the data by Staff. The expected cost of creation and production of the data requested by Staff is contained in the **Schedule BDL-1** attached to the Direct Testimony of Bradley D. Lutz:

| <u><i>Data Set No.</i></u> | <u><i>Estimated Cost</i></u> |
|----------------------------|---|
| Data Set No. 1 | \$80-110M Design Phase \$5M to \$10M Implementation Phase |
| \$75M | To \$100M |
| Data Set No. 2 | 140 Hours/\$21K plus ongoing maintenance |
| Data Set No. 3 | 140 Hours/\$21K plus ongoing maintenance |
| Data Set No. 4 | 360 Hours/\$54K plus ongoing maintenance |
| Data Set No. 5 | \$3.75M-\$30M Design Phase—\$1M-\$10M Implementation Phase— \$2.75M -\$20M |
| Data Set No. 6 | No context for generating estimate |
| Data Set No. 7 | No additional cost |
| Data Set No. 8a | No additional cost |
| 8b | No context for generating estimate |
| 8c(1) | See Data Set No. 1 |
| 8c(2) | 140 hours/\$20K plus ongoing maintenance |
| 8c(3) | 260 Hours/\$42K plus ongoing maintenance |
| 8c(4) | 250 Hours/\$40K plus ongoing maintenance |
| 8d | See individual items above |
| Data Set No. 9 | No context for generating estimate |
| Data Set No. 10 | No context for generating estimate |

2. If the Commission orders the creation and production of the data requested by Staff, should the Commission also order the deferral of all costs for possible recovery in a future rate case?

Yes. If the Commission orders the creation and production of the data requested by Staff, the Commission should also order the deferral of all costs for possible recovery in a future rate case. If the Commission supports this incremental work requested by Staff, the Company would request suitable regulatory treatment to recover the incremental costs in a future general rate proceeding. In other words, the Commission should explicitly authorize the deferral of all costs associated with any Order to create and produce the data that the Commission finds appropriate as a result of this proceeding.⁵⁷

In the past, the Commission has allowed deferral of costs that were specifically caused by an Order from the Commission to mandate changes to the Company's rate structure (e.g., Time-of-Use rates),⁵⁸ or Commission-mandated changes to the Cold Weather Rules for heat-related public utilities.⁵⁹

A. THE COMMISSION HAS BROAD DISCRETION TO GRANT DEFERRAL OF COMMISSION-MANDATED EXPENDITURES.

In Missouri, there is no statute or Commission rule that specifically addresses the deferral of Commission-mandated costs. Section 393.140(4) and (8), RSMo, respectively, authorize the Commission, on a case-by-case basis and at its discretion, to “prescribe, by order, forms of accounts, records and memoranda to be kept by” utilities or “after hearing, to prescribe by order the accounts in which particular outlays and receipts shall be entered, charged or credited.” In addition, §393.140(4) generally vests the Commission with the authority to

⁵⁷ Ex. 4, Lutz Surrebuttal, p. 24

⁵⁸ See *Amended Report and Order, Re Evergy Metro, Inc. d/b/a Evergy Missouri Metro's and Evergy Missouri West's Request for Authority to Implement a General Rate Increase for Electric Service*, File Nos. ER-2022-0129/0130, p. 72 (“As no expense amounts are included in the rates approved in this case for customer education and outreach costs associated with the implementation of mandatory and optional TOU rates, the Commission will also authorize the tracking of these costs for consideration and possible recovery in Evergy's next rate case.”)

⁵⁹ See 20 CSR 4240-13.055(12).

“prescribe uniform methods of keeping accounts, records and books” of utilities subject to its jurisdiction. But nowhere in the statutes or the Commission’s rules are there standards that govern the deferral of Commission-mandated costs. Thus, the Commission has broad regulatory discretion to authorize the deferral of costs mandated by a Commission order.

The deferral of incremental costs to create and produce the data requested by Staff is consistent with the Commission’s recent order to authorize the deferral of costs associated with the implementation of Time-of-Use rates in Evergy’s last rate case. The Commission has also granted KCP&L and GMO AAOs to defer costs associated with the Renewable Energy Standards compliance costs. Re the Application of Kansas City Power & Light Company and KCP&L Greater Missouri Operations Company for the Issuance of an Accounting Authority Order Relating to their Electrical Operations, Order Approving and Incorporating Stipulation And Agreement (“Order”), File No. EU-2012-0131 (issued April 19, 2012).

