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BEFORE THE PUBLIC SERVICE COMMISSION  
STATE OF MISSOURI

TRANSCRIPT OF PROCEEDINGS

PROCEDURAL CONFERENCE

In the Matter of Evergy Metro, )  
Inc., d/b/a Evergy Missouri ) File No. ER-2022-0129  
Metro's Request for Authority )  
to Implement a General Rate )  
Increase for Electric Service )

In the Matter of Evergy )  
Missouri West, Inc., d/b/a ) File No. ER-2022-0130  
Evergy Missouri West's Request )  
for Authority to Implement a )  
General Rate Increase for )  
Electric Service )

TUESDAY, JANUARY 7, 2025  
1:30 p.m.

Jefferson City, MO 65101  
via WebEx

VOLUME 15

CHARLES HATCHER, Presiding  
SENIOR REGULATORY LAW JUDGE

TRANSCRIBED BY: MELISSA EICKEN

1           LAW JUDGE HATCHER: It's 1:30, everyone.  
2 I'm going to start the recording. As with our current  
3 practice, the procedural schedules will be recorded so  
4 that there is a record made. The Commission will not  
5 be transcribing those unless any party requests a  
6 transcript and just shoot me an e-mail. You can file  
7 a formal motion, however you want to handle that. But  
8 we won't be providing that transcript unless  
9 requested.

10           So let's go ahead and get started. We'll  
11 go on the record. Today is January 7th, 2025. My  
12 name is Charles Hatcher. I'm the presiding law judge  
13 over the two files that we were meeting about and that  
14 is file number ER-2022-0129 and ER-2022-0130 which  
15 were two prior completed general rate case proceedings  
16 of Evergy, Missouri Metro, and Evergy Missouri West.

17           Let's jump right in. I will set the stage  
18 very briefly, as I understand, the Office of the  
19 Public Counsel's motion to have this procedural  
20 conference, and I'm basing this mainly on paragraphs 9  
21 and 12. The Office of the Public Counsel is concerned  
22 with Evergy's filing of some new FAC charges as that  
23 relates to Evergy's FAC, that's fuel adjustment  
24 clause, that the Commission rules do not say in what  
25 case or when a challenge to those new costs would

1 be -- would be rendered. So I believe that is the  
2 main issues that we're discussing.

3 Mr. Clizer, would you jump in and -- and  
4 correct me or -- or tell me how the Office of Public  
5 Counsel is feeling today.

6 MR. CLIZER: No, no. I think you got  
7 that -- I think you got that perfectly correct. So to  
8 clarify, this -- this has nothing to do with, you  
9 know, whether or not the charges should or shouldn't  
10 be included at that stage, and I do want to preface  
11 things by suggesting that the Office of Public Counsel  
12 is working with the company to come to a better  
13 understanding of these charges, and you know, it's  
14 possible we might reach a conclusion somewhere down  
15 the line that they should be included. We're not  
16 sure. We're still working through that.

17 Our primary concern, really, was just that  
18 the simple fact that, you know, we've got to a point  
19 where the rule, in my personal opinion -- and I know  
20 other parties do explain if they disagree didn't  
21 clarify how things were supposed to progress. It was  
22 very clear that they could be rendered by the  
23 Commission at some future point and that could  
24 retroactively result in some refunds, but it wasn't  
25 clear where that decision was made. So that was

1 really just the simple question of nailing down that  
2 specific thing with the understanding, again, that I  
3 am hoping that OPC and Evergy can continue to work  
4 towards some kind of mutual agreement. I just need to  
5 make sure that at some future point I'm not told, oh,  
6 you brought us the wrong case, you were supposed to  
7 bring it in case X. Does that make sense?

8 LAW JUDGE HATCHER: Absolutely. And --  
9 absolutely. Let me --

10 MR. STEINER: Sorry, Judge.

11 LAW JUDGE HATCHER: Mr. Steiner, I was  
12 calling you next. Evergy, please, jump in.

13 MR. STEINER: Okay. So I want to echo what  
14 John -- you know, what Mr. Clizer said. We -- we  
15 are -- have been trying to work with -- not try to.  
16 Working with OPC to get some understanding. This  
17 stuff is over my head. We haven't had a -- a -- I  
18 think we have some of our experts on today. Maybe it  
19 could happen after we go off the record, but we're  
20 definitely saying we're in the same boat. We want to  
21 work this out with them. I guess, I would say that  
22 the real may not be that clear, but I believe the way  
23 this works is, if OPC believes that these charges were  
24 imprudent or not allowed, that in the FAC prudence  
25 case that ever -- that happens every year or in a rate

1 case, they would ask that those be disallowed, and the  
2 Commission would rule then on whether these charges  
3 were appropriate.

