

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

In the Matter of the Application of Evergy Metro,)
Inc. d/b/a Evergy Missouri Metro and Evergy)
Missouri West, Inc. d/b/a Evergy Missouri West) **File No. EE-2025-0084**
Request for a Waiver of Various Chapter 13)
Regulations)

STAFF RECOMMENDATION

COMES NOW Staff of the Missouri Public Service Commission (“Staff”), by and through counsel, and for its *Recommendation* in this matter hereby states:

1. On January 17, 2025, Evergy Metro, Inc., d/b/a Every Missouri Metro and Evergy Missouri West, Inc., d/b/a Evergy Missouri West (“Evergy” or “Applicant”) filed its Application for Variances (Application).¹

2. On February 6, 2025, the Commission directed Staff to file a recommendation no later than March 6, 2025. Staff requested for an extension on March 5, 2025, and filed a motion to extend the deadline further on May 1, 2025. The Commission granted both requests.

3. Evergy stated that it is requesting the Commission to grant waivers from:

- a. The Commission’s rules 20 CSR 4240-13.050(9), 13.055(3)(C) and (D) that requires Evergy to provide a door knock or door hanger at the time of the service disconnection, and
- b. A variance from 20 CSR 4240-13.050(8) and 20 CSR 4240-13.055(3)(A) and (3)(B) to waive the requirement that the notification must be a phone call.

4. Based upon its investigation and analysis of the variance request, Staff recommends that the Commission grant the requested variance from 20 CSR 4240-13.050(9) and 20 CSR 4240-13.055(3)(C) and (D) in part, as the variance should only cover customers with remote disconnection-enabled meters.

¹ The Applicant included Julie Dragoo and Kevin Gunn’s Direct Testimony along with its application.

Staff recommends that the Commission deny the requested variances from Commission Rules 20 CSR 4240-13.050(8) and 20 CSR 4240-13.055(3)(A) and (B), and that the Company continue to make phone calls prior to disconnection per its current practice. Staff does not support the Company's proposed disconnection communication schedule.²

5. Staff reviewed the Applicants request to which we raised the following concerns:³

- a. The Applicant is seeking to apply the variances related to AMI meter deployment to all of its residential customers including those who do not benefit from AMI's remote disconnect and reconnect services,
- b. The Applicant is requesting that the Commission allow the Evergy to limit its customers notice to two types of messages—one mail and the applicants primary method of contact,⁴
- c. The Applicant failed to provide an immediate need within its variance application. Regardless of the method Evergy chooses to employ to comply with Commission rules, the TCPA opt-out, to date, has required only 516 non-standard disconnection notifications.⁵
- d. The Applicant is requesting that the Commission remove the Company's obligation to conduct a door knock notification on the day of disconnection and leave a door hanger notification subsequent to disconnection as per Commission rules for all customers, including those for which Evergy sends field personnel to the residence to disconnect service.

6. Staff explains its understanding of the legal framework of the Telephone Consumer Protections Act ("TCPA") in context of the Applicant's request in *Staff's Memorandum* attached to this pleading. However, the law can be summarized in the context of this case as prohibiting the Applicant from calling customers using: (1) automatic dialing systems (ATDS), or (2) automated phone or text messages unless it is an emergency or if the Customer provides consent.

The Federal Communications Commission ("FCC") has delegated authority to oversee compliance with the TCPA. The FCC clarified that utilities gains *express consent* when customers

² Staff would not be opposed to the Company adding primary method of contacts notifications to its current disconnection communication process, particularly for customers with remote disconnection-enabled meters.

³ Staff's concerns are extensively presented in Staff's attached memorandum.

⁴ The Applicant is proposing the limit the customers options to an automated phone call, or an automated text message, or an email for the purposes of satisfying 20 CSR 4240-13.050(8).

⁵ The Company uses automated phone calls to notify its customers.

provide their phone numbers to the utility.⁶ However, once a customer revokes consent, the utility cannot call customers using ATDS, or automated phone or text messages. So far, approximately 1355 customers revoked their consent to automated messages.

Staff believes Applicants management decisions regarding its call centers do not align with the Applicant's TCPA compliance concerns. In its 2024 rate case, File No. ER-2024-0189, EMW presented to the Commission its progress in implementing digital self-service tools and transforming its contact center to be "high-touch." Staff, at the time, raised its concern that Evergy's decisions to reduce Customer Service Representative ("CSR") staffing and call center hours could have detrimental impacts to its human-interaction element of customer service. Staff believes that Evergy's decisions to reduce call center hours and CSRs are additional factors that will strain the Company's ability to manually dial customers.

7. Attached hereto as Appendix A and incorporated by reference herein is Staff's Report, in which Staff provides a more comprehensive account of Staff's review and its recommendation.

WHEREFORE, Staff respectfully requests that the Commission approve Evergy's request for a variance from Commission Rules 20 CSR 4240-13.050(9) and 20 CSR 4240-13.055(3)(C) and (D) in part, as the variance should only cover customers with remote disconnection-enabled meters. Staff further recommends the Commission deny the requested variances from Commission Rules 20 CSR 4240-13.050(8) and 20 CSR 4240-13.055(3)(A) and (B) for TCPA opt-out customers, and grant such other and further relief as the Commission considers just in the circumstances.

⁶ FCC Case No. CG Docket No. 02-278 – Declaratory Ruling adopted on July 8, 2016, In the Matter of Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991[.], Blackboard, Inc. Petition for Expedited Declaratory Ruling[.], and Edison Electric Institute and American Gas Association Petition for Expedited Declaratory Ruling. https://transition.fcc.gov/Daily_Releases/Daily_Business/2016/db0804/FCC-16-88A1.pdf.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed or hand-delivered, transmitted by facsimile or electronically mailed to all parties and/or counsel of record on this 7th day of May, 2025.

/s/ Eric Vandergriff