

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

In the Matter of Evergy Metro, Inc. d/b/a Evergy)
Missouri Metro’s Notice of Intent to File an) **File No. EO-2023-0369**
Application for Authority to Establish a Demand-)
Side Programs Investment Mechanism)

In the Matter of Evergy Missouri West, Inc. d/b/a)
Evergy Missouri West’s Notice of Intent to File an) **File No. EO-2023-0370**
Application for Authority to Establish a Demand-)
Side Programs Investment Mechanism)

**LIST OF ISSUES, LIST AND ORDER OF WITNESSES,
ORDER OF OPENING STATEMENTS AND
ORDER OF CROSS-EXAMINATION**

The Staff of the Missouri Public Service Commission (“Staff”) submits this list of issues, list and order of witnesses, order of opening statements and order of cross-examination. In preparing this list of issues, the parties attempted to list all contested issues, and attempted to obtain consensus on the descriptions of the issues. Not all parties agree that the issues below are issues to be decided in this case. However, to avoid the need to file multiple lists of issues, the parties have agreed to include all issues in this list, whether agreed to or not.

I. List of Issues

In approving, approving with modifications, or rejecting Evergy Metro Inc. d/b/a Evergy Metro (“Evergy Missouri Metro”) and Evergy Missouri West, Inc. d/b/a Evergy Missouri West (Evergy Missouri West) (collectively, “Evergy”) MEEIA Cycle 4 Application (consisting of (1) the Report, (2) the program descriptions, (3) the program templates, (4) the avoided costs, (5) the incentive ranges, (6) the EM&V plan, (7) the Technical Resource Manual (“TRM”) (Appendices 8.2), (7) the exemplar tariff sheets, (9) the

Demand Side Investment Mechanism (“DSIM”) explanation,(10) the customer bill examples, (11) the MEEIA 2025-2028- accounting approach, (12) the earnings opportunity matrix, and (13) the Urban Heat Island program)¹ the Commission must address:

1. **Benefits:** Is the proposed Evergy’s demand-side management portfolio plan expected to provide benefits to all customers in the customer class in which the programs are proposed, regardless of whether the programs are utilized by all customers as required by § 393.1075.4 RSMo.?
 - A. Are the avoided cost assumptions in Evergy’s MEEIA Cycle 4 Application reasonable estimations of ratepayer benefits of avoided energy and demand?
 - i. If not, how should avoided costs be determined?
 - B. Does Evergy’s Fuel Adjustment Clause (“FAC”) affect the distribution of potential benefits projected from its MEEIA Cycle 4 Application?
 - C. Does Evergy’s demand-side management (“DSM”) portfolio plan value demand-side investments equal to traditional investments in supply and delivery infrastructure?
 - D. Do the programs in the demand-side management portfolio plan, and associated incremental energy and demand savings, demonstrate progress toward the goal of achieving all cost-effective demand-side savings?

Witnesses

Kevin Gunn (Evergy)
Cody VandeVelde (Evergy)
Brian File (Evergy)
Justin Tevie (Staff)
J Luebbert (Staff)
Sarah Lange (Staff)
Brad Fortson (Staff)
Lena Mantle (OPC)
Geoff Marke (OPC)

¹ These documents are all filed as docket item 16. References to Evergy’s MEEIA Cycle 4 Application should be interpreted as references to all these items.

2. Does Evergy's Integrated Resource Plan (“IRP”) support MEEIA Cycle 4, as proposed in the Application?

Witnesses

Kevin Gunn (Evergy)
Cody VandeVelde (Evergy)
J Luebbert (Staff)
Brad Fortson (Staff)
Geoff Marke (OPC)

3. Inflation Reduction Act (“IRA”)/Market Dynamics: Does Evergy's MEEIA Cycle 4 Application sufficiently address the interaction of the IRA and other market dynamics with MEEIA?