4 LAW JUDGE HATCHER: Okay. I see that we  
5 have Staff also on line. Mr. Pringle, just as an  
6 offer, did you want to jump in as well?

7 MR. PRINGLE: It sounds like the company  
8 and OPC have this under control right now, Judge. I  
9 would say in Staff's response to the charges, what  
10 Mr. Steiner just said, that's pretty much where  
11 Staff's at. There are some charges we're going to  
12 keep an eye on to potentially address in a future  
13 prudence review, but that -- that's pretty much where  
14 we're at.

15 LAW JUDGE HATCHER: Okay. Well, then let  
16 me follow up with where I'm at. The -- the rules  
17 clearly says that if a -- if a party challenges, the  
18 challenge will not delay the FAR, and then right below  
19 that -- and I'm looking at -- I don't even have the  
20 rule number. I just printed out the one page. I'm  
21 looking at sub 3 of C, and then right below that, if  
22 the challenge is upheld -- that's Roman Numeral III,  
23 and then Roman Numeral IV is, if the challenge is  
24 upheld, the cost will be refunded or revenues returned  
25 along with interest in the next periodic adjustment.

1 I have already had an inquiry as to why are  
2 we keeping the rate case from 2022 open, so. With  
3 that very gentle question from my boss, I believe that  
4 we -- we kind of have two potential paths here,  
5 perhaps, three. One is, whatever the FAC case number  
6 is. So Evergy will file their FAC sometime in the  
7 next 30 days-ish, I would -- I would guess. And then  
8 that'll get its own file number, and then the Office  
9 of Public Counsel, within that file number, file their  
10 objections, and then that file number would then in  
11 the case that we do not have any agreement would  
12 engender two orders, two maybe ending orders. I  
13 hesitate to say final because that carries some --  
14 some meaning in our arena. But we would have one  
15 order authorizing the FAC to move forward, and then  
16 another track in the same file number setting up a  
17 procedural schedule to go to an evidentiary hearing to  
18 discuss a final resolution of adding the charges. My  
19 understanding, just first blush, would be that the  
20 charges are going to go through, and then if OPC is  
21 successful in their challenge, those charges would be  
22 returned because that -- an FAC is not a final  
23 conclusion to the case. It's a continuous true-up.  
24 So that was one path I thought of.

25 The other is, we'll just have our own file

1 number. So Evergy files their FAC, it goes through as  
2 it normally would, and we have a second file number  
3 specific to this challenge.

4 Mr. Clizer, I am not looking to -- to boot  
5 you out of any -- any case numbers. With the,  
6 perhaps, the exception of ER-2022-0129 and 0130  
7 because I would like to close those, but it sounds  
8 like we may not even get to the point where we have to  
9 decide on a file number. If the Office of Public  
10 Counsel and Evergy finds a -- a path forward, on their  
11 own, then certainly we don't have any issues.

12 Oh. And I just remembered. Mr. Steiner  
13 had mentioned the -- the prudence review. I don't  
14 feel as comfortable in my knowledge on the prudence  
15 review procedures to know if this would be an  
16 appropriate case, but I also don't have any immediate  
17 objections to that, and especially if the Office of  
18 the Public Counsel does pursue their objection to the  
19 addition of these charges, it would be greatly  
20 appreciated if the Office of the Public Counsel and  
21 Evergy could agree on which case number or which case  
22 type they would like to follow this up at. Go ahead.  
23 Who was --

24 MR. STEINER: So Judge, could I --

25 LAW JUDGE HATCHER: Please, go ahead.

1 MR. STEINER: Add -- add something here?  
2 At -- your first option to do it in the FAC case,  
3 those have a really short time frame. I think it  
4 would be hard to do a challenge in that. That's why  
5 those -- that's why there's a prudence review because  
6 that -- that takes -- that has longer time, so then  
7 people can challenge charges that are made by the  
8 company or flowthrough by the company in the FAC.  
9 That's why they have a prudence review to do that.

10 It just seems to me that this is what this  
11 is. They're like, yeah, you charge customers, but we  
12 don't think you should have, and here's why. That's  
13 what those cases are all about. They're built for  
14 that. That's what staff is also saying, that they're  
15 keeping an eye on it. If they don't agree with it,  
16 then they'll do it in the prudence review. That's --  
17 that's where I think this should go.

