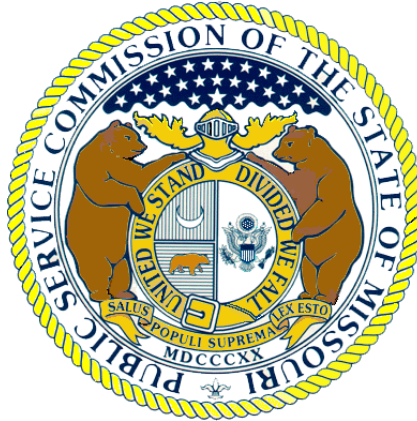


**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI**



In the Matter of Evergy Metro, Inc. d/b/a)
Evergy Missouri Metro's and Evergy)
Missouri West, Inc. d/b/a Evergy Missouri)
West's Solar Subscription Rider Tariff)
Filings)

File No. ET-2024-0182
Tracking Nos. JE-2024-0081
and JE-2024-0082

REPORT AND ORDER

Issue Date: May 15, 2024

Effective Date: May 25, 2024

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

In the Matter of Evergy Metro, Inc. d/b/a Evergy)
Missouri Metro’s and Evergy Missouri West, Inc. d/b/a) File No. ET-2024-0182
Evergy Missouri West’s Solar Subscription Rider Tariff)
Filings)

REPORT AND ORDER

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CHIEF REGULATORY LAW JUDGE: Nancy Dippell

REPORT AND ORDER

I. Procedural History

On December 1, 2023, Evergy Metro, Inc. d/b/a Evergy Missouri Metro and Evergy Missouri West, Inc. d/b/a Evergy Missouri West (collectively “Evergy”) filed revised tariff sheets regarding a Solar Subscription Rider Tariff (Tracking Nos. JE-2024-0081 and JE-2024-0082). Evergy also filed a *Notice of Tariff Revisions and Motion to Open New Docket*. Evergy also simultaneously filed, along with the Commission’s Staff, requests to close File Nos. EO-2023-0423 and EO-2023-0424, which were opened to review Evergy’s Solar Subscription Rider filings, as the result of Evergy’s last general rate cases (File Nos. ER-2022-0129 and ER-2022-0130). Both tariff filings originally had an effective date of January 1, 2024.

The Commission provided notice of the tariff filings to potentially interested parties and established an intervention deadline. Because Renew Missouri Advocates d/b/a Renew Missouri was a party to File Nos. EO-2023-0423 and EO-2023-0424, the Commission made Renew Missouri a party to this case without the need for intervention. No requests for intervention were received.

The tariff sheets were suspended until April 30, 2024, and then further suspended until October 30, 2024. The Commission held an evidentiary hearing on April 3, 2024.¹ The parties submitted briefs on April 19, 2024. Neither the Office of the Public Counsel nor Renew Missouri presented evidence, participated in the hearing, or filed briefs.

¹ Transcript, Volume 2.

During the evidentiary hearing, the parties presented evidence relating to the following issues previously identified in their List of Issues:²

1. What are appropriate billing provisions at this time for the solar subscription program (SSP) participants served on schedule RPKA,³ and when should those provisions take effect?

2. Should SSP participants be allowed to take service on schedule RTOU2?⁴ If so, what are appropriate billing provisions and when should those provisions take effect?

3. Should SSP participants be allowed to take service on schedule RTOU3?⁵ If so, what are appropriate billing provisions and when should those provisions take effect?

4. Should SSP participants be allowed to take service on schedule RTOU?⁶ If so, what are appropriate billing provisions and when should those provisions take effect?

5. Should SSP participants be allowed to take service on schedule RTOU-EV?⁷ If so, what are appropriate billing provisions and when should those provisions take effect?

6. Should provisions to clarify the nonbypassability of any Securitized Utility Tariff Charge (SUTC) in the application of SSP billing provisions be incorporated into the SSP tariff?

² *List of Issues, Order of Witnesses, Order of Cross Examination, Order of Opening Statements*, (filed March 26, 2024).

³ Residential Peak Adjustment.

⁴ Residential Time of Use Two Period.

⁵ Residential High Differential Time of Use.

⁶ Residential Time of Use.

⁷ Separately Metered Electric Vehicle Time of Use.

7. Should the SSP Solar Block Cost pricing be changed and if so when should that change take effect?

8. Should the SSP Non-Residential subscription level terms be changed?

9. Should the SSP program expansion terms regarding the addition of resources and the removal of the three-month waiting period for Non-Residential customers be changed?

10. Should Evergy pay subscribers for any excess generation of the solar resource at the parallel generation rate?

II. Findings of Fact

Any finding of fact for which it appears that the Commission has made a determination between conflicting evidence is indicative that the Commission attributed greater weight to that evidence and found the source of that evidence more credible and more persuasive than that of the conflicting evidence.

1. Evergy Missouri Metro and Evergy Missouri West are affiliated, certificated Missouri “electrical corporation[s]” and “public utilit[ies]” as those terms are defined at Section 386.020, RSMo (Supp. 2023). Evergy Missouri Metro and Evergy Missouri West generally serve the western half of Missouri.

2. The SSP was first approved in File Nos. ER-2018-0145⁸ and ER-2018-0146⁹ (collectively referred to as the “2018 Rate Cases”), the 2018 general rate cases of

⁸ File No. ER-2018-0145, *In the Matter of Kansas City Power & Light Company’s Request for Authority to Implement a General Rate Increase for Electric Service*, Order Approving Tariffs (issued Nov. 26, 2018).

⁹ File No. ER-2018-0146, *In the Matter of KCP&L Greater Missouri Operations Company’s Request for Authority to Implement a General Rate Increase for Electric Service*, Order Approving Tariffs (issued Nov. 26, 2018).

