

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



In the Matter of Requests for Customer)
Account Data Production from Evergy)
Metro, Inc. d/b/a Evergy Missouri Metro and)
Evergy Missouri West, Inc. d/b/a Evergy)
Missouri West)

File No. EO-2024-0002

REPORT AND ORDER

Issue Date: May 22, 2024

Effective Date: June 1, 2024

TABLE OF CONTENTS

COUNSEL 3

PROCEDURAL HISTORY 4

FINDINGS OF FACT 5

CONCLUSIONS OF LAW..... 22

DISCUSSION 23

ORDERED PARAGRAPHS..... 26

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Regulatory Law Judge: **Charles Hatcher**

REPORT AND ORDER

Procedural History

On June 30, 2023, Evergy Metro, Inc. d/b/a Evergy Missouri Metro (EMM) and Evergy Missouri West, Inc. d/b/a Evergy Missouri West (EMW) (collectively, “Evergy” or “the Company”) filed its Motion to Establish Docket for Further Consideration of Data Production. That filing and this case spring from a provision (Stipulation Provision) in a Stipulation and Agreement (Agreement) which was approved in Evergy’s last general rate cases, File Nos. ER-2022-0129 and ER-2022-0130.

The Commission directed notice of the filings and set an intervention deadline. The Midwest Energy Consumers’ Group (MECG) was granted intervention. The Staff of the Missouri Public Service Commission (Staff) was a party. The Office of the Public Counsel (OPC) was also a party.

An evidentiary hearing was held on January 30 and 31, 2024.¹ Pre-filed testimony was filed according to the procedural schedule. Exhibits and live testimony were provided during the evidentiary hearing, including several post-hearing exhibits. Initial post-hearing briefs were filed on March 22, 2024, and reply briefs on April 8, 2024.

The parties did not agree to a list of issues; rather, Evergy and Staff presented a total of 28 issues for the Commission’s decision.

¹ Transcript (Tr.) Volume (Vol.) 3 and 4.

FINDINGS OF FACT

1. Evergy is a certificated Missouri “electrical corporation”, and “public utility” as those terms are defined at Section 386.020, RSMo (Supp. 2023).

2. OPC is a party to this case pursuant to Section 386.710(2), RSMo (2016),² and by Commission Rule 20 CSR 4240-2.010(10).

3. Staff is a party to this case pursuant to Commission Rule 20 CSR 4240-2.010(10).

4. On September 22, 2022, in File Nos. ER-2022-0129 and ER-2022-0130, the Commission approved the Agreement which contained the Stipulation Provision that triggered the filing of this case.³

5. The Stipulation Provision, under the heading Data Retention, states as follows:

Prior to July 1, 2023, the Company will identify and provide the data requested in the direct testimony of Sarah Lange (Data Sets). 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.⁴

6. Evergy has not provided any of the information requested by any Data Set.⁵

7. Evergy’s witness testified that the Data Sets extend beyond what is necessary for it to provide service to customers and that the information sought is not operationally available.⁶

² All statutory references are to the 2016 edition, unless otherwise noted.

³ File Nos. ER-2022-0129 and ER-2022-0130; *Order Approving Four Partial Stipulations and Agreements*, issued September 22, 2022. See also *Joint Statement of Facts*, filed January 22, 2024, Attachment A.

⁴ Ex. 204, p. 1, §4(a).

⁵ Tr. Vol. 3, p. 70.

⁶ Tr. Vol. 3, p. 89.

8. The vast majority of Evergy's customers currently have Automated Metering Infrastructure (AMI) meters.⁷

9. Staff is trying to obtain information that can reasonably be had at a reasonable cost.⁸

10. Staff is seeking to gather information related to several different areas, including revenue determinations in the context of a general rate case, and trying to understand pricing differentials in current tariffs.⁹

11. Evergy's primary contention is that most of the information sought in the Data Sets is not readily available nor easily produced.¹⁰

12. The availability of large amounts of data does not mean that the data is easily accessible. Computer systems have limited capability to store and manage large data sets.¹¹

13. Staff is pursuing a separate complaint case against Evergy, with one issue alleging it violated the Stipulation Provision that is at issue in this file.¹² The complaint case is scheduled for an evidentiary hearing from June 26 to 28, 2024.¹³

14. Seven of the Data Sets on Evergy's witness Lutz's Data Request Assessment Summary were marked green for availability, indicating the information was available.¹⁴ The cost estimates of those eight Data Sets are as follows:

- Data Set 2 – estimate of \$21,000;
- Data Set 3 – estimate of \$21,000;

⁷ Tr. Vol. 3, p. 124.

