

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

In the Matter of Evergy Missouri West, Inc.)	
d/b/a Evergy Missouri West’s Request for)	<u>File No. ER-2024-0189</u>
Authority to Implement A General Rate)	Tariff No. JE-2024-0110
Increase for Electric Service)	

**EVERGY’S REQUEST FOR RECONSIDERATION AND/OR CLARIFICATION
OF ORDER GRANTING TO MOTION TO COMPEL**

COME NOW Evergy Missouri West, Inc. d/b/a Evergy Missouri West (“EMW” or “Company”, by and through their counsel and, for its *Request For Reconsideration and/or Clarification of Order Granting Motion To Compel* issued by the Regulatory Law Judge on June 4, 2024 (“Order”) states as follows:

1. On June 4, 2024 at approximately 2:54 p.m., Regulatory Law Judge Pridgin issued an Order Granting Motion To Compel to be effective “when issued.” (Order, p. 2).

2. EMW respectfully requests reconsideration and/or clarification of the order because it is based upon the following incorrect statement:

The Commission notes that it has already ordered Evergy to provide the information requested in DRs 159 and 160 in File No. EO-2024-0002. The Commission issued a Report and Order in File No. EO-2024-0002 on May 22, 2024. That Report and Order became effective on June 1, 2024, and no party requested rehearing of that Report and Order. Thus, because Evergy is already obligated to provide the information requested in DRs 159 and 160, the Commission will grant Staff’s Motion.

3. While the data requested in DR Nos. 159 and 160 is somewhat similar to information that the Commission has ordered to be created and produced in File No. EO-2024-0002, it is not the same data and there are substantial differences that create obstacles to its creation and production.

Since it appears that the Regulatory Law Judge was under the mistaken impression that the

Commission has already ordered the production of the data in File No. EO-2024-0002, Evergy must ask for reconsideration and/or clarification.

4. In its *Report and Order* in File No. EO-2024-0002, the Commission ordered, among other things, the creation and production of items contained Data Set 8 (c)(3) and (4) from Schedule BDL-1 which are similar but substantially different from the data requested in DR Nos. 159 and 160 in this proceeding:

Data Set 8 (c)(4) requires that Evergy shall:

* * *

(c) Provide to Staff upon request:

* * *

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)...

5. For both Data Set 8 (c)(3) and (4), Schedule BDL-1 indicated that the Company could only provide hourly data for a sample of 100 customers.

6. In this proceeding, Staff issued the following data requests which are not the same as the data in Data Set 8(c)(4) stated above. :

Question:0159

Please provide hourly load data for the period 1/1/2020 - 1/1/2024 for a random sample of customers taking service throughout the identified time period, for each of the following groups of customers. (For SGS customers, include with each set of customer data identification of whether each customer receives service with or without a demand charge; for Residential customers include with each set of customer data identification which rate code the customer receives service under as of December 31, 2023.) a. 100

SGS customers who are not on the space heating rate b. 100 SGS customers who are on the space heating rate c. 100 LGS customers d. All LP customers e. 100 residential customers.

Question: 0160

For each of the following customer sets, for the period 1/1/2022 - 1/1/2024, for a random sample of customers taking service throughout the identified time period, for each of the following groups of customers (1) please provide hourly load data, and (2) please provide each customer's NCP by billing month for the same period, including identification of the hour in which such NCP occurred, and (3) please provide each customer's NCP by calendar month for the same period, including identification of the hour in which such NCP occurred. (For SGS customers, include with each set of customer data identification of whether each customer receives service with or without a space heating discount; for Residential customers include with each set of customer data identification which rate code the customer receives service under as of December 31, 2023.) a. 100 SGS customers who are not subject to a demand charge b. 100 SGS customers who are subject to a demand charge c. 100 LGS customers d. All LP customers e. 100 residential customers.

7. DR No. 159 is requesting data over a four-year period which is different from the one year's worth of data ordered in File No. EO-2024-0002. More problematically, DR No. 160 is requesting: hourly load data, and (2) each customer's NCP (non-coincident peak) by billing month for the same period, including identification of the hour in which such NCP occurred, and (3) each customer's NCP by calendar month for the same period, including identification of the hour in which such NCP occurred." The NCP portion of the request is particularly difficult for the Company to create and produce and may require 15 minute interval data whereas the Company indicated in BDL-1 it would only produce hourly data.

8. In the *Report and Order* in File No. EO-2024-0002, the Commission ordered that: "No later than June 12, 2024, Evergy shall file a pleading stating the individual dates when Evergy can provide the information for each of Data Sets 2, 3, 4, 7, 8a, 8c(2), 8c(3), and 8(c)(4)." (R&O, p. 25)

9. Evergy is in the process of preparing this pleading, including its estimate of the time to comply with the order to create and produce the Data Set 8(c) (3) and (4) to be filed by June 12, 2024.

10. Evergy is willing to produce the information ordered in File No. EO-2024-0002, as ordered. However, it is problematic for EMW to create and produce the information requested in DR Nos. 159 and 160 in its rate case, and therefore requests this order be rescinded.

11. Since the Order to Compel was issued under a mistaken assumption that the Commission had already ordered the creation and production of the data requested in DR Nos. 159 and 160, EMW respectfully requests that the Regulatory Law Judge by delegation and/or the Commission reconsider and rescind the Order issued on this day in this pending rate case.

WHEREFORE, for all of these reasons discussed herein, EMW respectfully requests that the Regulatory Law Judge and/or the Commission reconsider and rescind the Order to Compel the creation and production of the information requested in DR Nos. 159 and 160. In the alternative, EMW is willing to participate in further discussions with Staff to resolve the data issues related to DR Nos. 159 and 160.

Respectfully submitted,

/s/ Roger W. Steiner

Roger W. Steiner, MBN 39586
Phone: (816) 556-2314
E-mail: roger.steiner@evergy.com
Evergy, Inc.
1200 Main – 16th Floor
Kansas City, Missouri 64105
Fax: (816) 556-2110

James M. Fischer, MBN 27543
Fischer & Dority, P.C.
2081 Honeysuckle Lane
Jefferson City, Missouri 65109
Phone: (573) 353-8647
jfischerpc@aol.com

**Attorneys for Evergy Missouri Metro and
Evergy Missouri West**

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 4th day of June 2024 by either e-mail or U.S. Mail, postage prepaid.

/s/ Roger W. Steiner

Roger W. Steiner