Evergy's predecessors Kansas City Power & Light Company and KCP&L Greater Missouri Operations Company. The Commission approved the Solar Subscription Pilot Rider, Schedule SSP, as the result of a stipulation and agreement setting out the terms for the construction and implementation of the SSP.¹⁰

3. The purpose of the SSP is to provide customers the opportunity to voluntarily subscribe to the energy produced by a solar resource built and owned by the company.¹¹ Under the SSP, subscribers pay for energy produced by the solar resource and that energy offsets an equivalent amount of energy customers receive and are billed for under their standard class of service.¹² This provides customers an alternative to net metering that does not involve the installation of solar equipment at the customer's point of service.¹³

4. Evergy was granted a certificate to own and operate a solar subscription facility at its existing Hawthorn Generating Station, which is in the Missouri Metro service territory, in File No. EA-2022-0043.¹⁴

¹⁰ File Nos. ER-2018-0145, *In the Matter of Kansas City Power & Light Company's Request for Authority to Implement a General Rate Increase for Electric Service* and File No. ER-2018-0146, *In the Matter of KCP&L Greater Missouri Operations Company's Request for Authority to Implement a General Rate Increase for Electric Service*, Oder Approving Stipulations and Agreements, (issued October 31, 2018), Non-Unanimous Partial Stipulation and Agreement Concerning Rate Design Issues, paragraph 11.

¹¹ Ex. 2, Lutz Direct, pp. 3-4.

¹² Ex. 2, Lutz Direct, p. 3.

¹³ Ex. 2, Lutz Direct, p. 4.

¹⁴ Ex. 1, Direct Testimony of Kevin Brannan, p. 3; and File No. EA-2022-0043, *In the Matter of the Application of Evergy Metro, Inc. d/b/a Evergy Missouri Metro and Evergy Missouri West, Inc. d/b/a Evergy Missouri West for Permission and Approval of a Certificate of Public Convenience and Necessity Authorizing It to Construct, Install, Own, Operate, Maintain and Otherwise Control and Manage Solar Generation Facilities in Kansas City, Missouri*.

5. The first resource Evergy built for the SSP is a 10 MW solar array near the Hawthorn Generating Station in Kansas City, Missouri (referred to herein as the “Hawthorn Solar Array”).¹⁵

6. Construction of the Hawthorn Solar Array was completed in December 2022, and it was determined by Evergy to be “in-service” as of May 29, 2023.¹⁶

7. Evergy sought changes to the SSP in its general rate cases in File Nos. ER-2022-0129¹⁷ and ER-2022-0130¹⁸ (collectively referred to as the “2022 Rate Cases”). The Commission approved the Solar Subscription Rider, Schedule SSP, as part of a stipulation and agreement during these general rate cases. As part of its final order in the rate cases, the Commission directed Evergy to make the two-period TOU rates the default customer rates for all customers starting in October 1, 2023.¹⁹ Currently, Evergy’s existing tariffs allow billing to SSP subscribers under only the default, low-differential TOU rates.

8. The order approving various stipulations and agreements in those cases indicated that new cases would be established to consider the construction audit of the cost and generation projections related to the Hawthorn Solar Array.²⁰ File Nos. EO-2023-0423²¹ and EO-2023-0424²² were opened for this purpose, but were later

¹⁵ Ex. 2, Lutz Direct, p. 3.

¹⁶ Ex. 1, Brannan Direct, p. 3.

¹⁷ File No. ER-2022-0129, *In the Matter of Evergy Metro, Inc. d/b/a Evergy Missouri Metro’s Request for Authority to Implement A General Rate Increase for Electric Service*.

¹⁸ File No. ER-2022-0130, *In the Matter of Evergy Missouri West, Inc. d/b/a Evergy Missouri West’s Request for Authority to Implement A General Rate Increase for Electric Service*.

¹⁹ Cite report and order in ER-2022-0129 and 0130.

²⁰ File Nos. ER-2022-0129 and ER-2022-0130, *Order Approving Four Partial Stipulations and Agreements*, (issued September 22, 2022), Stipulation and Agreement Regarding Programs and Electric Vehicle Charging Tariffs, paragraph 3; Tariff Tracking Nos. YE-2023-0105 and YE-2023-0104 effective January 9, 2023, had “Pilot” removed from the title, but still say “Solar Subscription Pilot Rider (Program)” in the body.

²¹ File No. EO-2023-0423, *In the Matter of Evergy Metro, Inc. d/b/a Evergy Missouri Metro’s Request to Revise Its Solar Subscription Rider*, Order Closing Files, (issued Dec. 8, 2023).

²² File No. EO-2023-0424, *In the Matter of Evergy Missouri West, Inc. d/b/a Evergy Missouri West’s Request to Revise Its Solar Subscription Rider*, Order Closing Files, (issued Dec. 8, 2023).

closed when the current tariff filing was made, so that the issues would be heard in the current case.

9. The number of customers that can subscribe to the SSP is limited by the size of the solar facility.²³ As of December 31, 2023, the SSP program enrollment was at 100 percent of resource capacities.²⁴

10. There are approximately 750 customers subscribed to the SSP.²⁵ Specifically, as of February 16, 2024, the SSP program was fully subscribed with 491 Evergy Missouri Metro participants (2,800 shares) and 256 Evergy Missouri West participants (1,800 shares). At that time Evergy also had a waitlist of customers, which included 61 Evergy Missouri Metro customers (421 shares) and 91 Evergy Missouri West participants (558 shares). The waiting list represented 18 percent of subscribed shares for Evergy Missouri Metro and 31 percent of subscribed shares for Evergy Missouri West.²⁶

11. Changes to the SSP that Evergy has proposed in the current case include:
- a. Revising the Solar Block Cost in the tariffs to reflect the final resource cost;
 - b. Expanding the availability of and address the monthly billing for residential TOU rates, *if* the Commission directs Evergy to do so;
 - c. Revising the tariff sheet for the addition of future solar resources;
 - d. Revising the non-residential participation limits (the limit on the percentage of estimated annual usage for which the subscriber can participate

²³ Ex. 2, Lutz Direct, p. 3.

²⁴ Ex. 1. Brannan Direct, p. 3; and Ex. 4, Lutz Surrebuttal, p. 3.

²⁵ Ex. 3, Lutz Rebuttal, p. 10; and Transcript, Volume 2, p. 25.

²⁶ Ex. 2, Lutz Direct, p. 13.

(currently 50 percent) and removing the restriction that non-residential customers total subscription cannot total more than 50 percent of the total resource capacity within the first three-months the resource is in-service).²⁷

Issues for Commission Determination:

Parties' Issues 1-4: Should SSP participants be allowed to take service on TOU rate schedules RTOU, RTOU2, and RTOU3 in addition to the default TOU rate in schedule RPKA? What are appropriate billing provisions for the solar subscription program (SSP) participants and when should those provisions take effect?