⁸ Tr. Vol. 4, p. 438.

⁹ Tr. Vol. 4, p. 438.

¹⁰ Ex. 3, Lutz Direct, p. 16.

¹¹ Ex. 3, Lutz Direct, p. 16.

¹² File No. EC-2024-0092, which includes other issues in addition to the Stipulation Provision at issue here.

¹³ File No. EC-2024-0092, *Order Setting Procedural Schedule*, issued January 31, 2024.

¹⁴ Ex. 3, Schedule BDL-1, pp. 1-2; see also Tr. Vol. 3, pp. 176-177.

- Data Set 7 – estimate of no additional cost;
- Data Set 8a – estimate of no additional cost, based upon delivery of hourly data;
- Data Set 8b – available in hourly increments with costs to be determined;
- Data Set 8c(3) – estimate of \$42,000, based upon delivery of hourly data;
- Data Set 8c(4) – estimate of \$40,000, based upon delivery of hourly data.¹⁵

15. Three of the Data Sets on Evergy’s witness Lutz’s Data Request Assessment Summary were marked yellow for availability, indicating that the information was partially available.¹⁶ Those three Data Sets are as follows:

- Data Set 4 – estimate of \$54,000;
- Data Set 6 – partially available, will retain the data, no cost estimate;
- Data Set 9 – partially available, will retain the data, no cost estimate.¹⁷

16. Three of the Data Sets on Evergy’s witness Lutz’s Data Request Assessment Summary were marked red for availability, indicating the information was not available.¹⁸ Those three Data Sets are as follows:

- Data Set 1 – estimate of \$80 million to \$100 million;
- Data Set 5 – estimate of \$3.75 million to \$30 million;
- Data Set 8c(1) – estimate of \$80 million to \$100 million.¹⁹

¹⁵ Ex. 3, Schedule BDL-1, pp. 1-2; see also Tr. Vol. 3, pp. 176-177.

¹⁶ Ex. 3, Schedule BDL-1, pp. 1-2; see also Tr. Vol. 3, pp. 177-178.

¹⁷ Ex. 3, Schedule BDL-1, pp. 1-2; see also Tr. Vol. 3, pp. 177-178.

¹⁸ Ex. 3, Schedule BDL-1, pp. 1-2; see also Tr. Vol. 3, pp. 177-178.

¹⁹ Ex. 3, Schedule BDL-1, pp. 1-2; see also Tr. Vol. 3, pp. 177-178.

17. Evergy provided its cost estimates by Data Set in its direct testimony, but did not provide any work papers or verification substantiating those cost estimates.²⁰

DATA SET 1

18. Data Set 1, as taken from Sarah Lange's direct testimony in File Nos. ER-2022-0129 and ER-2022-0130, states as follows:²¹

Prior to the next rate case, the Company will 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.²²

19. For Data Set 1, Evergy provided a cost estimate of \$80 to 110 million to provide the information requested.²³

20. The estimate of \$80 to 110 million is broken down by design phase and implementation phase with \$5 to 10 million designated for the design phase and \$75 to 100 million for the implementation phase.²⁴

21. No party supported ordering Evergy to provide the information requested in Data Set 1 at a cost of \$80 to \$100 million.²⁵

22. Evergy did not consider looking at the cost to provide individual items listed in Data Set 1.²⁶

²⁰ Tr. Vol. 4, pp.317-318.

²¹ The Data Set numbers (1-10) used here are the same as identified during the case and follow the original request from Staff witness Lange's testimony.