Witnesses

Kevin Gunn (Evergy)
Brian File (Evergy)
Cody VandeVelde (Evergy)
Emily Piontek (Renew MO)
Mark Kiesling (Staff)
Geoff Marke (OPC)

4. Administrative Costs: Should there be a cap on administrative costs?
i. If yes, what should the cap be?
ii. What is the definition of administrative costs that should be applied to MEEIA programs?

Witnesses

Kevin Gunn (Evergy)
Brian File (Evergy)
Jordan Hull (Staff)
Geoff Marke (OPC)

5. Earnings Opportunity (“EO”): If the Commission determines that Evergy may implement a MEEIA Cycle 4, should the Commission authorize an Earnings Opportunity?

- A. In valuing demand-side investments equal to supply-side investment as required by § 393.1075.3 RSMo.:
- i. Who bears the risk of Evergy not achieving its projected energy and demand targets?
 - ii. Is Evergy’s proposed EO appropriate?

- B. Are any of the proposals regarding the Earnings Opportunity ((1) Evergy's proposal or (2) Dr. Marke's proposal in Surrebuttal Testimony) consistent with § 393.1075.3(3) RSMo.'s requirement that any earnings opportunity be "associated with cost-effective measurable and verifiable efficiency savings"?
- i. If so, and if the Commission determines that Evergy may implement a MEEIA Cycle 4, which, if any, proposal should be used to calculate any earnings opportunity?

Witnesses

Kevin Gunn (Evergy)
Leigh Anne Jones (Evergy)
Brian File (Evergy)
J Luebbert (Staff)
Sarah Lange (Staff)
Brad Fortson (Staff)
Geoff Marke (OPC)

6. Evaluation, Measurement, and Verification ("EM&V"): If the Commission approves Evergy's MEEIA Cycle 4 Application, should the Commission approve Evergy's EM&V plans?

- A. In addressing this question, should the results of the EM&V of Evergy's MEEIA Cycle 4 be applied on a prospective or retrospective basis?
- B. Should EM&V consider:
- i. the rebound effect;
 - ii. interactive effects;
 - iii. the principal/agent issue;
 - iv. the IRA;
 - v. operational inefficiencies;
 - vi. free ridership;
 - vii. spillover;
 - viii. time-based rates; and
 - ix. any other issues.
- C. Should MEEIA programs continue to be evaluated by an independent, third party EM&V consultant with a Staff auditor, or should the EM&V be completed by a single independent, Commission-approved consultant with no utility oversight?
- D. Should the TRM and deemed savings tables included in Evergy's MEEIA Cycle 4 Application be approved, approved with modifications, or rejected:

- i. To what extent should AMI metered data be used in the EM&V?
- ii. To what extent should AMI metered data be used to recover TD?
- iii. Prior to approval, should the Commission require Evergy to submit a TRM and deemed savings table with serviceable links and page-specific citations of the assumptions underlying the TRM and deemed savings table themselves?
 - a. If not prior to approval, when must Evergy submit these items?

Witnesses

Kevin Gunn (Evergy)
Brian File (Evergy)
Sarah Lange (Staff)
Mark Kiesling (Staff)
J Luebbert (Staff)
Justin Tevie (Staff)
Hari Poudel (Staff)
Brad Fortson (Staff)
Geoff Marke (OPC)

- 7. Throughput Disincentive Mechanism:** If Evergy’s MEEIA Cycle 4 Application is approved, should it include a Net Throughput Disincentive Mechanism as requested by Evergy, or a Net Variable Revenue Mechanism as proposed by Staff?
- A. If a Net Throughput Disincentive Mechanism is authorized, what, if any, modifications are necessary for the residential and non-residential customer classes to address the changes in circumstances associated with the proliferation of time-based rates and the passage of the federal Inflation Reduction Act (“IRA”)?
 - B. If a Net Throughput Disincentive Mechanism is authorized, is the proposed Technical Resource Manual and planned Evaluation, Measurement, and Verification reasonable for its administration?
 - C. Does § 386.266.3 RSMo., which authorizes Plant in Service Accounting (“PISA”), prohibit the Commission from authorizing a Net Throughput Disincentive Mechanism under § 393.1075, RSMo?