12. The currently effective SSP tariffs do not allow billing under Evergy's residential TOU rates beyond the Default Time Based Rate Plan – Residential Peak Adjustment rate, Schedule RPKA.²⁸

13. Evergy has not observed a cancellation of subscriptions due to the unavailability of TOU rates and has not received customer inquiries concerning the unavailability of other TOU rates.²⁹

14. SSP participants are primarily interested in access to renewable energy, not access to a specific rate.³⁰

15. The revised proposed tariff sheets that began this case (Tracking Nos. JE-2024-0081 and JE-2024-0082) included billing provisions for non-residential and residential customers to receive service under Schedule RPKA and a proposed billing

²⁷ *Evergy Missouri Metro's and Evergy Missouri West's Post-Hearing Brief*, p. 1.

²⁸ Ex. 109, EVERGY MISSOURI WEST, INC. d/b/a EVERGY MISSOURI WEST, P.S.C. MO. No. 1, 3rd Revised Sheet Nos. 109, 109.1, 109.2, 109.3, 109.4, and 109.5 (effective January 9, 2023) and EVERGY METRO, INC. d/b/a EVERGY MISSOURI METRO, P.S.C. MO. No. 7, 5th Revised Sheet Nos. 39, 39A, 39B, 39C, 39D, and 39E (effective January 9, 2023).

²⁹ Ex. 2, Lutz Direct, p. 13; and Ex. 4, Lutz Surrebuttal, p. 10.

³⁰ Ex. 4, Lutz Surrebuttal, p. 10.

method that would allow SSP customers to take service under Schedules RTOU-2, RTOU, and RTOU-3 and was intended to be implemented on October 1, 2024.³¹

16. Evergy has indicated that an expansion of the SSP to rate schedules beyond RPKA should not be effective before December 31, 2024.³² Further, Evergy indicated that changes to implement Staff's billing procedure would take an additional four to six months.³³

17. Evergy's proposed billing procedures, when compared to Staff's proposed billing procedures, are designed to align more closely with the current configuration of the company's billing systems, and to be executed without a disproportionate cost to achieve in a timely manner.³⁴ Limiting rate availability to the current default rate would eliminate the need for further billing system configuration and would eliminate the need at this time for the Commission to establish a method for allocating the solar resource output between the TOU periods.³⁵

18. Staff proposed a two-step billing procedure. In the first step the participant's share of the solar resource energy production would be subtracted from the metered energy consumed by the participant (with the net energy cost not allowed to be a negative number). The second step would individualize the participant's bill by crediting the participant with the product of the "Peak Adjustment Charge" for the applicable billing month and a percentage (based on summer or non-summer billing months the

³¹ See for example, Tracking No. JE-2024-0081, proposed Evergy Metro, Inc. d/b/a Evergy Missouri Metro, P.S.C. MO. No. 7, 4th Revised Sheet No. 39B.

³² Ex. 2, Lutz Direct, pp. 11-12.

³³ Ex. 3, Lutz Rebuttal, p. 9.

³⁴ Ex. 3, Lutz Rebuttal, pp. 9-10 and 16.

³⁵ Ex. 4, Lutz Surrebuttal, p. 10.

percentage would change) of the participant's share of the solar resource energy production.³⁶

19. The billing procedures proposed by Staff are not inherently supported by Evergy's current billing system but they are logical and feasible.³⁷

20. The billing of participants under the SSP tariff includes manual elements to enable the monthly billing. Specifically, the monthly solar resource production is apportioned to participants based on their subscribed shares. Under the current method this results in a single value to be incorporated in the monthly bill calculation. To accommodate the SSP for TOU rates other than the RPKA, these processes will need to be modified to apportion the monthly solar production to each of the time periods of the respective TOU rate.³⁸ Thus, Staff's proposed billing procedures would increase complexity and could require additional manual processes.³⁹

21. No matter which billing option is chosen, Staff believes Evergy should have to implement these billing procedures as soon as possible to avoid any potential drops in participation in the SSP.⁴⁰

³⁶ Ex. 100, Lange Direct, pp. 3-4 and Schedule SLKL-d2, pp. 3-4.

³⁷ Ex. 3, Lutz Rebuttal, pp. 8-9.

³⁸ Ex. 2, Lutz Direct, pp. 10-11.

³⁹ Ex. 2, Lutz Direct, p. 11; and Ex. 3, Lutz Rebuttal, p. 9.

⁴⁰ Ex. 100, Lange Direct, pp. 10-11.

Parties' Issue 5: Should SSP participants be allowed to take service on schedule RTOU-EV?⁴¹ If so, what are appropriate billing provisions and when should those provisions take effect?

22. Schedule RTOU-EV is a rate schedule for customers who install a second meter connected only for electric vehicle charging.⁴²

23. Staff and Evergy agree that SSP participants should not be allowed to take service under schedule RTOU-EV.⁴³

Parties' Issue 6: Should provisions to clarify the nonbypassability of any Securitized Utility Tariff Charge (SUTC) in the application of SSP billing provisions be incorporated into the SSP tariff?

24. Staff proposed specific tariff language be included in the SSP tariffs to detail that the Securitized Utility Tariff Charge (SUTC) applied as part of Schedule SUR be applicable to all metered kWh and not reduced by the solar resource energy production.⁴⁴

25. Evergy agreed that Staff's language is a reasonable proposal.⁴⁵

Parties Issue 7: Should the SSP Solar Block Cost pricing be changed and if so when should that change take effect?

26. The SSP tariff sheet contains the Solar Block Subscription Charge consisting of two parts: the Solar Block Cost; and the Services and Access charge.⁴⁶

27. The Solar Block Cost is a per kWh charge based on the levelized cost of energy and is designed to recover the total cost of the solar resources built to serve the program. Evergy determined the levelized costs from the Hawthorn Solar Array by

⁴¹ Separately Metered Electric Vehicle Time of Use.

⁴² Ex. 102, Lange Surrebuttal, p. 2

⁴³ *Staff Position Statement*, (filed March 28, 2024), p. 5; *Evergy Missouri Metro's and Evergy Missouri West's Position Statement*, p. 6.

⁴⁴ Ex. 100, Lange Direct, pp. 14-15.

⁴⁵ Ex. 3, Lutz Rebuttal, p. 15; and *Evergy Missouri Metro's and Evergy Missouri West's Position Statement*, p. 6.