18 MR. CLIZER: Judge, can I jump in here,  
19 too, for a second?

20 LAW JUDGE HATCHER: Please. Please.

21 MR. CLIZER: All right. So a couple -- a  
22 couple of different things, because you said a couple  
23 things I wanted to touch on. First of all, the OPC is  
24 perfectly okay with doing that in the existing rate  
25 case. I don't want to be here either. I understand



1 where the company filed with this case. I don't have  
2 a problem with that, but. Yeah. Completely okay with  
3 that. Second, I just wanted to kind of reiterate that  
4 as far as calling this my biggest goal was just  
5 covering my basis.

6 So I don't have terribly strong opinions on  
7 where we hear this, just to make sure that, you know,  
8 I'm not losing my ability to bring a case. I actually  
9 agree with what Mr. Steiner said. There's also this  
10 weird complication with the way the FAR filings work,  
11 wherein, traditionally, there's an idea that if  
12 there's a dispute, then you take just the disputed  
13 portion to hearing, but you also have this section  
14 that clearly says, you can't -- you can't -- what was  
15 the exact phrase I used?

16 LAW JUDGE HATCHER: The challenge will not  
17 delay.

18 MR. CLIZER: Delay. Right.

19 LAW JUDGE HATCHER: I'm sorry.

20 MR. CLIZER: Yeah. I don't know -- no, no.  
21 That's what I was asking for. I don't know how  
22 exactly those two things, you know, work together, and  
23 I think that the safer option actually may be, as  
24 Mr. Steiner was suggesting, not using the FAR for that  
25 exact reason.

1           The only thing I would say is, just timing  
2 wise, I don't know whether or not the FAC prudence  
3 review period for this accumulation period or for the  
4 accumulation period would be affected by the upcoming  
5 FAR filing would take place before or after the  
6 company's next rate case which is obviously  
7 determinative on a number of factors which Evergy is  
8 under no obligation to display at this point in time.

9           So whether it's in a future rate case or a  
10 future FAC prudence review, I think kind of maybe  
11 whichever one comes first, but I think what I really  
12 need more than anything is just a filing in this case,  
13 but the commission effectively acknowledges the  
14 existence of the dispute and recognizes that the issue  
15 can be addressed in one of those two other avenues,  
16 and then if I have that, you know, if I have something  
17 with the commission saying, yes, we recognize the  
18 dispute, it will be addressed in the future, I think I  
19 can then pivot towards trying to resolve the issue,  
20 hopefully, and if it's not resolved by the time either  
21 the FAC prudence review or the rate case comes up,  
22 that might be the best time to address it. So I hope  
23 I'm trying to come across --

24           MR. STEINER: John, this is Roger. John,  
25 this is Roger. Thank you.

1 MR. CLIZER: Go ahead, Roger.

2 MR. STEINER: I -- I neglected to --  
3 neglected to say that a rate case all -- a FAC  
4 prudence review could be a rate case depending on  
5 what's first. So I didn't mean to leave that out, but  
6 I think either of those would be the place to  
7 challenge.

8 LAW JUDGE HATCHER: Or (inaudible).

9 MR. CLIZER: But the key thing I really  
10 need that it's from you, Your Honor, is literally just  
11 something that says in this case, this filing we have,  
12 that recognizes the dispute and acknowledges the fact  
13 that it's being carried forward, like I said, so I  
14 have something to point back to in the future if that  
15 makes sense.

16 LAW JUDGE HATCHER: Yes. I believe I've  
17 come across something similar in a previous -- not in  
18 one of my cases, but a previous case I've seen  
19 recently, and I -- I can certainly draft up something  
20 to -- it'll get filed in the -- the two rate cases,  
21 though, 129 and 130, but I understand what you're  
22 getting at, Mr. Clizer, and I -- I can do. It sounds  
23 like we're at the end, as far as my participation  
24 goes.

25 Would you all like me to go ahead and leave

1 and -- would you like me to, A, turn off the  
2 recording, I will leave, and then allow all of you to  
3 chat, and use this for room for your own?

4 MR. CLIZER: I feel like that's --

5 MR. STEINER: Go ahead, John.

6 LAW JUDGE HATCHER: Mr. Clizer, you're on.

7 MR. CLIZER: No, no. I cut off

8 Mr. Steiner. I should have let him go first, sorry.

9 MR. STEINER: That's fine, Judge, to stop  
10 the recording, et cetera, et cetera. I may -- Linda,  
11 we -- do we have any of our other experts on? I  
12 don't -- I'm talking to Linda Nunn with the company  
13 who's online here. I don't know if we have.

