

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

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)
Case No. ER-2022-0129

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)
Case No. ER-2022-0130

REQUEST FOR PROCEDURAL CONFERENCE

COMES NOW the Office of the Public Counsel (“OPC”) and for its *Request for Procedural Conference*, states as follows:

Request for Procedural Schedule

1. Commission rule 20 CSR 4240-20.090(8)(D)1 permits a utility, or another party, to propose inclusion of “a new market settlement type or schedule covering a cost or revenue that the electric utility or another party believes possesses the characteristics of, and is of the nature of, [a regional transmission organization] revenue or cost approved by the commission for inclusion in the electric utility’s FAC in the previous general rate proceeding.”

2. On November 1, 2024, Evergy Missouri West, Inc. d/b/a Evergy Missouri West and Evergy Metro, Inc. d/b/a Evergy Missouri Metro (collectively “Evergy” or “the Company”) filed a *Notice of Adding New SPP Charge Types* in the above styled cases pursuant to this rule.

3. Commission rule 20 CSR 4240-20.090(8)(D)1C permits any party to challenge a request to include a new charge type made pursuant to 20 CSR 4240-20.090(8)(D)1.

4. On November 26, 2024, the OPC filed its *Response to Notice of Adding New SPP Charge Types* that explicitly challenged Evergy's request to include the new charge types pursuant to 20 CSR 4240-20.090(8)(D)1C.

5. Given this procedural background, two important rule provisions are now triggered. The first is 20 CSR 4240-20.090(8)(D)1C(III), which states “[i]f a party challenges the inclusion of the costs or revenues covered by the new market settlement type or schedule, the challenge will not delay the FAR filing schedule.”

6. Based on 20 CSR 4240-20.090(8)(D)1C(III), the OPC's challenge should not “delay” the Company's upcoming FAR filing schedule.

7. The second important provision is 20 CSR 4240-20.090(8)(D)1C(IV), which states “[i]f the challenge is upheld by the commission, the costs will be refunded or revenues returned along with interest in the next periodic adjustment[.]”

8. The language of 20 CSR 4240-20.090(8)(D)1C(IV) clearly implies that the Commission needs to render a decision regarding the matter in dispute; *i.e.* determine whether the OPC's challenge should be “upheld.”

9. However, rule 20 CSR 4240-20.090(8)(D)1C(IV) does not specify when or in what case the Commission should render this decision.

10. In addition, 20 CSR 4240-20.090(8)(D)1C(II) states:

The party requesting the inclusion of costs or revenues covered by a new market settlement type or schedule shall bear the burden of proof to

show that the costs or revenues possess the characteristics of, and are of the nature of, costs or revenues allowed in the electric utility's FAC by the commission in the most recent general rate proceeding.

11. There is currently nothing in the evidentiary record as it relates to the requested inclusion under section 20 CSR 4240-20.090(8)(D)1 save potentially for the supporting memorandum and affidavit attached to the OPC's *Response to Notice of Adding New SPP Charge Types*.¹ This memorandum supports the OPC's position that Evergy's request should be rejected.

12. Given the ambiguity surrounding the operation of the Commission's rule, as well as the current state of the evidentiary record (or more specifically the lack thereof), the OPC requests the Commission order a procedural conference to determine the appropriate next steps to be taken in this case.

Response to Evergy's *Reply* to OPC's *Response*

13. On December 11, 2024, Evergy filed a *Reply* to the OPC's *Response* to its initial request to include new charge types in its FAC pursuant to 20 CSR 4240-20.090(8)(D)1.

14. The only material statement made in that reply comes in numbered paragraph five.² That paragraph states:

¹ The OPC recognizes that this memorandum has not been formally offered and entered into the evidentiary record. The OPC merely seeks to point out that this document, prepared by an expert witness, is the only item in the record that is of the type that could be offered and accepted into the evidentiary record.

² Numbered paragraph six of Evergy's *Reply* states that the OPC's challenge should be denied because the Commission's rule allows for the Company to file a request for the inclusion of new charge types. To state that the Commission's rule allows for the Company to file the request is a true but meaningless statement. The rule also expressly allows the OPC to challenge the request for inclusion, which the OPC has now done.

OPC's argument should be rejected as the new codes are related to current SPP costs. Historically, SPP included URD charges within the RT MWP Distribution charge type. Beginning in October 2024, SPP removed the URD charges from the RT MWP Distribution charge type and began listing it as its own charge type. Although these appear to be new SPP charge types, functionally they provide greater clarity than what was reflected in the RT MWP Distribution charge type.

15. While unnecessary at this juncture, the OPC wishes to respond to this statement.

16. First, this justification was not included in Evergy's initial filing as required by the Commission's rule, which is an issue with the filed request that was addressed in the OPC's initial *Response*.

17. Second, the Company's response does not include what "RT MWP" means. The OPC believes that this acronym stands for "real time make whole payment" but it is not clear that this is the case from the Company's *Reply*.

18. Third, the Company's existing FAC tariff sheet includes a list of all SPP charges and revenue types that are included in the Company's FAC. After reviewing the current tariff sheets, the OPC cannot find "real time make whole payment" or any other existing charge type that matches the acronym included in the Company's response. Therefore, the OPC continues to maintain that the requested SPP charge that Evergy now seeks to include in its FAC do not "possess[] the characteristics of, and [are not] of the nature of, an RTO revenue or cost approved by the commission for inclusion in the electric utility's FAC in the previous general rate proceeding" as required by Commission rule 20 CSR 4240-20.090(8)(D)1. The requested inclusion is therefore still improper.