⁴⁶ Ex. 1, Brannan Direct, p. 4.

calculating the final solar array financials including capital investment, operations and maintenance, insurance, property tax and program administration and divided by the levelized resource energy output.⁴⁷

28. Evergy developed the original estimated Solar Block Subscription Charge using a revenue requirements model to determine the projected levelized cost of energy based on the engineering estimates during Evergy's 2018 Rate Cases. The estimate was based on the anticipated scope, site selection, capital investment, operations and maintenance, insurance, property tax, program administration and technology to construct a 5 MWac solar array.⁴⁸

29. The company first discussed updated pricing as a component of the SSP in the Direct Testimony of Bradley D. Lutz in the 2018 Rate Cases.⁴⁹ In those cases, Mr. Lutz stated that the company would file a revised tariff if the proposed rates for the Solar Block charge did not reflect the actual costs or if additional resources were added to the system.⁵⁰

30. The final tariff established in the 2018 Rate Cases also specified that the Solar Block Cost was an estimate and that the cost would be updated.⁵¹ The tariff language as approved by the Commission in the original 2018 Rate Cases said:

The Solar Block cost of \$0.11567 per kWh (**based on an engineering estimate. Rate will be updated once a project is selected.**) (The Solar Block cost will not exceed \$0.13880 per kWh.) . . . The Services and Access charge will be adjusted when rates are reset in future rate cases by the

⁴⁷ Ex. 1, Brannan Direct, p. 4.

⁴⁸ Ex. 1, Brannan Direct, p. 4.

⁴⁹ Ex. 3, Lutz Rebuttal, pp. 3-4 (citing the Direct Testimony of Bradley Lutz, File Nos. ER-2018-0145 and ER-2018-0146, p. 12).

⁵⁰ Ex. 3, Lutz Rebuttal, pp. 3-4 (citing the Direct Testimony of Bradley Lutz, File Nos. ER-2018-0145 and ER-2018-0146, p. 12).

⁵¹ Ex. 3, Lutz Rebuttal, p. 4 (citing the Solar Subscription Pilot Rider, Schedule SSP, Second Revised Sheet 39A, Tracking Nos. YE-2019-0084 and YE-2019-0085).

average percentage change to volumetric rates in those future rate cases. . .⁵²

31. In the 2022 Rate Cases, Evergy again indicated the charges would be updated in the Direct Testimony of Kimberly Winslow.⁵³

32. The estimated Solar Block Subscription Charge of \$0.1284 per kWh in the currently effective tariff sheets resulted from the 2022 Rate Cases.⁵⁴

33. The approved and currently effective tariff sheets after the 2022 Rate Cases read as follows:

The Solar Block Subscription Charge for energy sold through this Program **is estimated** to be \$0.1284 per kWh, made up of two costs:

1. The Solar Block cost of \$0.0884; and
2. The Services and Access charge of \$0.040 per kWh.

The Solar Block cost is defined by **the total cost of the solar resources built to serve the program**. The Services and Access charge will be adjusted when rates are reset in future rate cases by the average percentage change to volumetric rates in those future rate cases, unless a party provides a cost study demonstrating that it would be unreasonable to adjust the Services and Access . . . [.]⁵⁵

34. Evergy has proposed changing the Solar Block Cost component of the Solar Block Subscription Charge from \$0.0884 to \$0.09131 per kWh to reflect the final, actual

⁵² Kansas City Power and Light Company, P.S.C. MO. No. 7, Second Revised Sheet No. 39A, effective December 6, 2018, Pricing (emphasis added); and KCP&L Greater Missouri Operations Company, P.S.C. MO. No. 1, Original Sheet No. 109.1 (emphasis added); See also Ex.105, Cunigan Surrebuttal, pp. 2-3.

⁵³ Ex. 3, Lutz Rebuttal, p. 4 (citing the Direct Testimony of Kimberly Winslow, p. 39, File Nos. ER-2022-0129 and ER-2022-0130, p. 39).

⁵⁴ Ex. 1, Brannan Direct, p. 5; See also, Ex. 109, Evergy Missouri Metro, Inc., d/b/a Evergy Missouri Metro, P.S.C. MO. No. 7, 3rd Revised Sheet No. 39A, effective January 1, 2023, Pricing; and Evergy Missouri West, Inc. d/b/a Evergy Missouri West, P.S.C. MO. No. 1, 1st Revised Sheet No. 109.1.

⁵⁵ Evergy Missouri Metro, Inc., d/b/a Evergy Missouri Metro, P.S.C. MO. No. 7, 3rd Revised Sheet No. 39A, effective January 1, 2023, Pricing; and Evergy Missouri West, Inc. d/b/a Evergy Missouri West, P.S.C. MO. No. 1, 1st Revised Sheet No. 109.1 (emphasis added); See also Ex.105, Cunigan Surrebuttal, pp. 2-3.

construction costs of the Hawthorn Solar Array.⁵⁶ The additional revenue produced from this change is approximately \$93,000 per year over the service life of the Hawthorn solar plant.⁵⁷

35. Evergy did not propose any changes to the Services and Access charge.⁵⁸ The Services and Access charge will not be changed except in a rate case.⁵⁹

36. These solar facilities would be added to Evergy's rate base during rate case proceedings. The Hawthorn Solar Array is not yet included in Evergy's rate base.⁶⁰

37. SSP participants that subscribe to the program pay for solar blocks of 500 watts each. Each participant subscribes based on the percentage of their estimated annual energy percentage target they elect to reduce from their actual energy usage by an equivalent percentage of the solar generation. Currently this value is between 10 percent and 50 percent of the participant's annual energy consumption.⁶¹

38. As part of the Commission-approved settlement agreement in File No. EA-2022-0043, the Staff and Evergy agreed "that the final **solar block cost** should not exceed the maximum rate of \$0.13880 per KWh as stated in the SSP tariff"⁶²

39. Evergy's proposed change of the Solar Block Cost from \$0.0884 to \$0.09131 per kWh will not exceed the \$0.13880 Solar Block Cost for customers taking

⁵⁶ Ex. 1, Brannan Direct, p. 4.

⁵⁷ Ex. 3, Lutz Rebuttal, p. 5.

⁵⁸ Ex. 1, Brannan Direct, p. 4.

⁵⁹ Ex. 1, Brannan Direct, p. 4; and Ex. 103, Cunigan Direct, p. 3.