²² Ex. 206, Lange Direct from File Nos. ER-2022-0129 and ER-2022-0130, pp. 62-63.

²³ Ex. 3, Schedule BDL-1, p. 1.

²⁴ Ex. 3, Schedule BDL-1, p. 1.

²⁵ Tr. Vol. 4, p. 296 (Staff testifying it would be imprudent); OPC supported Staff's position as to not seek information with a cost over than \$100,000 or likely much lower. Office of the Public Counsel's Initial Post-Hearing Brief, pp. 13-14; MECG states its agreement that it would be unreasonable to spend \$100 million to produce the information in Data Set 1. Initial Brief of Midwest Energy Consumers Group, p. 2.

²⁶ Tr. Vol. 3, p. 72.

23. The cost estimate for Data Set 1 was a top down estimate (or holistic basis) due to the lack of specific items to describe how Evergy's systems would need to work to make the data available.²⁷

24. A top down estimate is a high level estimate looking first at other projects Evergy has completed and assigning a size to the project, for example small, medium, large, and extra-large. That then leads to a benefits analysis of what the project brings to the Company before the Company begins spending money on the project. Once the benefits analysis is completed and a decision is made to move forward, then Evergy would perform a bottom up estimate, which is a specific estimate based on what the project is going to accomplish.²⁸

25. The information sought in Data Set 1 and the related portions of Data Set 8 are not able to be provided using Evergy's current accounting methods.²⁹

26. The main challenge to Evergy providing information by voltage or by rate code is that the Company has different systems for each component that makes up the information being sought. The billing system addresses the rates and rate codes. The meter data management system addresses usage, which then supports the billing system. The property account systems track Company assets for purposes of financial statements which are not tied to voltage or rate code, and do not track customer-level information.³⁰

²⁷ Tr. Vol. 3, p. 72.

²⁸ Tr. Vol. 3, p. 74.

²⁹ Tr. Vol. 3, p. 181.

³⁰ Tr. Vol. 3, pp. 74-75.

27. Evergy does not currently track its capital investment expenses or maintenance expenses by voltage class or rate code.³¹

28. Evergy's plant costs, capital costs, operations and maintenance costs, and regional transmission costs are not currently tracked by voltage or rate class.³²

29. To obtain distribution system costs that are attributable to specific individual customers and rate schedule or code would require an overhaul of Evergy's entire cost tracking and work management recording processes and systems. Evergy 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, but also assist with creating processes to allow for the tracking and reporting of the data. 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.³³

30. Evergy is unable to estimate the cost to provide line transformer costs and expenses by rate code because those costs would be commingled with projects and other line extension work. Transformer costs by rate code is not present in Evergy's accounting system or its work management systems. Evergy does not track line transformer costs as part of its normal operations.³⁴

³¹ Ex. 3, Lutz Direct, pp. 15-19.

³² Tr. Vol. 3, pp. 192-193.

³³ Ex. 3, Schedule BDL-1, p. 1.

³⁴ Tr. Vol. 3, pp. 172-173.

31. In order to provide the data requested in Data Set 1, Evergy would need to start over in many respects as to basic processes, such as accounting, in order to study the distribution system as requested in Data Set 1.³⁵

32. Billing data and hourly load data are two separate items.³⁶

33. Evergy's customer charges and cost of service studies include some level of data that Staff is requesting, but a breakdown by voltage or rate code is uncertain. Evergy generally addresses cost allocations at the jurisdictional level, and then allocates the cost to classes.³⁷

34. The cost to build a mile of new primary voltage line overhead is not easily estimated due to the number of variables, for example whether the line is urban or rural.³⁸

DATA SET 2

35. Data Set 2 states as follows:

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;

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 (this is only applicable if rate codes are not used to delineate the voltage at which customers are served);³⁹

36. For Data Set 2, Evergy provided a cost estimate of \$21,000, plus ongoing maintenance.⁴⁰

³⁵ Tr. Vol. 3, p. 180.

³⁶ Tr. Vol. 3, p. 151.

³⁷ Tr. Vol. 3, p. 168.

³⁸ Tr. Vol. 3, p. 165.

