

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service Commission held at its office in Jefferson City on the 9th day of June, 2022.

In the Matter of the Application of Evergy)
Missouri West, Inc. d/b/a Evergy Missouri)
West for Approval of a Wholesale Energy) **File No. EO-2022-0061**
Market Rate for a Data Center Facility in)
Kansas City, Missouri)

ORDER DENYING REQUEST FOR CLARIFICATION

Issue Date: June 9, 2022

Effective Date: June 9, 2022

On March 2, 2022, the Commission issued its *Report and Order*, and on March 24, 2022, it issued its *Amended Report and Order*. On March 31, 2022, the Staff of the Commission (Staff) filed a motion for clarification. On May 18, 2022, the Commission issued its *Second Amended Report and Order*. On May 27, 2022, Staff renewed its motion for clarification.

Staff requests clarification on two points. Evergy Missouri West, Inc. (EMW) and Velvet Tech Services, LLC (Velvet) filed responses disagreeing with the premises of each of Staff's clarification requests. EMW and Velvet also argue that no clarification is needed. The Commission agrees with EMW and Velvet that its order was clear as to the questions raised by Staff.

Variance from statute

Staff first asks whether the Commission intended to grant a variance from the Renewable Energy Standard (RES) statute, Section 393.1030, RSMo (Supp. 2021). EMW did not request a variance from the RES statute and none was granted.

In the event the Commission did not intend to grant a variance from Section 393.1030, RSMo (Supp. 2021), Staff asks how that section will be interpreted in the future. Staff is seeking an advisory opinion which the Commission is not authorized to issue. Therefore, the Commission will not provide further clarification on this question.

Solar RECs

The RES statute allows utilities to comply with the RES requirements in whole or in part by purchasing Renewable Energy Credits (RECs). The statute also directs that at least two percent of each utility's portfolio requirement shall be derived from solar energy. Staff seeks clarification whether the Commission intended that the customer must demonstrate retirement of Solar Renewable Energy Credits (S-RECs) per Commission Rules 20 CSR 4240-20.100(1)(R)5 and 20.100(2).

EMW responded that the RES requirements apply to electric utilities, not customers. EMW also argues it is premature to consider this issue in a clarification order as no party argued during the pendency of the case for the customer to be required to obtain two percent of its load from solar sources.

Any decision at this time as to whether the MKT customers' load may be counted and how any such counting might implicate the solar requirement of the RES Statute would be an inappropriate advisory opinion. Therefore, the Commission will not provide further clarification on this question.

THE COMMISSION ORDERS THAT:

1. Staff's request for clarification filed March 31, 2022, and renewed on May 27, 2022, is denied.

2. This order is effective when issued.



BY THE COMMISSION

A handwritten signature in black ink that reads "Morris L. Woodruff".

Morris L. Woodruff
Secretary

Silvey, Chm., Rupp, Coleman, Holsman, and
Kolkmeier CC., concur.

Hatcher, Senior Regulatory Law Judge


STATE OF MISSOURI

OFFICE OF THE PUBLIC SERVICE COMMISSION

I have compared the preceding copy with the original on file in this office and I do hereby certify the same to be a true copy therefrom and the whole thereof.

WITNESS my hand and seal of the Public Service Commission, at Jefferson City, Missouri, this 9th day of June, 2022.




Morris L. Woodruff
Secretary

MISSOURI PUBLIC SERVICE COMMISSION

June 9, 2022

File/Case No. EO-2022-0061

Missouri Public Service Commission
Staff Counsel Department
200 Madison Street, Suite 800
P.O. Box 360
Jefferson City, MO 65102
staffcounsel@psc.mo.gov

Office of the Public Counsel
Marc Poston
200 Madison Street, Suite 650
P.O. Box 2230
Jefferson City, MO 65102
opcservice@opc.mo.gov

Evergy Missouri West
James M Fischer
101 Madison Street, Suite 400
Jefferson City, MO 65101
jfischerpc@aol.com

Evergy Missouri West
Roger W Steiner
1200 Main Street, 16th Floor
P.O. Box 418679
Kansas City, MO 64105-9679
roger.steiner@evergy.com

Google LLC
Lewis Mills
221 Bolivar Street, Suite 101
Jefferson City, MO 65101-1574
lewis.mills@bclplaw.com

Midwest Energy Consumers Group
David Woodsmall
1650 Des Peres Road, Suite 303
Des Peres, MO 63131
dwoodsmall@cswrgroup.com

Missouri Public Service Commission
Jeff Keevil
200 Madison Street, Suite 800
P.O. Box 360
Jefferson City, MO 65102
jeff.keevil@psc.mo.gov

Velvet Tech Services, LLC
Stephanie S Bell
308 East High Street, Suite 300
Jefferson City, MO 65101
sbell@ellinglaw.com

Velvet Tech Services, LLC
Marc H Ellinger
308 E. High Street, Ste. 300
Jefferson City, MO 65101
mellinger@ellinglaw.com

Enclosed find a certified copy of an Order or Notice issued in the above-referenced matter(s).

Sincerely,



Morris L. Woodruff
Secretary

Recipients listed above with a valid e-mail address will receive electronic service. Recipients without a valid e-mail address will receive paper service.