⁶⁰ Tr. Vol. 2, pp. 53-54.

⁶¹ Ex. 1, Brannan Direct, p.4.

⁶² File No. EA-2022-0043, *In the Matter of the Application of Evergy Metro, Inc. d/b/a Evergy Missouri Metro and Evergy Missouri West, Inc. d/b/a Evergy Missouri West for Permission and Approval of a Certificate of Public Convenience and Necessity Authorizing It to Construct, Install, Own, Operate, Maintain and Otherwise Control and Manage Solar Generation Facilities in Kansas City, Missouri*, Order Approving Stipulation and Agreement, (issued May 12, 2022), Unanimous Stipulation and Agreement, para. 11 (referring to Staff proposed Condition 15) (emphasis added).

service from the original solar resource at the Hawthorn Solar Array.⁶³ Further, when added to the Service and Access charge of \$0.040 per kWh, the total Solar Block Subscription Charge becomes \$0.13131 per kWh which also does not exceed the “solar block cost” maximum in the File No. EA-2022-0043 stipulation and agreement.⁶⁴

40. Staff acknowledged that Evergy’s current proposed rate for the Solar Block Subscription Charge is near the middle of the range for that charge as Staff had calculated the range of prices using the levelized cost of energy model with assumptions adjusted for Staff’s issues. This calculation was done in the related File Nos. EO-2023-0424 and EO-2023-0423.⁶⁵

41. Evergy’s original frequently asked questions (FAQs) regarding the SSP rate and whether it would change was likely confusing for customers. Originally, on its website, Evergy’s FAQs told its customers that the “Solar Block Subscription Charge” would not change unless it did so during a rate case.⁶⁶

42. That original FAQ said:

Will my Solar Subscription charge be subjected to additional increases in the future?

The Solar Block Subscription Charge for the cost of the resource will not increase, and may go down, if we install additional, cheaper assets.⁶⁷

43. The FAQ has been revised and the current version says:

Will my Solar Subscription charge be subjected to additional increases in the future?

While the Solar Block Energy Charge for the cost of the Hawthorn solar resource will not increase once the updated charge is approved by the MO

⁶³ Ex. 103, Cunigan Direct, pp. 2-3; and Brannan Direct, pp. 8-9.

⁶⁴ Ex. 103, Cunigan Direct, pp. 2-3; and Brannan Direct, pp. 8-9.

⁶⁵ Ex. 103, Cunigan Direct, p. 3.

⁶⁶ Exhibit 107.

⁶⁷ Exhibit 107 (bold in the original).

PSC to reflect final costs of the completed resource, the Services and Access charge may change during future Missouri rate cases.

44. The FAQ also says that the Solar Block Cost appears on a customer's bill as the "Solar Block Energy Charge."⁶⁸

45. Staff opposes the change in price for legal reasons, in that Staff believes the Solar Block Cost should only be changed in the context of a rate case.⁶⁹

Parties' Issues 8-9: Should the SSP Non-Residential subscription level terms be changed? And, should the SSP program expansion terms regarding the addition of resources and the removal of the three-month waiting period for Non-Residential customers be changed?

46. The current tariffs limit the solar block subscription levels for any participant (residential and nonresidential) to no more than 50 percent of their annual energy usage. Evergy proposes to change the current tariffs to allow non-residential participants to have solar block subscription levels increase to up to 100 percent of their annual energy usage, while keeping residential participant's subscription level at 50 percent of their annual energy usage.⁷⁰

47. Residential and non-residential customers have different energy consumption patterns and receive service through different rate schedules of the companies' tariffs. It is Evergy's experience that non-residential customers often have sustainability goals or mandates for renewable energy that could be satisfied with the ability to subscribe at more than 50 percent of their annual energy usage.⁷¹ Evergy's

⁶⁸ Ex. 108, p. 1.

⁶⁹ Ex. 103, Cunigan Direct, p. 4.

⁷⁰ Ex. 2, Lutz Direct, p. 18; Ex. 4, Lutz Surrebuttal, Schedule BDL-1; and Ex. 104, Cunigan Rebuttal, pp. 3-4.

⁷¹ Ex. 2, Lutz Direct, p. 18.

economic development team has seen an increase in proposals that require renewable energy.⁷²

48. It is reasonable to maintain the 50 percent of annual energy usage limitation for residential participants as oversubscription by residential customers above their actual usage could expose residential customers to unwanted costs.⁷³

49. Evergy also proposes to alter the Availability section of the current SSP tariffs. This section currently limits the total participation of non-residential customers to no more than 50 percent of the total solar resource capacity during the first three months of the solar resource's in-service date. After the three-months, available capacity can be made available to any eligible customers.⁷⁴ Evergy proposes removing the limitation on non-residential customer participation within the first three months of the solar resource in-service date.⁷⁵

50. The three-month/50 percent of total capacity limitation on participation for non-residential customers allows residential customers the opportunity to participate without all the available resource being spoken for by non-residential customers.⁷⁶

51. Participants can be added to the SSP waitlist for an opportunity to purchase power from the project when it becomes available. Currently, participants are taken from the SSP waitlist on a first come, first served basis irrespective of customer class.⁷⁷

⁷² Ex. 2, Lutz Direct, p. 19.

⁷³ Ex. 2, Lutz Direct, p. 18.

⁷⁴ Ex. 2, Lutz Direct, p. 19; Ex. 4, Lutz Surrebuttal, p. 4 and Schedule BDL-1; and Ex. 109, EVERGY MISSOURI WEST, INC. d/b/a EVERGY MISSOURI WEST, P.S.C. MO. No. 1, 3rd Revised Sheet No. 109 (effective January 9, 2023) and EVERGY METRO, INC. d/b/a EVERGY MISSOURI METRO, P.S.C. MO. No. 7, 5th Revised Sheet No. 39 (effective January 9, 2023).

⁷⁵ Ex. 2, Lutz Direct, pp. 19-20.

⁷⁶ Ex. 104, Cunigan Rebuttal, p. 5.

⁷⁷ Ex. 4, Lutz Surrebuttal, p. 4; Tr. Vol 2. pp. 63-64.