³⁹ Ex. 206, Lange Direct from File Nos. ER-2022-0129 and ER-2022-0130, p. 63.

⁴⁰ Ex. 3, Schedule BDL-1, p. 1.

37. Evergy has data available to track the total number of customers served by each rate schedule; however, it is not tracked in the fashion asked for in Data Set 2.⁴¹

38. The information sought by Staff in relation to Data Set 2 has expanded during the pendency of this case to include customer count by billing cycle.⁴²

39. Evergy stated that Data Set 2 could be provided.⁴³

DATA SET 3

40. Data Set 3 states as follows:

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 (this is only applicable if rate codes are not used to delineate the voltage at which customers are served);⁴⁴

41. For Data Set 3, Evergy provided a cost estimate of \$21,000, plus ongoing maintenance, to provide the information requested.⁴⁵

42. Regarding Data Set 3, there are at least two methods to count customers by rate code: customers who have been billed on the rate code; and customers on the rate code but not yet billed. Evergy can provide a customer count of the customers billed.⁴⁶

⁴¹ Tr. Vol. 3, pp. 75-76.

⁴² Tr. Vol. 3, p. 76.

⁴³ *Initial Brief of Evergy Missouri Metro and Evergy Missouri West*, filed March 22, 2024, p. 22.

⁴⁴ Ex. 206, Lange Direct from File Nos. ER-2022-0129 and ER-2022-0130, p. 63.

⁴⁵ Ex. 3, Schedule BDL-1, p. 1.

⁴⁶ Tr. Vol. 3, pp. 63-64.

43. Combining Data Set 3 and Data Set 2, Evergy's estimated cost to provide the information would be reduced.⁴⁷

44. Evergy stated that Data Set 3 could be provided.⁴⁸

DATA SET 4

45. Data Set 4 states as follows:

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 (this is only applicable if rate codes are not used to delineate the voltage at which customers are served);⁴⁹

46. For Data Set 4, based upon hourly intervals, Evergy provided a cost estimate of \$54,000, plus ongoing maintenance, to provide the information requested.⁵⁰

47. Evergy has the information sought by Data Set 4, but it is not readily available as it is not an analysis currently done by the Company. Providing the information would require the Company to build the system, build the data, define the requirements of assimilating the data, and then sum it by rate code.⁵¹

48. Evergy stated that Data Set 4 could be provided.⁵²

DATA SET 5

49. Data Set 5 states as follows:

If any internal adjustments to customer interval data are necessary for the company's billing system to bill the interval data referenced in Data Sets 4

⁴⁷ Tr. Vol. 3, p. 76.

⁴⁸ *Initial Brief of Evergy Missouri Metro and Evergy Missouri West*, filed March 22, 2024, p. 22.

⁴⁹ Ex. 206, Lange Direct from File Nos. ER-2022-0129 and ER-2022-0130, p. 63.

⁵⁰ Ex. 3, Schedule BDL-1, p. 1.

⁵¹ Tr. Vol. 3, pp. 76-77.

⁵² *Initial Brief of Evergy Missouri Metro and Evergy Missouri West*, filed March 22, 2024, p. 22.

and 4a, such adjustments should be applied to each interval recording prior to the customers' data being summed for each interval;⁵³

50. For Data Set 5, Evergy initially provided a cost estimate of \$3.75 million to \$30 million to provide the information requested.⁵⁴ However, after rebuttal and surrebuttal testimony was filed as well as after receiving certain data requests, Evergy determined Data Set 5 to be specific to voltage adjustments and should be available just through its regular metering and billing information. While the information is available, in order to provide the information, it would take some effort to build the system, build the data, and define the requirements of assimilating the data.⁵⁵

51. However, based on the updated availability of Data Set 5, Evergy has estimated the cost to provide the information would be closer to \$3.75 million than \$30 million.⁵⁶

52. Counsel for Staff stated in opening statements that Data Set 5 is moot.⁵⁷

DATA SET 6

53. Data Set 6 states as follows:

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 Data Sets 1-5 should be provided or retained for those instances.⁵⁸

54. For Data Set 6, Evergy stated it had no context to generate a cost estimate to provide the information requested as the questions to be asked are undefined and have an undefined timeframe.⁵⁹

⁵³ Ex. 206, Lange Direct from File Nos. ER-2022-0129 and ER-2022-0130, p. 63.