Witnesses

Kevin Gunn (Evergy)
Leigh Anne Jones (Evergy)
Brian File (Evergy)
Hari Poudel (Staff)
J Luebbert (Staff)
Sarah Lange (Staff)
Geoff Marke (OPC)

8. Programs: Should the Commission approve, approve with modifications, or reject Evergy's proposed tariff programs?

A. In regards to programs, specifically:

- i. Residential DSM
 - a. Whole Home Efficiency Program
 - b. Home Demand Response Program
 - c. Home Energy Education Program
 - d. Moderate Income Single Family On-Bill Financing Program
- ii. Hard-to-Reach
 - a. Hard-to-Reach Homes (EE)
 - b. Hard-to-Reach Home Energy Education Program
 - c. Hard-to-Reach Businesses Program
- iii. Business DSM
 - a. Whole Business Efficiency Program (EE)
 - b. Business Demand Response Program
 - c. Business Energy Education Program
- iv. Urban Heat Island Program
- v. Research and Pilot

B. If the Commission approves the demand-side management portfolio program plan, should the Commission adopt or modify the form of Evergy's DSM programs' exemplar tariff sheets which were attached as Appendices 8.6 and 8.7?

Witnesses

Kevin Gunn (Evergy)
Brian File (Evergy)
Emily Piontek (Renew MO)
Jordan Hull (Staff)
Amy Eichholz (Staff)
Mark Kiesling (Staff)
J Luebbert (Staff)
Brad Fortson (Staff)
Geoff Marke (OPC)

9. Should the Commission approve, approve with modifications, or reject an Alternative Plan for MEEIA Cycle 4?

Witnesses

Kevin Gunn (Evergy)
 Cody VandeVelde (Evergy)
 Brian File (Evergy)
 Jordan Hull (Staff)
 Mark Kiesling (Staff)
 Sarah Lange (Staff)
 J Luebbert (Staff)
 Brad Fortson (Staff)
 Geoff Marke (OPC)

II. Order of Opening Statements

Parties reserve the opportunity for issue-specific mini-openings as each issue is taken up.

Evergy
 Renew Missouri
 MCEG
 OPC
 Staff

III. List and Order of Issues

<u>Day</u>	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>
<i>Issues to be Addressed</i>	Preliminary Matters & Opening Statements Alternative Plans Benefits	IRA/Market Dynamics Administrative Overhead EO	EM&V	Throughput Disincentive Mechanism Programs	Overflow day (if needed)

IV. Order of Cross-Examination

Evergy Witnesses	Staff Witnesses	OPC Witness
Renew Missouri MECG Staff OPC	OPC MECG Renew Missouri Evergy	Staff MECG Renew Missouri Evergy
Renew Missouri Witness		
Evergy MECG Staff OPC		

WHEREFORE, the Staff respectfully requests that the Commission accept this List of Issues, List and Order of Witnesses, Order of Opening Statements and Order of Cross-Examination.

Respectfully Submitted,

/s/ Travis J. Pringle

Travis J. Pringle, MO Bar #71128

Chief Deputy Counsel

/s/ Tracy Johnson, MO Bar #65991

Senior Counsel

PO Box 360

Jefferson City, MO 65102

Telephone: 573-751-7500

Travis.Pringle@psc.mo.gov

**ATTORNEYS FOR THE STAFF OF THE
MISSOURI PUBLIC SERVICE COMMISSION**

CERTIFICATE OF SERVICE

I hereby certify that copies of the forgoing have been mailed, emailed, or hand-delivered to all counsel of record this 23rd day of August 2024.

/s/ Travis J. Pringle