52. The current program, which includes a cap on the maximum Solar Block Cost, was introduced prior to outside factors causing the cost to construct a solar facility to increase instead of decrease. Those factors include increased demand for renewable energy, increased labor costs, inflation, increased interest rates, and increased material costs due to the pandemic, supply chain interruptions, and world conflicts.⁷⁸

53. Evergy's proposed language regarding the cost of future expansions will protect customers participating under the current resource from any increase in costs, while giving them the opportunity to have reduced costs if a new solar resource is provided at a lower cost. Evergy proposes the following tariff language to accommodate future expansion of the SSP when a new solar resource is added:

When an additional solar resource is added to the Program, if the Solar Block cost associated with new additional resource costs less than the previous solar resource, then the levelized cost of the new solar resource will be averaged with the remaining levelized cost of existing solar resource(s) to determine the new price for the cost of the Solar Block. If the Solar Block cost of the new additional resource costs more than the previous solar resource, then the levelized cost of the new solar resource will not be averaged with the remaining levelized cost of the existing solar resource(s). Enrolled subscribers on the waiting list for the new solar resource will pay the Solar Block cost for the new resource while previous participants will continue to pay the lower Solar Block cost of the previous resource(s) already in operation[.]⁷⁹

Parties' Issue 10: Should Evergy pay subscribers for any excess generation of the solar resource at the parallel generation rate?

⁷⁸ Tr. Vol. 2, pp. 64-65; Ex. 2, Lutz Direct, p. 16.

⁷⁹ Ex. 4, Lutz Surrebuttal, pp. 3-4.

54. Evergy and Staff agree that the existing SSP tariff does not pay subscribers for excess generation of the solar resource and does not contemplate who would benefit from revenues from energy that exceeds a subscriber's usage.⁸⁰

55. Evergy has proposed language to allow subscribers to be credited for the net excess energy at the parallel generation rate.⁸¹

III. Conclusions of Law

A. Evergy Missouri Metro and Evergy Missouri West are public utilities and electrical corporations as those terms are defined in Subsections 386.020(15) and (43), RSMo (Supp. 2023). By the terms of the statute, Evergy Missouri Metro and Evergy Missouri West are electrical corporations and are subject to regulation by the Commission pursuant to Chapters 386 and 393, RSMo.

B. The Commission has the general jurisdiction to supervise all electrical corporations pursuant to Section 393.140, RSMo, and the Commission has jurisdiction over Evergy's rate increase requests as established under Section 393.150, RSMo.

C. Evergy can charge only those amounts set forth in their tariffs.⁸²

D. Subsection 393.140(11), RSMo, gives the Commission authority to regulate the rates Evergy may charge customers for electric service.

⁸⁰ Ex. 105, Cunigan Surrebuttal, pp. 4 and 6; *Staff Position Statement*, (filed March 28, 2024), p. 6; *Evergy Missouri Metro's and Evergy Missouri West's Position Statement*, p. 10.

⁸¹ Ex. 3, Lutz Rebuttal, p. 6; *Staff Position Statement*, (filed March 28, 2024), p. 6; *Evergy Missouri Metro's and Evergy Missouri West's Position Statement*, p. 10.

⁸² Sections 393.130 and 393.140, RSMo.

E. In *State ex rel. AG Processing, Inc. v. Public Service Commission*,

the court explained the filed-rate doctrine as follows:

“The filed rate doctrine . . . precludes a regulated utility from collecting any rates other than those properly filed with the appropriate regulatory agency.” *State ex rel. Associated Natural Gas Co.*, 954 S.W.2d at 531. “This aspect of the filed rate doctrine constitutes a rule against retroactive ratemaking or retroactive rate alteration.” *Id.* Retroactive ratemaking is defined as “the setting of rates which permit a utility to recover past losses or which require it to refund past excess profits collected under a rate that did not perfectly match expenses plus rate-of-return with the rate actually established.” *State ex rel. Util. Consumers' Council of Mo.*, 585 S.W.2d at 59. The filed rate doctrine's rule against retroactive ratemaking has an “underlying policy of predictability, meaning that if a utility is bound by the rates which it properly filed with the appropriate regulatory agency, then its customers will know **prior to purchase** what rates are being charged, and can therefore make economic or business plans or adjustments in response.” *State ex rel. Associated Natural Gas Co.*, 954 S.W.2d at 531 (emphasis added). In other words, the approved tariffs are to “provide advance notice to customers of prospective charges, allowing the customers to plan accordingly.” *Id.*⁸³

F. The court also discussed single-issue ratemaking in the context of distinguishing a purchased gas adjustment (PGA) clause from a fuel adjustment clause (FAC) in *State ex rel. Midwest Gas Users' Ass'n v. Public Service Commission*.⁸⁴ The court explained:

[U]nlike the FAC, the PGA is not a formula stuck into the posted rates. Rather, the companies must set a specific PGA amount and post it as part of their rates. It is a rate, not a formula; the consumer reviewing it knows exactly what he or she is being charged. The PSC conducts a prudence review of each PGA clause and has authority to disapprove them initially. The rate and any adjustments to it are again reviewed by the PSC when it conducts a later prudence review of the PGA and of any ACA adjustment. That it would do so was a part of the PSC's rationale in permitting the use of a PGA in the first instance. In these circumstances, we do not believe

⁸³ *State ex rel. AG Processing, Inc. v. Public Service Com'n*, 311 S.W.3d 361, 365 (Mo. Ct. App. 2010).

⁸⁴ *State ex rel. Midwest Gas Users' Ass'n v. Public Service Commission*, 976 S.W.2d 470, 480 (Mo. Ct. App. 1998), as modified (Sept. 1, 1998).

that the use of a PGA mechanism violates the principle of single-issue ratemaking.⁸⁵

G. The currently effective Solar Subscription Rider, Schedule SSP, for both companies contemplates that the program may be expanded with Commission authorization.⁸⁶ The tariffs also indicate that the pricing is an estimate and the Solar Block Cost is “the total cost of the solar resources built to serve the program.”⁸⁷

H. Section 393.1700, RSMo, provides in multiple sections that the SUTC is “nonbypassable.”⁸⁸

IV. Decision

After a very involved procedural history spanning numerous cases at the Commission since 2018, Evergy filed proposed tariffs that would expand the SSP participants’ ability to access most of the various TOU rate schedules. However, Evergy did so with the caveat that it would do so only if the Commission directed it to. Instead, Evergy advocated maintaining the SSP participants’ access to the low-differential default TOU rates and doing so with a less complex billing methodology than that presented by Staff. Evergy also requested approval of the increased Solar Block Cost to bring the charge in line with actual final costs to build the Hawthorn Solar Array. Evergy further requested the Commission approve changes to its tariffs to allow expansion of the

⁸⁵ *State ex rel. Midwest Gas Users' Ass'n v. Public Service Commission*, 976 S.W.2d 470, 480 (Mo. Ct. App. 1998), as modified (Sept. 1, 1998).

