

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

In the Matter of Request of The Empire District )  
Electric Company d/b/a Liberty for Authority )  
to File Tariffs Increasing Rates for Electric ) File No. ER-2021-0312  
Service Provided to Customers in its Missouri )  
Service Area )

**EVERGY MISSOURI METRO AND EVERGY MISSOURI WEST  
REPLY TO OPC RESPONSE IN OPPOSITION FOR LEAVE TO INTERVENE**

COMES NOW, Evergy Metro, Inc. d/b/a Evergy Missouri Metro (“Evergy Missouri Metro”) and Evergy Missouri West, Inc. d/b/a Evergy Missouri West (“Evergy Missouri West”) (collectively, “Evergy”) and, for its *Reply* (“Reply”) to the Office of the Public Counsel’s (“OPC”) *Response in Opposition to Evergy’s Application to Intervene* (“Opposition”) states:

1. On June 14, 2021, Evergy timely filed to intervene in this docket.
2. On June 22, 2021, OPC filed its Opposition in this docket for failure to satisfy Commission Rule 20 CSR 4220-2.075. For the reasons stated herein, OPC’s request should be denied, and Evergy should be permitted to intervene in this matter.
3. As explained in Evergy’s Application, the Commission should allow Evergy to intervene and participate in this case because issues in the The Empire District Electric Company d/b/a Liberty (“Liberty”) rate case have the potential to establish regulatory policies that may adversely affect Evergy in the future. In particular, Liberty has proposed the inclusion of certain renewable energy facilities in rate base.<sup>1</sup> Evergy expects to have similar renewable energy facilities included in future rate cases. Secondly, Liberty is proposing to retire a large coal-fired plant, Asbury.<sup>2</sup> Evergy also expects to retire similar coal-fired facilities in the future. Third, like

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<sup>1</sup> See Wilson Direct, pp. 3-5 and 9; Mooney Direct, pp. 2-21; Rooney Direct, pp. 3-11; Doll Direct, pp. 15-18; and Sanderson Direct, pp. 4-14.

<sup>2</sup> See Wilson Direct, p. 5 and 13; Rooney Direct, pp. 13-15; Doll Direct, pp. 3-13; Landoll Direct, pp. 3-17; and Sanderson Direct, pp. 3-17.

Evergy, Empire is subject to Plant-In-Service-Accounting (“PISA”) under Section 393.1400, RSMo.<sup>3</sup> Any regulatory decisions in the Liberty rate case related to the regulatory and ratemaking treatment of such renewable energy facilities, coal-fired facility retirements, and PISA accounting issues are likely to have a direct and possibly adverse impact on similar regulatory and ratemaking issues in Evergy’s future rate cases.

4. OPC also questions whether Evergy has an interest that is different from the general public. (OPC Opposition, p. 2) However, like Liberty, both Evergy Missouri Metro and Evergy Missouri West are public utilities in the State of Missouri and have an interest in regulatory and ratemaking policies that are different from that of the general public.

5. OPC also argues that since this case is not a rulemaking proceeding, an order applicable to Liberty is neither applicable nor binding on Evergy. (OPC Opposition, p. 2) OPC ignores the fact that often the Commission will decide an issue in one rate case and subsequently issue a consistent order in a subsequent rate case on the same issue. Evergy is concerned that the Commission may issue an order in the Liberty rate case that may effectively establish the regulatory and/or ratemaking policy for renewable energy facilities, coal-fired facility retirements, and PISA accounting issues in future Evergy rate cases. While the Commission may issue decisions in different rate cases that have different regulatory and ratemaking policies, it is more likely that the Commission will decide similar issues in a consistent manner. Recognizing such concerns, the Commission has often allowed public utilities to intervene in the rate cases of other public utilities.<sup>4</sup>

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<sup>3</sup> See Emery Direct, p. 19.

<sup>4</sup> See e.g., *Notice of Rulings Made At Prehearing Conference, Re Kansas City Power & Light Company*, File No. ER-2016-0285 (July 28, 2016)[Union Electric Company d/b/a Ameren Missouri granted intervention]; *Order Regarding Ameren Missouri’s Application To Intervene, Re Kansas City Power & Light Company*, File No. ER-2014-0370 (December 3, 2014)[Union Electric Company d/b/a Ameren Missouri granted intervention]; *Order Granting Applications For Intervention, Re Kansas City Power & Light Company*, File No. ER-2012-0174 (March 20, 2012)[Union Electric Company d/b/a Ameren Missouri granted intervention]; *Order Granting Intervention, Re*

6. OPC also argues without any citation to any past case that Evergy's intervention will allow it to "slow and hamper this already large, contested proceeding..." (OPC Opposition, p. 3) OPC did not and can not point to any case where Evergy has opposed an otherwise unanimous settlement in another electric company's rate case proceeding.

7. As explained in Evergy's application, the granting of Evergy's application will promote the public interest since allowing Evergy to participate will assist in creating a complete and robust record for the Commission to decide rate case issues, including the treatment of renewable energy facilities, coal-fired facility retirements and PISA issues.

8. OPC made similar arguments in a rate case involving Kansas City Power & Light Company in which OPC objected to the intervention of Ameren Missouri. The Commission rejected OPC's arguments in that case stating:

It has been the Commission's practice to liberally grant intervention to organizations that promote various public policy positions in order to consider a full range of views before reaching a decision. Ameren Missouri's arguments are persuasive that Ameren Missouri has an interest different than that of the general public, that it may be adversely affected by a final order in this case<sup>4</sup>, and that its participation as a party would serve the public interest. The Commission concludes that Ameren Missouri's application satisfies all requirements of Commission Rule 4 CSR 240-2.075, and intervention will be granted.<sup>5</sup> (footnotes omitted)

9. The Commission should reject OPC's arguments in this case for the same reasons.

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Empire District Electric Company, File No. ER-2011-0004 (October 26, 2010)[Kansas City Power & Light Company granted intervention]; Order Granting Intervention, Re Kansas City Power & Light Company, Case No. ER-2010-0355 (July 13, 2010)[Union Electric d/b/a AmerenUE and Missouri Gas Energy granted intervention]; Order Granting Intervention, Re Empire District Electric Company, Case No. ER-2010-0130 (December 2, 2009)[Kansas City Power & Light Company granted intervention]; Order Granting Intervention, Re: Kansas City Power & Light Company, Case No. ER-2007-0291 (March 8, 2007)[Missouri Gas Energy and Trigen-Kansas City Energy Corp. granted intervention]

<sup>5</sup> Order Regarding Ameren Missouri's Application To Intervene, Re Kansas City Power & Light Company, File No. ER-2014-0370 (December 3, 2014).

WHEREFORE, Evergy respectfully request that the Commission issue an order authorizing it to intervene in the above-captioned matter.

Respectfully submitted,

*/s/ Roger W. Steiner*

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**ATTORNEY FOR EVERGY MISSOURI  
METRO AND EVERGY MISSOURI WEST**

**CERTIFICATE OF SERVICE**

The undersigned certifies that true and correct copies of the foregoing have been e-mailed or mailed, via first class United States Mail, postage pre-paid, to counsel for all parties of record this 1<sup>st</sup> day of July 2021.

*/s/ Roger W. Steiner*

Roger W. Steiner