

**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)
for Permission and Approval of)
Certificates of Convenience and Necessity)
Authorizing them to Construct, Install,)
Own, Operate, Manage, Maintain, and)
Control Natural Gas Electrical Production)
Facilities)

Case No. EA-2026-0154

**PUBLIC COUNSEL’S RESPONSE TO
EVERGY METRO, INC.’S MOTION TO AMEND SCHEDULING ORDER**

COMES NOW the Office of Public Counsel (Public Counsel) and for its response to Evergy Metro, Inc.’s motion to change the Commission-ordered virtual local public hearing date and how it notifies its customers of that hearing date states:

1. A mere six calendar days and four business days after jointly proposing a procedural schedule that the Commission adopted and ordered three business days after Evergy Metro, Inc. and other parties proposed it, Evergy Metro, Inc. filed its motion seeking to move the date of the local public hearing from August 17 to September 10, 2026, and to give notice of that hearing to its customers by billing inserts rather than text messaging because “Evergy’s system currently isn’t configured to allow customers to opt into text communications for this purpose” of “customer notice by text message of the virtual LPH.”

2. The ordered procedural schedule includes the parties exchanging settlement positions on August 18, 2026, and holding a 1st settlement conference on August 21, 2026. Evergy Metro, Inc. is not moving the Commission to change those dates.

3. Before evaluating input from the public given at the local public hearing held in this case Public Counsel will not have settlement positions to exchange nor, representing the public, will it be in a position to negotiate settlement. If the local public hearing date is moved

from August 17 to September 10, without moving the August 18 and August 21, 2026, settlement dates then those settlement dates will be meaningless. Further, with rebuttal testimony due September 1, 2026, Public Counsel will have only five calendar days and three business days within which to incorporate impacts from that local public hearing on the scope of what Public Counsel's rebuttal testimony addresses.

4. Unlike prior applications for certificates of convenience and necessity, this case has potential immediate ratemaking impacts for Evergy Metro, Inc.'s retail customers. Here Evergy Metro, Inc. is seeking Commission authority to include construction work-in-progress for Mullin Creek #2 in its rate base for ratemaking in Evergy Metro, Inc.'s currently pending general electric rate case, Case No. ER-2026-0143. Significantly, the local public hearing notice in that case does not inform the reader that Evergy Metro, Inc. is seeking to recover through rates construction work-in-progress for Mullin Creek #2.

5. If the Commission delays the date of the local public hearing in this case by the twenty-four days Evergy Metro, Inc. requests, then the Commission needs to move each of the dates in the schedule it ordered that follow the August 17, 2026, local public hearing date simultaneously by the same twenty-four days, more or less. The following schedule would do that:

Virtual Local Public Hearing	September 10
Settlement Positions	September 11
1st Settlement Conference	September 14
Staff Report and Intervenor Rebuttal	October 9
Settlement Positions Exchanged	October 12
2nd Settlement Conference	October 16

Testimony to Support Settlement	October 23
Settlement on-the-record	October 26
Surrebuttal/Cross-surrebuttal	October 29
List of Issues, Order of Cross	November 2
Discovery Cut-Off	November 2
Position Statements	November 6
Evidentiary Hearing	November 12, 13 & 16
Initial Briefs	December 18
Reply Briefs	January 24, 2027

That schedule would create conflicts. For example it would make the Staff Report and Intervenor Rebuttal due during the main evidentiary hearing scheduled for October 5-9, 13, 15, and 16 in Evergy Metro, Inc.’s pending general electric rate case.

6. It is disconcerting to Public Counsel that this issue of text notice has arisen now. Text messaging is the means of providing the local public hearing notice to Evergy Missouri West’s customers that Evergy Metro, Inc.’s affiliate Evergy Missouri West used when it sought and obtained a certificate of convenience and necessity for Mullin Creek #1 in Case No. EA-2025-0075. In that case the parties agreed, the Commission ordered, and Evergy Missouri West used text messaging to notify those customers. The Commission ordering language follows:

Evergy will provide notice of the Local Public Hearing by electronic means only (no bill insert) via email and text messages to Evergy Missouri West’s customers. The Parties agree that Evergy will (1) publish notice of the local public hearing in the publication “Nodaway News”, (2) publish notice of the local public hearing on the Company’s home internet site, and (3) send a media advisory to radio stations that serve the Nodaway County area. Evergy will distribute these notices approximately one week before the local public hearing.

7. Regardless, Evergy Metro, Inc. may be able to reach its customers through mass messaging via a pre-recorded auto-dialer and email without the delay associated with bill inserts. Evergy Missouri Metro, Inc. has already agreed to provide email messaging and the Commission ordered it to do so: “The Parties agree that EMM will provide notice of the Virtual Local Public Hearing (“LPH”) by electronic means only (no bill insert) via ***email*** and text messages to EMM customers.” (Emphasis added). Evergy Missouri Metro, Inc. has not asserted that it cannot provide notice by email. Another alternative would be for Evergy Metro, Inc. to do separate mailed notices of the local public hearing. Public Counsel would oppose Evergy Metro, Inc. recovering the cost of separate mailings because this timing issue is the result of when Evergy Metro, Inc. chose to file this case and its companion general electric rate case, and its lack of transparency.

Wherefore, for the reasons set forth above, the Office of Public Counsel opposes Evergy Metro, Inc.’s motion to move the date of the local public hearing from August 17 to September 10, 2026, a mere five calendar days and three business days before the September 15, 2026, date the Commission ordered for parties to file their rebuttal testimony without revising the succeeding dates in the procedural schedule to move each of them to be 24 days later as well, except to avoid nonbusiness days, as set forth above.

Respectfully,

/s/ Nathan Williams
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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or electronically mailed to all counsel of record this 29th day of June 2026.

/s/ Nathan Williams