⁸⁶ Ex. 109, EVERGY MISSOURI WEST, INC. d/b/a EVERGY MISSOURI WEST, P.S.C. MO. No. 1, 3rd Revised Sheet Nos. 109 and 109.1 (effective January 9, 2023) and EVERGY METRO, INC. d/b/a EVERGY MISSOURI METRO, P.S.C. MO. No. 7, 5th Revised Sheet Nos. 39 and 39A (effective January 9, 2023).

⁸⁷ Ex. 109, EVERGY MISSOURI WEST, INC. d/b/a EVERGY MISSOURI WEST, P.S.C. MO. No. 1, 3rd Revised Sheet No. 109 (effective January 9, 2023) and EVERGY METRO, INC. d/b/a EVERGY MISSOURI METRO, P.S.C. MO. No. 7, 5th Revised Sheet No. 39A (effective January 9, 2023).

⁸⁸ See, 393.1700.1(16), .2(3)(c)d., and 11.(1).(a), RSMo.

program even if the cost to build a new solar resource would cause the Solar Block Cost for that resource to exceed the current cost cap. Finally, Evergy requested that it be allowed to remove the 50 percent availability cap, three-month after in-service date waiting period, and the 50 percent of the estimated annual energy need subscription limitation for non-residential customers.

Should SSP participants' ability to access the TOU rate schedules be expanded?

Staff and Evergy were the only parties putting forth evidence and participating in the hearing and briefing of the issues. Issues 1-4 are related in that the ultimate question is whether SSP participants should be allowed to take service under more TOU rate schedules than just the default TOU rates. A major factor in the Commission making its decision is that this is a small group of customers—approximately 750. The company witnesses testified that to implement the programming required would cause a four to six month delay in getting customers access to these rates; and, because this is a small group of customers the costs would be disproportionate to the number of customers in the program. Further, this program is supposed to be self-sufficient so that it covers all its own costs.

Currently, SSP participants voluntarily pay a premium to participate in order to have the opportunity to purchase solar energy. While a slight increase in price may be received without significant reaction from these 750 customers, a large jump in price may not have the same effect.

Further, there is another, possibly more significant, group of customers taking service under the net metering tariff that it would make more sense from a policy perspective to allow to take service under TOU rates concurrent with or before this smaller

group of customers. The Commission encourages Evergy, Staff, and any other party to bring a solution for all customers being able to access all TOU rates in Evergy's next rate cases and/or when Evergy expands the SSP. All participants should be able to have access to all TOU rates and Evergy should be moving forward and making progress in this regard. Since Evergy Missouri West has a general rate case pending in File No. ER-2024-0189, the Commission will make this a formal request in that case.

The Commission has considered the tariff submissions of Evergy and finds that the SSP should not be expanded to include all the various TOU rate schedules at this time. The Commission believes that ultimately allowing all customers to have the choice and control of their energy rates through their demand and rate category selection, allows for the best result for the company and the customers. However, the Commission will not order expansion beyond the RPKA, or default rate, at this time. The Commission wants to keep moving TOU rates forward and expects Evergy to come forward with a cost-effective method to make all TOU rates available to every customer in the future. Evergy has agreed that the Staff's billing proposals are logical and reasonable, but they may not be cost-effective for this limited number of customers. The Commission agrees with Evergy on this point.

What are the appropriate billing provisions for SSP participants?

The next question before the Commission is how billing should be accomplished. For this small group of customers, the Commission is persuaded by Evergy that Staff's proposed billing methodology is too complex for the limited rates that these customers have access to. Since the Commission is not expanding access to the other TOU rates at this time, it finds that the potential cost and delay would not be reasonable for these

750 customers who have voluntarily paid a premium for the benefits of this program. However, the Commission appreciates Staff bringing forward what it believes to be and what Evergy admits is a logical and reasonable approach to allowing customers to get full benefit from TOU rates. The Commission expects Evergy to be looking ahead to its next rate cases and revising its tariffs in ways that provide all of its customers, including the SSP participants, the opportunity to participate fully in the TOU rate schedules.

Should the Solar Block Cost pricing be changed?

In its proposed tariffs, Evergy has proposed an increase in its Solar Block Cost to reflect the actual costs to build this solar resource. Staff objected because this change would be made outside of a general rate case. These tariffs originally contemplated that the Solar Block Cost would be changed when the actual costs became finalized and the Access and Service charge would only change during a rate case. When the tariffs were amended in the most recent set of rate cases, the language in the tariffs changed, but still contemplated that the Solar Block Cost was an estimate and that the Services and Access charge would only be changed in a general rate case. This tariff language evolution and the testimony during the earlier cases, convinces the Commission that the intent of this tariff was always to bring the Solar Block Cost in line with the actual costs once the solar resource was built.

The Commission agrees with Staff's assertion that that the original FAQ may have been confusing to customers. However, that FAQ has been changed and is now clearer.⁸⁹

⁸⁹ The Commission notes that Evergy may be less likely to confuse its customers if it refers to charges in its tariffs by the same name on customer bills and on its website. For instance, the tariff refers to the "Solar Block Subscription Charge" and the "Solar Block Cost," but the FAQ refers to the "Solar Subscription charge" and says that the Solar Block Cost appears on a customer's bill as the "Solar Block Energy Charge".

Additionally, after this amendment to the Solar Block Cost, there will not be any additional rate increases with regard to these SSP participants.

Evergy explained that the Solar Block Subscription Charge is made up of two parts: the Solar Block Cost (which it is proposing to change); and the Services and Access charge (which it proposes to only change in a rate case). Evergy pointed to the tariff language as approved by the Commission in the original 2018 Rate Cases, which specifically said the rate would be updated. And, the currently effective tariffs refer to the charges as “estimated” and make a distinction between the Services and Access charge being changed only in a rate case and the Solar Block charge being the “total cost of the solar resources built”. The Commission interprets the “estimated” and “total cost” language to mean that the Solar Block Cost would be updated to the actual cost, even outside of a rate case. The inclusion of the estimate allowed Evergy to begin recovering costs specific to the Hawthorn Solar Array as soon as it became operational, flowing energy into its electric system. By having the total cost of the solar resources built paid by customers subscribing to the SSP, other non-SSP Evergy customers are held harmless. The Commission is not predetermining the prudence of the Hawthorn Solar Array final costs in this case. That determination will be made in the Evergy rate case where the Hawthorn Solar Array will be included in rate base for the first time.

