

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

In the Matter of Evergy Metro, Inc. d/b/a Evergy	)	
Missouri Metro's and Evergy Missouri West, Inc.	)	
d/b/a Evergy Missouri West's Notice of Intent to	)	<u>Case No. EO-2026-0345</u>
File an Application for Authority to Establish a	)	
Demand-Side Programs Investment	)	

JOINT MOTION FOR RECONSIDERATION AND WAIVER OF 20 CSR 4240-20.094(4)(H)

COMES NOW the Staff of the Missouri Public Service Commission ("Staff") and the Office of the Public Counsel ("OPC"), by and through the undersigned counsel, and for this *Joint Motion for Reconsideration and Waiver of 20 CSR 4240-20.094(4)(H)* respectfully states as follows:

1. On Friday, August 21, 2026, Evergy Metro, Inc. d/b/a Evergy Missouri Metro and Evergy Missouri West, Inc. d/b/a Evergy Missouri West (collectively, Evergy) filed a joint application (Application) seeking Commission approval of certain demand-side programs, a Technical Resource Manual (TRM), an Evaluation Measurement and Valuation (EM&V) plan, and a Demand-Side Investment Mechanism (DSIM) pursuant to the Missouri Energy Efficiency Investment Act (MEEIA) and the Commission's implementing regulations.¹

2. Evergy also filed tariff sheets to implement the programs. The tariff sheets bear an effective date of January 1, 2027, and have been assigned Tracking Nos. JE-2027-0027 (Evergy Missouri Metro) and JE-2027-0028 (Evergy Missouri West).

3. The Application included a proposed procedural schedule. The proposed procedural schedule had been prepared without any input from Staff or the OPC.

¹ Unless otherwise noted, all dates referenced within are for 2026.

4. On August 26, five calendar days (or three business days) after the filing of the Application, and before the OPC, Staff or any parties from previous Evergy MEEIA cycle cases responded to Evergy's proposed procedural schedule, the Commission approved the schedule.

I. MOTION FOR RECONSIDERATION

5. Commission Rule 20 CSR 4240-2.160 prescribes the procedure for requesting a rehearing of a final order or a reconsideration of a procedural or interlocutory order of the commission and the disposition of that request.

6. Commission Rule 20 CSR 4240-2.160(2) states:

Motions for reconsideration of procedural and interlocutory orders may be filed within ten (10) days of the date the order is issued, unless otherwise ordered by the commission. Motions for reconsideration shall set forth specifically the ground(s) on which the applicant considers the order to be unlawful, unjust, or unreasonable. At any time before a final order is issued, the commission may, on its own motion, reconsider, correct, or otherwise amend any order or notice issued in the case.

7. The Commission's order approving Evergy's proposed procedural schedule was issued on August 26. Thus, any motions for reconsideration must be filed no later than Tuesday, September 8.²

² Commission Rule 20 CSR 4240-2.050 sets standards for computation of effective dates of any order or time prescribed by the Commission when on specific date is set by Commission order. The tenth day following the Commission's order in this matter was Saturday, September 5, 2026. 20 CSR 4240-2.050 states that, when computing any period of time prescribed or allowed by the Commission, "The last day of the period so computed shall be included, unless it is a Saturday, Sunday, or legal holiday, in which case the period runs until the end of the next day which is not a Saturday, Sunday, or legal holiday." Thus, the next day that is not a Saturday, Sunday, or legal holiday after September 5, 2026 is Tuesday, September 8, 2026.

8. Due to the lack of input from any other party in this proceeding, including the mandatory parties of Staff and the OPC,³ the Commission's order approving Evergy's proposed procedural schedule is thus unjust and unreasonable.

9. MEEIA is a **voluntary** electric utility program authorized under § 393.1075, RSMo. The Application is for Evergy's fifth MEEIA cycle; the company's current MEEIA cycle, its fourth, was approved in Case Nos. EO-2023-0369 and EO-2023-0370. Evergy's fourth MEEIA cycle is due to conclude at the end of 2027.⁴

10. Evergy has thus far been granted authority to implement four MEEIA cycles. The case numbers for those cycles are: EO-2012-0009/0008 (Cycle 1); EO-2015-0240/0241 (Cycle 2); EO-2019-0132/0133 (Cycle 3); and EO-2023-0369/0370 (Cycle 4).

11. For Evergy's first three MEEIA applications, a joint procedural schedule was agreed to by the parties in each case.⁵

12. For Evergy's Cycle 4 application, Staff and Evergy filed separate procedural schedules, with the same evidentiary hearing dates, briefing dates, and requested Commission order dates.⁶ Due to the increasing complexity and variety of issues and programs presented, as well as the dollars at stake, Staff advocated for all parties to file direct testimony.⁷ The Commission agreed, Staff's procedural schedule was approved, and all parties were provided the opportunity to file direct testimony.

³ 20 CSR 4240-2.010(10).

⁴ The demand response programs within Evergy's MEEIA Cycle 4 are scheduled to continue through the end of 2027; Evergy's MEEIA Cycle 4 energy efficiency programs are scheduled to conclude at the end of 2026.