⁵⁴ Ex. 3, Schedule BDL-1, p. 1.

⁵⁵ Tr. Vol. 3, p. 77.

⁵⁶ Tr. Vol. 3, p. 198

⁵⁷ Tr. Vol. 3, pp. 40-41.

⁵⁸ Ex. 206, Lange Direct from File Nos. ER-2022-0129 and ER-2022-0130, p. 63.

⁵⁹ Ex. 3, Schedule BDL-1, p. 1.

55. Data Set 6 is prospective in its request.⁶⁰

DATA SET 7

56. Data Set 7 states as follows:

Individual customer interval data shall be retained for a minimum of 14 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.⁶¹

57. For Data Set 7, Evergy provided a cost estimate of no additional cost to provide the information requested.⁶²

58. Evergy stated that Data Set 7 is available and already being retained by Evergy, and hence could be provided.⁶³

DATA SET 8

59. Data Set 8 states as follows:

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 Data Set 1;
 - 2) a minimum of 12 months of the data described in Data Sets 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.

⁶⁰ In pertinent part, Data Set 6 states, "From time to time the Commission may designate certain customer subsets for more granular study."

⁶¹ Ex. 206, Lange Direct from File Nos. ER-2022-0129 and ER-2022-0130, p. 63.

⁶² Ex. 3, Schedule BDL-1, p. 1.

⁶³ Ex. 3, Lutz Direct, p. 24 and Schedule BDL-1, p. 1; and *Initial Brief of Evergy Missouri Metro and Evergy Missouri West*, filed March 22, 2024, p. 22.

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 Data Set 8c(3).⁶⁴

60. For Data Set 8, based upon delivery of hourly data, Evergy provided a cost estimate of:

- no additional cost to provide the information requested in Data Set 8a;
- no context to generate an estimate for Data Set 8b;
- \$80 million to \$100 million for Data Set 8c(1);
- \$20,000, plus ongoing maintenance, to provide Data Set 8c(2);
- \$42,000, plus ongoing maintenance, to provide Data Set 8c(3);
- \$40,000, plus ongoing maintenance, to provide Data Set 8c(4); and
- the aggregate of the above to provide Data Set 8d.⁶⁵

61. Evergy currently retains individual hourly data for use in providing bill comparison tools for customers.⁶⁶

62. Regarding Data Set 8a, Evergy is currently retaining the information hourly.⁶⁷

⁶⁴ Ex. 206, Lange Direct from File Nos. ER-2022-0129 and ER-2022-0130, pp. 64.

⁶⁵ Ex. 3, Schedule BDL-1, pp. 1-2.

⁶⁶ Tr. Vol. 3, p. 78.

⁶⁷ Tr. Vol. 3, p. 78.

63. Evergy updated⁶⁸ its original testimony regarding Data Set 8b – that it keeps the data hourly and is available⁶⁹ - to requesting the Commission to reject this issue, as it does not keep customer usage by 15-minute increments.⁷⁰

64. Regarding Data Set 8c(2), the individual items of data should be available, with a cost to build the related databases.⁷¹

65. Regarding Data Sets 8c(3) and 8c(4), Evergy stores and uses the data; however, deliverability would need to be limited based on the hourly data and a small sample size.⁷²

66. Although the data for 15-minute on peak demand determinants by rate code for the non-residential schedules exists, it is not stored in a format that allows for summation of the 15-minute intervals. Making aggregated 15-minute data available would require significant investment in Evergy's systems to store, sum and deliver this data set.⁷³

67. Evergy's estimate to provide the information requested in Data Sets 8c(3) and 8c(4) is a rolling estimate, such that there would be a cost every time a report is compiled as it would address a new set of customers.⁷⁴

68. Data Sets 8a, 8c(2), 8c(3), and 8c(4) can be provided.⁷⁵

⁶⁸ Updated testimony was allowed after the related errata sheet, Ex. 6, was submitted and no objections were received. Counsel for Staff indicated it was better to have the information, but wanted its belief that the updated testimony was improper surrebuttal on the record. See Tr. Vol. 4, pp. 469-470. For completeness, Mr. Lutz testified that the update was due to Staff data request 210 which was issued after his surrebuttal testimony was prefiled. See Tr. Vol. 3, p. 84.