Staff also raised an issue that Evergy may have improperly begun billing for the SSP before the Hawthorn solar facility was “in-service”. This was not presented as an issue for determination by the Commission in this case and was not fully developed so that the Commission has sufficient evidence to determine if a billing violation by Evergy

has occurred. Therefore, the Commission will take no action on this allegation, at this time.

Should the SSP Non-Residential Subscription level terms be changed? And should the SSP program expansion terms regarding the addition of resources and the removal of the three-month waiting period for Non-Residential customers be changed?

Evergy proposes changing the subscription level terms so that non-residential customers are allowed to subscribe to up to 100 percent of their estimated annual energy usage and be able to do so without a 50 percent limitation on the available resource capacity, until three months after the in-service date. Evergy's witness testified that many of the customers participating in the SSP are non-residential customers with sustainability goals and higher renewable energy requirements. Staff argued against this change, as they fear residential customers will no longer have access to the solar resource option, assuming non-residential customers will take all the subscription shares before they have a chance to subscribe. Evergy argues that it has a substantial waitlist and customers will be offered the solar resource subscriptions on a first come, first served basis so that residential customers will have the same opportunity for access as the non-residential customers.

The flaw in Evergy's argument is given that non-residential customers have higher renewable energy requirements, residential customers will not have the same opportunity to secure a portion of the solar resources if the larger customers are allowed to immediately subscribe up to 100 percent of their energy needs. Evergy has not provided any evidence that residential customers make up a significant portion of the waiting list and would be the next in line in the first come, first served waitlist. Evergy did not provide

convincing evidence that this small protection that allows residential customers an opportunity to participate in the SSP should be removed.

If the Commission removed the 50 percent capacity until after three months in operation limitation, the Commission would also be removing the current protection that assures residential customers an opportunity to participate in the SSP. However, the Commission is in favor of allowing non-residential customers the ability to subscribe up to 100 percent of their annual energy usage so that they can more easily meet their sustainability goals. Therefore, the Commission finds that limiting non-residential participants to the 50 percent of resource capacity limitation until three-months after the in-service date should remain, while the subscription level limit of 50 percent of annual energy usage for non-residential participants should be removed. The Commission further finds that it is reasonable to protect residential participants by maintaining the limitation that allows only subscription up to 50 percent of their annual energy usage.

Because future customer interest in such programs is unknown, the Commission will authorize the filing of compliance tariffs in this case to provide for the request of a waiver and the grant of such waiver of these caps and limitations for good cause.

Additionally, the Commission recognizes that costs for building solar facilities have increased beyond what Evergy expected when it began seeking authority for this program in the 2018 Rate Cases. This is because of supply chain issues, inflation, and other unexpected economic factors. Even so, Evergy's Solar Block Cost will not increase beyond the cap set in the approved tariffs in the 2022 Rate Cases that were used to market this program to Evergy's customers. The Commission finds that Evergy should be authorized to expand this program (provided, of course, it seeks the appropriate certificate

of convenience and necessity and tariff approvals) but should not be held to the same price cap on any future resources added to the program as was set out for this original program resource.

Issues to which Evergy and Staff Agree.

The Commission will further direct compliance tariffs to implement or continue the provisions as agreed to by Staff and Evergy. This includes: allowing subscribers to be credited for the net excess energy at the parallel generation rate; implementing Staff's proposed specific tariff language to detail in the SSP tariffs that the SUTC applied as part of Schedule SUR be applicable to all metered kWh and not reduced by the solar resource energy production; and that SSP participants not be allowed to take service under schedule RTOU-EV.

When should these tariff provisions become effective?

The Commission finds that since Evergy will not be expanding the SSP tariffs to include all TOU rate schedules and will not be implementing Staff's more complex billing methodology, the tariffs should become effective as soon as possible, but no later than the current tariff suspension date of October 30, 2024. Therefore, the Commission will direct compliance tariffs to be filed no later than September 1, 2024, with an effective date no later than October 30, 2024.

So that the compliance tariffs may be filed and become effective as soon as possible, the Commission finds it reasonable to make this order effective in less than 30 days.

THE COMMISSION ORDERS THAT:

1. The tariff sheets assigned Tracking Nos. JE-2024-0081 and JE-2024-0082 are rejected.
2. Evergy is authorized to file tariff sheets in compliance with the direction set out in this order. Compliance tariffs must be filed no later than September 1, 2024, and have an effective date no later than October 30, 2024.
3. The compliance tariffs shall include language as set out below:

Any remaining metered energy consumption will be billed under the rates associated with the Participant's standard rate schedule, including all applicable riders and charges, except that any Securitized Utility Tariff Charge or other charge promulgated pursuant to Section 393.1700 shall be applicable to all metered kWh, without any reductions for the Participant's share of the solar resource energy production.
4. Evergy may include in its SSP compliance tariffs a provision for the request for and grant of a waiver of the 50 percent cap and three-month waiting period for good cause.
5. This order shall become effective on May 25, 2024.



BY THE COMMISSION

A handwritten signature in cursive script that reads "Nancy Dippell".

Nancy Dippell
Secretary

Hahn, Ch., Coleman, and
Kolkmeier, CC., concur and certify compliance
with the provisions of Section 536.080, RSMo (2016).
Holsman, C., dissents.
Mitchell, C., abstains.

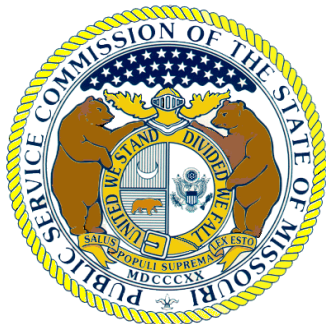
Dippell, Chief Regulatory Law Judge

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 15th day of May 2024.



Nancy Dippell

Nancy Dippell
Secretary

MISSOURI PUBLIC SERVICE COMMISSION

May 15, 2024

File/Case No. ET-2024-0182

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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.