In summary, the Commission has previously recognized that it has broad discretion to grant the deferral of costs of associated with Commission-mandated actions. In the event the Commission orders Evergy to create and produce data requested by Staff in this case, the Commission should also allow the Company to defer those incremental costs for possible recovery in a future rate case.

4. Should the Commission provide guidance concerning rate design proposal development, and 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 Company proposals, as recommended by Evergy witness Bradley D. Lutz?

Yes. The Company seeks the Commission’s direction on how rate design should be supported going forward. The requests received from Staff now and as part of prior rate cases are complex, costly and impactful to Company operations. Despite the assertions of Staff, having electronic systems with data does not automatically mean the data is easily retrieved in

the desired format or combination, processed, or useful for analysis. Just because data exists does not mean that more data is always better.

The “law of diminishing returns” applies here. Need and value should be considered as well. Further, there is concern that the analysis sought by Staff may or may not be in line with Commission direction. Without question, rate design is impacted by policy-related decisions exercised by the Commission as much as data-related details. In past cases, the Commission has often chosen not to adopt a specific class cost of service study for the purposes of setting rates, but instead has reviewed the results of various cost of service studies before establishing rates. In KCP&L’s 2007 rate case, the Commission explained its approach to class cost of service studies as follows:

Class cost of service is often considered but a starting point in quantifying what part of the revenue responsibility is afforded to each customer class. Indeed, class costs of service studies are often considered more art than science. Other factors should be considered when establishing rates. It is up to the Commission to evaluate the testimony of expert witnesses and accept or reject any or all of any witness's testimony.⁶⁰

It is important for the Commission to consider these factors, including the cost to create and produce the cost data, when deciding how much detail is valuable to support ratemaking.⁶¹

Staff is seeking comprehensive access to customer data, possibly made available at all times and at a level of detail beyond the Company’s need, for the purpose of supporting their independent recommendations for rate designs. They are seeking data access outside of general rate proceedings in the name of reducing regulatory lag. They are not seeking to affirm

⁶⁰ *Report & Order*, pp. 68-69, Re Kansas City Power & Light Company for Approval to Make Certain Changes to Electric Service to Implement its Regulatory Plan, Case No. ER-2007-0291 (December 6, 2007) (footnotes omitted).

⁶¹ Ex. 4, Lutz Surrebuttal, p. 3.

Company rate design proposals, but instead to pursue rate design plans in spite of Company recommendations.⁶²

The data requests by Staff to support these independent proposals have grown considerably and has 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 considerable incremental effort, taxing a wide cross-section of corporate resources, to provide.⁶³ Evergy does not believe the Staff approach is reasonable or appropriate.

Relatively recently, Staff has begun to offer rate design recommendations in general rate proceedings that are based solely on their views and are offered as an alternative to Company rate design recommendations. Prior to this time, Staff rate design recommendations consisted of proposed variations on the Company rate design proposal. This approach allowed for manageable rate design outcomes. However, under the new Staff approach, both the Company and Staff expend considerable effort to develop and support their respective proposals, then the Commission must choose between them, or in the case of the Company's last rate cases, issue an order implementing a different, hybrid rate design.⁶⁴

Under the competing proposal approach, Staff is blurring the lines between oversight and management. This puts the Commission in the increasingly difficult position to choose. From the Company's perspective, the Staff and Commission have different roles to the benefit of the regulatory process. Consistent with case law⁶⁵, the Company manages the business, and the

⁶² Id. at 7.

⁶³ Id. at 7.

⁶⁴ Id. at 13-14,

⁶⁵ The "commission's authority to regulate does not include the right to dictate the manner in which the company shall conduct its business." State ex rel. PSC v. Bonacker, 906 S.W.2d 896, 899 (Mo.App.S.D. 1995). The Commission has the power to monitor and oversee, but not to manage. "Those powers are purely regulatory. The dominating purpose of the Public Service Commission was to promote the public welfare. To that end the statutes provided regulation which seeks to correct the abuse of any property right of a public utility, not to direct its use." State ex rel. Harline v. Public Service Commission, 343 S.W.2d 177, 181 (Mo.App.1960).

Staff aids the Commission in providing its regulatory oversight provided by statute. The Commission in turn regulates the Company to ensure that customers receive safe and adequate utility services at just and reasonable rates. In exercising this regulation, the Commission may set policy or expectations for the Company 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 objection) the rate design that is to be offered by the Company to its customers. Therefore, the Company should not be required to expend significant sums to support a Staff proposed rate design which is radically different from the status quo which has not been approved by the Commission.

