

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

The Staff of the Missouri Public Service Commission,	)	
	)	
Complainant,	)	
vs.	)	Case No. EC-2024-0092
Evergy Metro, Inc. d/b/a Evergy Missouri Metro and Evergy Missouri West, Inc. d/b/a Evergy Missouri West,	)	
Respondents.	)	

**EVERGY MISSOURI METRO’S AND EVERGY MISSOURI WEST’S  
REPLY TO STAFF’S RESPONSE IN OPPOSITION TO EVERGY’S MOTION FOR  
SUMMARY DISPOSITION AND/OR DETERMINATION ON THE PLEADINGS**

COMES NOW, 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”) and for their *Reply to Staff’s Response in Opposition to Evergy’s Motion for Summary Disposition and/or Determination on the Pleadings* (“Reply”), state as follows:

1. On May 24, 2024, the Commission Staff filed its *Response In Opposition To Evergy’s Motion For Summary Disposition and/or Determination On the Pleadings* (“Response”). In its Response, Staff rejects Evergy’s argument that there is no reason to re-litigate cases that have already been decided by the Commission because Staff alleges that “Evergy has established a pattern of failing to abide by its Stipulation and Agreement commitments and Commission Orders to a point that Staff was obligated to bring the matter to the Commission’s attention by filing this Complaint.” (Staff Response, p. 4)

2. As Evergy demonstrated in its Motion filed on April 24, 2024, the Commission has already heard the evidence of Staff’s allegations related to Counts 1-6 in dockets that have now been decided by the Commission or otherwise considered by Commissioners in dockets that were pending at the time the Complaint was filed. From Evergy’s perspective, Staff’s new allegation

is blatantly false, has already been evaluated by the Commission in its various orders, and demonstrates that Staff is not approaching this matter in a balanced and objective matter.

3. According to Staff's flawed analysis, "It is in the public interest to maintain this complaint, as Evergy's actions and inactions necessitate Commission follow-up, or Evergy will recognize that it is free to disregard its obligations so long as it eventually does something, no matter how delayed or inadequate, related to a stipulated or ordered matter." (Response, p. 4) Having now heard the competent and substantial evidence and other filings in File Nos. EO-2024-0002, ET-2024-0189, ER-2022-0129/0130, and EW-2023-0199, the Commission is in a position to evaluate and reject this unfounded allegations from Staff.

4. On May 22, 2024, the Commission issued its *Report and Order* in File No. EO-2024-0002 (effective June 1, 2024) which resolved the substantive issues in the "data production" case. This case is the subject of Count 1 of the Complaint. While p. 20 of the *Report and Order* indicates that the Commission is not making a finding as to the reasonableness of the Company's cost estimates, it must be recognized that the Commission used Evergy's cost estimates ( contained in Exhibit BDL-1) throughout its decision and relied upon Evergy's estimates in deciding which data sets the Company should provide. Far from ignoring its stipulation commitments, the Company provided quality detailed estimates that were used by the Commission in deciding the case. Therefore, it is a waste of the Commission's and the parties' resources to re-litigate this request for information again in the Complaint proceeding.

5. On August 4, 2023 and August 28, 2023, Evergy met with the Commission Staff to discuss Rate Modernization issues. This is a fact that Staff did not dispute in its Response and relates directly to Count 2 of the Complaint. It is a waste of the Commission's time and resources to re-litigate whether these discussions occurred between Evergy and Staff. The perceived

shortcomings of the discussion by Staff is not a reason for re-litigation of the facts surrounding Count 2.

6. On May 15, 2024, the Commission issued its *Report and Order* in File No. ET-2024-0182 (effective May 25, 2024) which resolved the substantive issues in this case. This case is the subject of Count 3 of the Complaint case. It would be a waste of the Commission's and the parties' time and resources to re-litigate any substantive or procedural issues related to the Solar Subscription Rider program in this complaint proceeding. Moreover, Count 3 does not even allege that the Company violated a Stipulation or Commission Order. While the Company was unable to meet its self-imposed deadline for submitting a SSR tariff (in part due to the sporadic and extended interactions with Staff) there was no violation of a Commission Order and thus no basis for continuing Staff's complaint regarding Count 3.

7. On January 7, 2022, Evergy filed a general rate case, File Nos. ER-2022-0129 and ER-2022-0130 which included Evergy's plan for TOU rates. Staff admits the allegation that "the Commission has adopted a TOU default rate as a result of its various orders," (Response, para. 22, p. 12) Again, it would be a waste of the Commission's and parties' time and resources to re-litigate the procedural history or the substantive issues decided in File Nos. ER-2022-0129 and ER-2022-0130 as it relates to Count 4 of the Complaint.

8. Evergy has completed the transition of its residential customers to TOU rates, as ordered by the Commission in its last rate case. All residential customers have chosen TOU rate plans or were defaulted to a TOU rate plan. It would be a waste of the Commission's and parties' resources to litigate issues in Counts 5 and 6 that have become moot issues with the transition to TOU rates throughout the Company.

WHEREFORE, the Company respectfully renews its requests that the Commission dismiss the Amended Complaint for the reasons explained herein.

Respectfully submitted,

*/s/ Roger W. Steiner*

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**COUNSEL FOR EVERGY MISSOURI  
METRO AND EVERGY MISSOURI WEST**

**CERTIFICATE OF SERVICE**

The undersigned certifies that true and correct copies of the foregoing have been e-mailed to counsel of record for all parties this 10<sup>th</sup> day of June 2024.

*/s/ Roger W. Steiner*

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Roger W. Steiner