

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

Barbara Edwards,	)	
	)	
Complainant,	)	
v.	)	File No. EC-2020-0252
	)	
Evergy Metro, Inc. d/b/a Evergy Missouri Metro	)	
	)	
Respondent.	)	

**EVERGY MISSOURI WEST RESPONSE TO  
RECOMMENDED REPORT AND ORDER**

COMES NOW, Evergy Missouri West, Inc. d/b/a Evergy Missouri West (“Evergy Missouri West” or the “Company”), by and through its counsel, and submits its response to the Missouri Public Service Commission’s (“Commission”) *Recommended Report and Order* (“Recommended Order”) issued in this docket on September 22, 2021, as follows.

1. While the Company agrees with the Recommended Order for the most part, the Company disagrees that it is exceeding the terms of its tariffs with the use of its Residential Non-Standard Metering Service Acknowledgement Form (“Acknowledgement Form”).<sup>1</sup>
2. Evergy Missouri West has used the Acknowledgment Form as part of its Commission-approved opt-out program without issue for several years.
3. The Acknowledgment Form has nothing to do with the installation of the Advanced Meter Infrastructure (“AMI”) meter at issue in the Complaint, and is only needed for the installation of a non-standard meter at the customer’s request. The Acknowledgment Form

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<sup>1</sup> “The Commission finds the Evergy Opt-out Form, presented to Ms. Edwards as a condition of opting out of service with an AMI Meter, violates the company’s tariff.” *Recommended Order*, p. 21.

contains a release and indemnification from the customer for injuries caused by the request for a non-standard meter during the removal and installation process for the non-standard meter.

4. The Acknowledgement Form is consistent with the Company's tariff. The language of the Acknowledgement Form cited in the Recommended Order mirrors Section 3.03 of Evergy Missouri West's Rules and Regulations:

3.03 Indemnity to Company

The customer shall indemnify, save harmless, and defend Company against all claims, damages, costs, or expenses for loss, damage, or injury to persons or property in any manner directly or indirectly connected with or growing out of the distribution and use of electricity by the customer at or on the customer's side of the point of delivery.<sup>2</sup>

5. By including the section 3.03 tariff terms in the Acknowledgement Form, the Company is making the customer aware of the existence of the indemnification language. Therefore, the Company does not believe that a Commission order in this case should indicate that the Company is exceeding the terms of its tariff with the use of the Acknowledgement Form.

**WHEREFORE**, Evergy Missouri West respectfully submits for Commission consideration this response to the Recommended Order.

Respectfully submitted,

*/s/ Roger W. Steiner*

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**ATTORNEY FOR EVERGY MISSOURI WEST**

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<sup>2</sup> See, P.S.C. MO. No. 1, Original Sheet R-24, Section 3.03.

**CERTIFICATE OF SERVICE**

A copy of the foregoing has been served this 1<sup>st</sup> day of October 2021 upon parties of record in this proceeding via electronic service or U.S. mail postage prepaid, as listed below:

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*/s/ Roger W. Steiner*

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