With respect to the current systems, the Company does take steps to make sure its systems can support Company ratemaking efforts including the provision of data to Staff and other parties in the course of general ratemaking. However, the complexity of Evergy's systems does not automatically lend itself to whatever independent analysis Staff is wanting to perform.⁶⁶

5. Should the Commission order that this docket remain open for resolution of discovery disputes related to data provision, as recommended by Staff expert J Luebbert? Specifically, Staff recommended this docket be used as a means to resolve areas where Evergy asserts that it cannot provide requested data because production of this data would require Evergy to perform additional analysis to provide required data in a usable format.

6. Should the Commission order that this docket remain open for use as a discovery repository and forum for dispute resolution related to the provision of information to conduct a distribution system cost study, as recommended by Staff expert Sarah Lange?

No. Addressing both Issue Nos. 5 and 6, this docket should not remain open for the resolution of discovery disputes or as a discovery repository for information to conduct a distribution cost study. The Company has concerns about this recommendation as it expects

⁶⁶ Ex. 4, Lutz Surrebuttal, pp. 15-16.

questions about data to persist in some form into future rate case proceedings or other filings before the Commission. Having this docket used for ongoing purposes, may create conflicts and complicate addressing issues within those dockets. Alternatively, the Company would prefer to use this case only to resolve the Commission examination of the need and cost to provide the Data Sets in Schedule BDL-1. If there are specific issues to be resolved applicable to this Commission examination, the Company believes using this docket for that purpose is appropriate. Ongoing issues should be resolved in the context of any future rate case proceedings or other filings before the Commission. If the Commission chooses to use this case to address issues going forward, the Company is not willing to continue to agree to the abbreviated data request response time agreed for the purposes of this docket only. Given the amount of discovery sought thus far by Staff, the Company's agreement to shorten the data request response time in this proceeding has resulted in a substantial burden on Evergy's personnel and has taken away the ability of these personnel to complete other important and necessary tasks for the Company and its customers.⁶⁷

7. Should the Commission order Evergy to have the discussions with Staff that Ms. Dragoo suggests in her direct testimony and to order Evergy to provide the data requested in 2, 3, and 4, which Evergy states is more reasonable and should only be provided with support from the Commission? To the extent that Evergy is unable to retrieve this information after a day, month, or billing cycle has passed, should Evergy retain that information so that it is available for use in future general rate cases?

The Company is willing to join these discussions and retain the data as suggested by Staff, but requests that the Commission provide guidance concerning the intended timing of the provision. The Company supports this data exchange being part of a general rate proceeding, but is not willing to commit to ongoing work outside of a formal proceeding unless the Commission requires it. The Company should not be obligated to provide this data frequently or ad hoc,

⁶⁷ Ex. 4, Lutz Surrebuttal, pp. 19-20.

outside of a general rate proceeding.⁶⁸ As stated above, the Staff testimony misrepresents the Company testimony and discovery responses to contend the Company is not retaining data needed to support future rate cases. The Company's direct testimony clearly notes that much of the requested data is available in the Company systems, but deliverability in the manner and detail sought by Staff is the primary issue.⁶⁹

8. Should the Commission direct Evergy to provide any usable hourly customer usage information by rate code along with the customer count information, and 15 minute on-peak period demand determinants by rate code for non-residential rate schedules, as recommended by Staff Witness Sarah L.K. Lange?

No. The Commission should reject this Staff recommendation. The Company does not bill customers with this level of detail and while this data does exist in the Evergy Meter Data Management, it is not stored in a format that allows for summation of the 15-minute intervals. As expressed in the surrebuttal testimony of Julie Drago, this will require significant investment in systems to store, sum and deliver this data set.⁷⁰ If the Commission supports the study of an on-peak demand, meaningful information could be achieved using the hourly demand which is used to support customer billing and is more readily available.⁷¹

WHEREFORE, for all the reasons stated herein, Evergy respectfully requests that the Commission adopt its position on the above-stated issues in this case.

⁶⁸ Ex. 4, Lutz Surrebuttal, p. 18.

⁶⁹ Ex. 4, Lutz Surrebuttal, pp. 2-3.

⁷⁰ Ex. 2, Drago Surrebuttal, p. 7.

⁷¹ Ex. 4, Lutz Surrebuttal, p. 21.

Respectfully submitted,

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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 22nd day of March 2024 by either e-mail or U.S. Mail, postage prepaid.

/s/ Roger W. Steiner

Roger W. Steiner