14 LINDA NUNN: We don't today.

15 MR. STEINER: Okay.

16 LINDA NUNN: I had been reaching out to OPC  
17 staff and -- and we had set -- discussed timing later  
18 in the month. And, so I don't --

19 MR. STEINER: Yep.

20 LINDA NUNN: -- have those experts right  
21 now.

22 MR. STEINER: And I understand. That's  
23 fine. So John, Lena, we may not have the right people  
24 online, so.

25 MR. CLIZER: I understand that.

1 MR. STEINER: We can -- we can go forward  
2 and talk or we can just shut it all down. I don't  
3 care.

4 MR. CLIZER: I think it's best for us to  
5 try and reach out to you and set up a more definitive  
6 time that has everybody involved in a different  
7 environment.

8 MR. STEINER: That's fine.

9 MR. PRINGLE: Yeah. Just whenever you guys  
10 figure out, you know, staff would like to join.

11 MR. STEINER: Yep. We will.

12 LAW JUDGE HATCHER: Okay. Then I am going  
13 to call our meeting to a close. I'll give everybody  
14 about a minute to gather their thoughts, if you have  
15 anything else to add. I'm going to review what I'm  
16 going to do. I am going to figure out if I'm issuing  
17 a notice or an order, and basically, stating that the  
18 Office of the Public Counsel has a potential issue and  
19 that the Commission recognizes that potential issue  
20 and that it may be brought up in the future in either  
21 an Evergy rate case or in an Evergy prudence review of  
22 their FAC or in some unknown avenue as yet, but that  
23 the Commission recognizes that the Office of Public  
24 Counsel has such a -- a pending interest in the -- in  
25 the issue of the FAC charges. With that --

1 MR. CLIZER: Judge, if there is just --

2 LAW JUDGE HATCHER: Go ahead.

3 MR. CLIZER: -- one thought really quick,  
4 and this is more just to flag it, when the company  
5 does make its FAR filing here coming up, there's a  
6 possibility that the OPC may make a filing that,  
7 again, highlights the existence of the issue, but  
8 given what we've discussed here today, we wouldn't  
9 expect that to be resolved as part of the FAR filing.  
10 I'm going to let you know that now. I don't know,  
11 obviously, which judge would be assigned to that case.  
12 I'm not even sure that OPC would make that filing, but  
13 just flagging that in the event that we make that  
14 filing, I will try to explain it, and of course, the  
15 filing itself we don't expect any further outcome, but  
16 I wanted to make that clear here. Do you follow what  
17 I'm saying?

18 LAW JUDGE HATCHER: Yes, I do. Thank you  
19 for letting me know. I'll try and keep track of that,  
20 so I can either make a note of it on the internal or  
21 let whoever the judge is know. But absolutely. I'm  
22 following. Mr. Steiner, any final thoughts?

23 MR. STEINER: Oh, thank you. Thanks all.  
24 I believe -- I -- I was trying to find it, but I  
25 haven't done it yet. I think we filed in this case

1 because the rule requires us to, I mean, I think there  
2 was some -- a consternation about why we've done this,  
3 so. I'll see if I can find that, but. I didn't just  
4 make it up. I --

5 MR. PRINGLE: I -- I --

6 MR. STEINER: There's a reason we filed it.

7 MR. PRINGLE: I can -- I can get back you  
8 up on that, Roger. It is like in the previous rate  
9 case, the filing is supposed to be made, so.

10 MR. STEINER: Yeah. So I -- I don't --

11 MR. CLIZER: And for the record, OPC --

12 MR. STEINER: I don't like rate cases  
13 either, but. So anyway, there's a little background.

14 LAW JUDGE HATCHER: I appreciate that.  
15 Thank you. Mr. Pringle, any final comments?

16 MR. PRINGLE: Nothing from Staff, Judge.  
17 Thank you.

18 LAW JUDGE HATCHER: Mr. Clizer, this is  
19 your show. I'll give you an extra and last  
20 opportunity. Any -- any last thoughts?

21 MR. CLIZER: No, no. I mean, I was just  
22 going to say, again, we didn't ever have a problem  
23 with them filing in the last rate case. That wasn't  
24 the issue here, but I have no further thoughts. So  
25 thank you very much, Judge, for -- for allowing us to

1 go forward.

2                   LAW JUDGE HATCHER:   Awesome.   I'm going to  
3 shut it all down.   You all have a wonderful, cold rest  
4 of your day.   Please --

5                   (Audio ended.)

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3 I, Melissa J. Eicken, Certified Court  
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24 Date: 01/13/25  
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