

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

In the Matter of the Application of)	
Midland Residential, LLC for a)	
Variance from 20 CSR 4240-20.050)	Case No. EE-2024-0335
Regarding)	
Individual Electric Meters.)	

MIDLAND RESIDENTIAL’S RESPONSE TO STAFF RESPONSE

Applicant Midland Residential, LLC (“Midland Residential” or “Applicant”) respectfully submits this Response to the Missouri Public Service Commission’s (“Commission”) Staff’s *Staff Response* filed with the Commission on May 10, 2024. The purpose of this filing is to provide the Commission with additional information underlying Applicant’s variance application and to request that the Commission direct the variance committee to file its recommendation by June 1, 2024.

Applicant states as follows:

1. On May 9, 2024, Midland Residential, LLC (“Midland”) filed an application for a variance from the individual electric meter requirement in Commission Rule 20 CSR 4240-20.050, asking for expedited treatment requesting approval no later than May 20, 2024.
2. On May 9, 2024, the Commission issued its *Order Directing Filing*, directing Staff to state when it could file its recommendation.
3. On May 10, 2024, Staff filed its *Staff Response*, requesting that “the Commission order the variance committee to submit its Recommendation no later than June 27, 2024.” Staff requested this extended deadline to appoint two more members to its variance committee pursuant to 20 CSR 4240-20-.050(5) in order to comply with the variance regulation and to give

the variance committee time to consider Applicant's variance application. Applicant understands that Staff must comply with the requirements of 20 CSR-240-20.050(5) and appreciates Staff's statement that "the variance committee will seek to complete its review and file its Recommendation as soon as it is able."

4. In its response, Staff further states in a footnote that Midland did not provide "justification as to why Midland did not, or could not submit its Application for Variance sooner than it did." Applicant provides information addressing Staff's note to demonstrate to the Commission that Midland acted as soon as it became aware of the need for this Application.

5. Applicant began installation of its electrical system in January 2024. At the time of installation, Applicant was not aware of the variance process associated with the electrical system designed for Midland Residential. To the best of its knowledge and belief, Applicant and its contractors believed that similar systems in the area could be installed without a variance.

6. In March 2024, Applicant began its final coordination process with Evergy, Inc, ("Evergy"), the Commission-regulated utility certificated to serve Midland Residential.¹ Applicant was made aware of the requirements of 20 CSR 4240-20.050 and the need to obtain a variance from the Commission during this same month.

7. Working through its contractor, Applicant's contractor attempted to reach Commission representatives to file a request for variance between March 19 to April 20. The

¹ Midland Residential made attempts to contact Evergy for coordination purposes beginning in December 2023. Midland Residential was able to successfully arrange coordination meetings in March 2024.

contractor did not complete the application process, and did not advise Applicant of such failure until April 20.

8. On April 26, 2024, Applicant made direct contact with Commission representatives and, shortly thereafter began working with the undersigned counsel to gather information and prepare the necessary Application for a Variance.

9. Applicant faces significant delay in its attempt to use individual meters, and without the Commission's variance, this delay would hinder Applicant's ability to comply with its scheduled commitments and lease timeframes.

10. Applicant is amenable to working with Staff in an expedited fashion to provide information as necessary for Staff (and the Variance Committee) to make its recommendation to the Commission. To prevent significant delay, cost increases, and a delay in providing affordable housing to the surrounding community, Applicant requests that the Commission direct Staff to file its recommendation by June 1, 2024 and to issue its ruling on the Application as soon as possible thereafter.

WHEREFORE, Applicant prays that the Commission will direct Staff to file its Recommendation regarding Applicant's variance application by June 1, 2024; and grant such other and further relief as is just in the circumstances.

Respectfully submitted,

/s/ Aimee Davenport
Aimee Guzman Davenport
MO # 50989
230 W. McCarty Street
Jefferson City, MO 65101
Aimee.davenport@stinson.com

Fax: (573) 556-3633
Phone: (573) 556-3606

/s/ Betsy Smith

Betsy Smith
MO # 75766
1201 Walnut St., Suite 2900
Kansas City, MO 64106
Fax: (816) 412-9307
Phone: (816) 691-3383

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing was served via e-mail on Staff Counsel on this 13th day of May, 2024.

/s/ Aimee Davenport