⁵ See EO-2012-0008, EFIS Item No. 40; EO-2015-0240, EFIS Item No. 24; and EO-2019-0132 EFIS Item No. 19.

⁶ See EO-2023-0369, EFIS Items Nos. 8 and 9.

⁷ EO-2023-0369, Proposed Procedural Schedule of Staff, EFIS Item No. 8, pg. 2, para. 5.

13. The procedural schedule approved by the Commission in this matter does not provide an opportunity for any party besides Evergy to file direct testimony. Staff's ability to provide the Commission direct testimony was an important factor in not only Evergy's MEEIA Cycle 4, but the Cycle 4 MEEIA application filed by Ameren Missouri in Case No. EO-2023-0136. Not providing other parties an opportunity to file direct testimony would contradict the Commission's recent approach to MEEIA cases.

14. Further, the procedural schedule approved by the Commission sets October 28-30 as the dates for the evidentiary hearing. This is just over two months from the filing date of the Application.

15. The Commission already has multiple evidentiary hearings scheduled for October:

- September 29-October 1: Evidentiary Hearing in EA-2026-0183;
- October 5-16: Evidentiary Hearing in ER-2026-0143; and
- October 19-23: Evidentiary Hearing in EA-2026-0154.

16. Adding another evidentiary hearing to the calendar in October 2026 at this time would put an immense strain on Staff and the OPC as both attempt to transition from one hearing to another, while also balancing the large workload Staff and the OPC are currently carrying due to multiple concurrent CCNs and rate cases.

17. The procedural schedule ordered by the Commission also lacks discovery procedures that would normally accompany a procedural schedule. Per Commission Rule 20 CSR 4240-2.090(2)(C), Evergy has 20 days to respond to discovery from Staff and the OPC. With rebuttal testimony due on September 30, Staff and the OPC may have only

one opportunity to conduct discovery. Even if Staff and the OPC analyzed the Application and accompanying testimony and issued discovery by August 26, responses from Evergy would not have been due until Tuesday, September 15. That would provide Staff and the OPC only 11 business days to draft, review, revise and finalize rebuttal testimony for filing by September 30. And with surrebuttal testimony due by October 21, there is not enough time to conduct discovery prior to the filing of surrebuttal.

18. To ensure that Staff and the OPC have an opportunity to provide the Commission with a complete case regarding this matter, the Commission should reconsider its order approving Evergy's proposed procedural schedule and instead order the parties to confer and file a joint proposed procedural schedule no later than September 30. With the intervention period ending on September 4, this will also provide intervenors a say in the procedural schedule.

II. MOTION FOR WAIVER OF COMMISSION RULE 20 CSR 4240-20.094(4)(H)

19. Commission Rule 20 CSR 4240-20.094(4)(H) states that "The Commission shall approve, approve with modification acceptable to the electric utility, or reject such applications for approval of demand-side program plans within one hundred twenty (120) days of the filing of an application under this section only after providing opportunity for a hearing."⁸

⁸ Arguably 20 CSR 4240-20.094(4)(H)'s 120-day timeline does not apply to this case because this case concerns Evergy's Application for its *fifth* suite of MEEIA programs and the 120-day timeline appears to apply only to the *initial* application following the enactment of 20 CSR 4240-20.094. See 20 CSR 4240-20.094(4)(H) (specifying in the second sentence that the 120-day timeline applies to "*such* applications" after describing how "existing demand-side program[s] . . . in effect prior to the effective date of this rule shall be included in the *initial* application" in the first sentence). Commission rule 20 CSR 4240-20.094 originally took effect in May 2011. Counting only the full Applications and including this case, Evergy has filed five MEEIA applications

20. Due to the press of business currently before the Commission, and MEEIA programs being a voluntary program for a utility to offer, good causes exist for a waiver of the 120-day requirement, pursuant to Commission Rule 4240-2.205. Further, while Evergy's energy efficiency programming may expire at the end of 2026, its demand response programming is authorized to run through the end of 2027.

21. For comparison, Evergy's Cycle 3 application was filed on November 29, 2018, and the Commission's order was issued on December 11, 2019. That process took over one year. Evergy's Cycle 4 application was filed on April 29, 2024, and the Commission's order was issued on December 11, 2024. That process took almost 8 months. The current procedural schedule contemplates resolving Evergy's Application in less than four months. This is a significantly shorter amount of time than provided for the prior two Evergy MEEIA cycles.

WHEREFORE Staff and the OPC respectfully request that the Commission reconsider its order approving Evergy's proposed procedural schedule, order the parties to this matter to file a joint proposed procedural schedule no later than September 30, 2026, waive (if applicable) the 120-day requirement of Commission Rule 20 CSR 4240-20.094(4)(H), and any such other and further relief as the Commission considers just and reasonable under the circumstances.

since that time. Because it does not appear that the 120-day timeline applies in this case, the Commission does not need to be constrained by the 120-day timeline of 20 CSR 4240-20.094(4)(H).

Respectfully submitted,

/s/ Travis J. Pringle

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**ATTORNEY FOR THE STAFF OF THE
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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed, hand-delivered, or transmitted by facsimile or electronic mail to all parties and/or counsel of record this 8th day of September 2026.

/s/ Travis J. Pringle