⁶⁹ Ex. 3, Schedule BDL-1, p. 2.

⁷⁰ Tr. Vol. 3, p. 84, correcting Ex. 4, Lutz Surrebuttal, p. 26.

⁷¹ Tr. Vol. 3, pp. 78-79.

⁷² Tr. Vol. 3, p. 79.

⁷³ Ex. 2, Dragoo Surrebuttal, p. 7.

⁷⁴ Tr. Vol. 3, p. 79.

⁷⁵ *Initial Brief of Evergy Missouri Metro and Evergy Missouri West*, filed March 22, 2024, p. 22.

DATA SET 9

69. Data Set 9 states as follows:

Evergy shall 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.⁷⁶

70. Data Set 9 is forward looking.⁷⁷ Evergy does not currently have coincident peak demand charges.⁷⁸

71. For Data Set 9, Evergy stated it had no context to generate an estimate to provide the information requested.⁷⁹

DATA SET 10

72. Data Set 10 states as follows:

Evergy shall begin to retain and study data related to the reactive demand requirements of each rate code, and sample customers within each rate code.⁸⁰

73. Data Set 10 is forward looking.⁸¹ Evergy does not currently have reactive demand charges.⁸²

74. For Data Set 10, Evergy stated it had no context to generate an estimate to provide the information requested.⁸³

EVERGY ISSUES

75. Evergy requested an order directing it to submit the data requested with authorization for prompt recovery of those expenditures.⁸⁴

⁷⁶ Ex. 206, Lange Direct from File Nos. ER-2022-0129 and ER-2022-0130, p. 64.

⁷⁷ Tr. Vol. 3, p. 119.

⁷⁸ Tr. Vol. 3, p. 123.

⁷⁹ Ex. 3, Schedule BDL-1, p. 2.

⁸⁰ Ex. 206, Lange Direct from File Nos. ER-2022-0129 and ER-2022-0130, p. 64.

⁸¹ Tr. Vol. 3, p. 119.

⁸² Tr. Vol. 3, p. 123.

⁸³ Ex. 3, Schedule BDL-1, p. 2.

⁸⁴ Ex. 4, Lutz Surrebuttal, p. 25. See also Tr. Vol. 3, p. 84

76. Everygy requested that the Commission provide guidance concerning:

- a. rate design proposals;
- b. the obligation of the Company to support the data needs of Staff when the data needs are beyond the needs of the Company; and
- c. the timing of the submission of data to Staff being no more than annually and only in years without a general rate proceeding.⁸⁵

77. Staff requested to keep this File Number open to resolve future discovery issues regarding Data Sets 1-10.⁸⁶

78. Keeping this File Number open may create conflicts or unnecessary complications between two or more other files addressing the same issues.⁸⁷

CONCLUSIONS OF LAW

A. EMM and EMW are public utilities and electrical corporations as those terms are defined in Section 386.020, RSMo (Supp. 2023). By the terms of the statute, EMM and EMW are subject to regulation by the Commission pursuant to Chapters 386 and 393, RSMo.

B. The Commission is not authorized to issue advisory opinions.⁸⁸

C. The Commission's orders which have become final shall be conclusive pursuant to Section 386.550, RSMo (Supp. 2023).

D. The Commission is entitled to interpret its own orders and to ascribe to them a proper meaning and, in so doing does not act judicially but as a fact-finding agency."⁸⁹

⁸⁵ Ex. 4, Lutz Surrebuttal, pp. 24-25.

⁸⁶ Tr. Vol 4, p. 279.

⁸⁷ Ex. 4, Lutz Surrebuttal, p. 19.

