

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service Commission held at its office in Jefferson City on the 22nd day of September, 2022.

In the Matter of Evergy West, Inc. d/b/a)
Evergy Missouri West's Submission of Its)
2021 Renewable Energy Standard)
Compliance Report)

File No. EO-2022-0286

In the Matter of Evergy West, Inc. d/b/a)
Evergy Missouri West's Submission of Its)
2022 Renewable Energy Standard)
Compliance Plan)

File No. EO-2022-0288

**NOTICE REGARDING 2021 RES COMPLIANCE REPORT AND 2022
RES COMPLIANCE PLAN, AND ORDER GRANTING VARIANCE**

Issue Date: September 22, 2022

Effective Date: October 22, 2022

On April 15, 2022, Evergy Missouri West, Inc., d/b/a Evergy Missouri West (Evergy West) filed its Renewable Energy Standard (RES) Compliance Report (Report) for 2021 and Plan (Plan) for 2022 as required by Commission Rule 20 CSR 4240-20.100(8). Along with its Report, Evergy West requested a variance from Commission Rule 20 CSR 4240-20.100(8)(A)1.I.(V), explaining that certain meter reading information is not provided by the vendors from whom Evergy West purchases Renewable Energy Credits, but that substitute invoice information has been submitted to the Staff of the Commission (Staff). The Commission's rule requires Staff to review the utility's compliance Reports and Plans and to file a report about its review within 45 days.¹ Staff twice asked for and received additional time to file its report, and filed its report on the Report and Plan on

¹ 20 CSR 4240-20.100(8)(D).

August 5. Staff reported no deficiencies, and stated that Evergy West has achieved compliance with the RES requirements for the 2021 compliance year. Staff also recommended that the Commission grant Evergy West's request for a limited variance from Commission Rule 20 CSR 4240-20.100(8)(A)1.I.(V) to allow for the submission of invoices or other reasonable substitutes when meter readings are not available for purchases from various wind farms.

The Commission's rule also allows the Office of the Public Counsel (OPC) and other interested persons or entities to file comments regarding Evergy West's Report and Plan.² On July 28, before Staff filed its report, OPC filed its response to Evergy West's Report and Plan, and stated its concern that Evergy West is out of compliance with Commission Rule 20 CSR 4240- 20.100(8)(A)1(P) and 20.100(8)(B)1(F) regarding the calculation of the retail rate impact of its compliance with RES requirements. OPC asks the Commission to direct Evergy West to recalculate its retail rate impact in a manner that more accurately reflects the costs resulting from its purchased power contracts.

On August 9, the Commission directed Evergy West to reply to OPC's comments. Evergy West complied on August 24, explaining that its calculation of retail rate impact complies with statutory requirements. On September 6, OPC filed a request for determination, asking the Commission to determine whether Evergy West's 1% retail rate impact calculation is consistent with Missouri law.

The Commission's rule requires the utility to post a redacted copy of its Compliance Report on its website and to provide electronic copies to the Commission, which the Commission is to place on its own website. It also requires the utility to provide

² 20 CSR 4240-20.100(8)(E).

the RES Compliance Plan to the Commission, which is to open a docket to receive the Report and Plan and to provide notice. Beyond that, the rule does not identify a required action the Commission is to take regarding Evergy West's Report and Plan and any alleged deficiencies in that Report or Plan, except to allow the Commission to direct the utility to provide additional information or to address any concerns or deficiencies identified in the comments.³

OPC's request for determination complains that Evergy West is violating the law and asks the Commission to determine that complaint in this case. This case is intended to review Evergy West's report and plan. The procedures set forth in the Commission's regulations for that review are not appropriate to make the determination that OPC seeks. Instead, Commission Rule 20 CSR 4240-20.100(9)(A) provides that "any allegation of a failure to comply with the RES shall be filed as a complaint under the statutes and regulations governing complaints." If OPC wishes to pursue its concerns about Evergy West's compliance with the law, it may file an appropriate complaint.

After considering the submitted comments, the Commission concludes that no further order from the Commission is appropriate regarding the Report and Plan.

The Commission will grant Evergy West the requested limited variance from Commission Rule 20 CSR 4240-20.100(8)(A)1.I.(V).

THE COMMISSION ORDERS THAT:

1. Evergy West will not be required to provide additional information or to address any concerns or deficiencies.

³ 20 CSR 4240-20.100(8)(F).

2. Everygy West is granted a limited variance from Commission Rule 20 CSR 4240-20.100(8)(A)1.I.(V) to allow for the submission of invoices or other reasonable substitute when meter readings are not available for purchases from various wind farms.

3. This order shall be effective on October 22, 2022.

4. This file shall be closed on October 24, 2022.



BY THE COMMISSION

A handwritten signature in black ink that reads "Morris L. Woodruff". The signature is written in a cursive, flowing style.

Morris L. Woodruff
Secretary

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

Keeling, 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 22nd day of September, 2022.





Morris L. Woodruff
Secretary

MISSOURI PUBLIC SERVICE COMMISSION

September 22, 2022

File/Case No. EO-2022-0286 and EO-2022-0288

**Missouri Public Service
Commission**

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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.