⁸⁸ *State ex rel. Laclede Gas Co. v. Public Service Com'n*, 392 S.W.3d 24, 38 (Mo.App. W.D. 2012) (internal citations omitted).

⁸⁹ *State ex rel. Beaufort Transfer Co. v. Public Service Commission*, 610 S.W.2d 96, 100 (Mo.App. W.D.1980) (internal citations omitted).

DISCUSSION

As the parties could not agree on the issues, the Commission's discussion of the case will take up the parties' separate issues by individual Data Sets, and then will address cost recovery, keeping this File Number open, and rate design guidance.

Due to the nature of this proceeding, detailed evidence related to the reasonableness of Evergy's cost estimates was not produced. Further, the issue of whether those estimates were reasonable was not presented to the Commission for decision. The Commission is not making any finding here as to the reasonableness of the cost estimates.

Ordered Data Sets

The record evidence supports a finding that certain Data Set requests are achievable at no cost or at a low cost to provide. The table below is a summary of the Data Sets and Evergy's estimate of their individual costs:

Data Sets	Summary	Estimated Cost
1	Distribution study	\$80-\$110 million
2	Customers per rate code 1 st /last day of month	\$21,000
3	AMI customers per rate code 1 st /last day of month	\$21,000
4	Sum of AMI readings per rate code at a single voltage, based on hourly intervals	\$54,000
5	Adjustments made to AMI meter reads for billing should be applied prior to summing in Data Set 4	\$3.75-\$30 million as the initial estimate; testimony later indicated a decreased estimate
6	Time-to-time requests	No estimate
7	Retain AMI data for 14 months	No additional cost
8a	Retain AMI hourly data for customer bill comparison, based on delivery of hourly data	No additional cost
8b	Retain coincident peak determinants, based on delivery of hourly data	No estimate

8c(1)	Provide to Staff upon request Data Set 1	\$80-\$110 million
8c(2)	12 months of data from Data Sets 2-5	\$20,000
8c(3)	Sample of individual AMI data with identified peak demands for the sample – for rate codes with more than 100 customers, based upon delivery of hourly data.	\$42,000
8c(4)	Sample of individual AMI data with identified peak demands for the sample – for rate codes with less than 100 customers, based upon delivery of hourly data.	\$40,000
8d	36 months of data per general rate case	Estimate given – see individual items above
9	Develop determinants for on-peak demand charge	No estimate
10	Study the reactive demand requirements of each rate code	No estimate

Based on the estimates given by Evergy, the combined estimated cost for Evergy to provide Data Sets 2, 3, 4, 7, 8a, 8c(2), 8c(3), and 8c(4) is \$198,000, with the highest cost estimate for a single Data Set within that group at \$54,000. The Commission is persuaded by the evidence that Data Sets 2, 3, 4, 7, 8a, 8c(2), 8c(3), and 8c(4) are available and are not prohibitively expensive to produce. The Commission will order Evergy to produce the information requested by Data Sets 2, 3, 4, 7, 8a, 8c(2), 8c(3), and 8c(4). Note, as to Data Set 4, the interval at which data is to be provided is hourly, and as to Data Sets 8a, 8c(3), and 8c(4), delivery is of hourly data.

The Commission is not persuaded that it would be just and reasonable to order Evergy to produce the information sought by the Data Sets that had no cost estimate provided or where the cost estimate appeared to overshadow the potential benefits of the Staff having the information. Specifically, those are:

- Data Set 1 at an estimate of \$80 million - \$100 million;

- Data Set 6 with no estimate;
- Data Set 8c(1) at an estimate of \$80 million - \$100 million;
- Data Set 8d at an estimate of over \$80 million - \$100 million;
- Data Set 9 with no estimate; and
- Data Set 10 with no estimate.

Data Set 5

The Commission singles out Data Set 5 for further discussion as the evidence in the record is unclear. Data Set 5 requests the internal adjustments made to AMI meter reads to be applied before the summation requested in Data Set 4, which seeks a sum of AMI reading per rate code at a single voltage. Because Data Set 4 is being ordered by the Commission, Data Set 5 must be discussed due to its estimate changing during the course of this proceeding.

Evergy initially testified that the cost estimate to provide Data Set 5 would be between \$3.75 and 30 million. Evergy's understanding of the information sought by Data Set 5 changed during the course of the hearing to be specific to voltage adjustments. Thus, Evergy testified that the information should be available through its regular metering and billing information, but it would take some effort to produce the data.

However, Evergy did not provide a new cost estimate for Data Set 5. Additionally, Staff stated that Data Set 5 is moot, but the Commission is unsure whether Staff is acknowledging it has the data, can get the data, or no longer wishes to pursue the data.

The Commission will not order the provision of Data Set 5, to whatever extent it is not moot. However, the Commission strongly encourages improved communication by both Evergy and Staff specifically on Data Set 5 such that the parties produce and review a revised cost estimate and determine how to proceed cooperatively.

Recovery

Evergy requested prompt recovery of any expenses it incurs to provide the information sought by Staff. Based upon Evergy's own estimates, the costs to provide the limited Data Sets ordered herein are modest. While Evergy is free to track the costs to deliver each required Data Set and argue for their recovery in a future rate case, no special accounting treatment or accelerated rate recovery is warranted here. The Commission is not persuaded by Evergy's arguments for an ordered recovery mechanism and will deny it.

File Remaining Open

Staff testified that it requested this file remain open for future discovery disputes. Evergy argued that it would be inappropriate to allow this File Number to remain open to resolve possible future disputes as it could potentially result in opposing discovery rulings between this file and the pending and related complaint or EMW's pending general rate proceeding.

The Commission is not persuaded by Staff's arguments. While keeping this file open may streamline some aspects of case management, the Commission finds that the potential detriments of multiple cases open and addressing the same or similar issues to outweigh the benefits offered.

Ratemaking Guidance

The Commission finds that Evergy's request that the Commission provide advice or guidance related to future ratemaking proceedings to be inappropriate as the Commission is not authorized to issue advisory opinions.

CONCLUSION

As the information being sought in Data Sets 2, 3, 4, 7, 8a, 8c(2), 8c(3), and 8c(4) has been found available and not prohibitively expensive to produce, the Commission finds it reasonable to make this order effective in fewer than 30 days.⁹⁰ The Commission will also delegate authority to the regulatory law judge to set due dates for Evergy to produce Data Sets 2, 3, 4, 7, 8a, 8c(2), 8c(3), and 8c(4).⁹¹

THE COMMISSION ORDERS THAT:

1. Evergy is ordered to produce Data Sets 2, 3, 4, 7, 8a, 8c(2), 8c(3), and 8c(4). Note, as to Data Set 4, the interval at which data is to be provided is hourly, and as to Data Sets 8a, 8c(3), and 8c(4), delivery is of hourly data. Evergy is ordered to provide the requested information individually by Data Set, and as soon as practicable per each individual Data Set on or before the deadlines to be ordered by the regulatory law judge.

2. The Commission delegates the authority to order individual deadlines for the production of Data Sets 2, 3, 4, 7, 8a, 8c(2), 8c(3), and 8c(4) to the regulatory law judge.

3. 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 8c(4).

4. Any party having a response to Evergy's proposed individual dates to provide the requested Data Set information shall file such response no later than June 18, 2024.

⁹⁰ Section 386.490, RSMo.

⁹¹ Section 386.240, RSMo.

5. Evergy's request for an ordered recovery mechanism is denied.
6. Evergy's request for guidance is denied.
7. This *Report and Order* will become effective on June 1, 2024.



BY THE COMMISSION

Nancy Dippell

Nancy Dippell
Secretary

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

Hatcher, Senior Regulatory Law Judge

STATE OF MISSOURI

OFFICE OF THE PUBLIC SERVICE COMMISSION

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

WITNESS my hand and seal of the Public Service Commission, at Jefferson City, Missouri, this 22nd day of May 2024.



Nancy Dippell

Nancy Dippell
Secretary

MISSOURI PUBLIC SERVICE COMMISSION

May 22, 2024

File/Case No. EO-2024-0002

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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.