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 File an Application for Authority to Establish a Demand-Side Programs Investment Mechanism	)))))	File No. EO-2026-0345

EVERGY'S RESPONSE IN OPPOSITION TO JOINT MOTION FOR RECONSIDERATION AND WAIVER OF 20 CSR 4240-20.094(4)(H)

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, the "Company" or "Evergy") and, pursuant to 20 CSR 4240-20.080, files its *Response in Opposition to the Joint Motion For Reconsideration and Waiver of 20 CSR 4240-20.094(4)(H)* filed by the Missouri Public Service Commission ("Commission") Staff ("Staff") and the Office of the Public Counsel ("OPC") on September 8, 2026:

1. On August 26, 2026, the Commission issued its *Order Directing Notice, Establishing Intervention Deadline, and Setting Procedural Schedule* ("Procedural Schedule Order"). Staff and OPC now ask the Commission to reconsider that order and to waive the 120-day timeline in 20 CSR 4240-20.094(4)(H). Their Motion is based on workload concerns, disagreement with the Commission's scheduling discretion, and a desire for additional time to prepare testimony.

2. None of these assertions constitute grounds for reconsideration under 20 CSR 4240-2.160. The Commission's Procedural Schedule Order was lawful, reasonable, and consistent with both Commission practice and the governing MEEIA regulations. The Motion should be denied.

3. The Procedural Schedule Order expressly states: "The Commission will … set the procedural schedule proposed in the application." (Order, p. 1) The Commission has broad discretion to set procedural schedules at the outset of a case. Nothing in the Commission's rules requires Staff or OPC input before issuing a procedural schedule. The Order also correctly notes:

> Commission Rule 20 CSR 4240-20.094(4)(H) requires the Commission to approve, approve with modification acceptable to the electric utility, or reject Evergy's Cycle 5 filing within 120 days of the filing. (Order, p. 1)

4. It is reasonable for the Commission to adopt a procedural schedule that complies with this regulatory requirement.

5. The Commission's approved procedural schedule would allow the Commission to issue its *Report and Order* in this matter within the 120-day requirement prescribed by the Commission Rule 20 CSR 4240-20.094(4)(H). It would also ensure that there would be no gap between the MEEIA Cycle 4 and MEEIA Cycle 5 energy efficiency programs which are expiring on January 1, 2027.[1]

6. Staff and OPC contend the schedule is "unjust and unreasonable" because it was issued before they responded. But the Order: (1) sets a clear intervention deadline (September 4), (2) preserves full discovery rights, (3) provides for rebuttal and surrebuttal testimony, (4) sets a three-day evidentiary hearing, and (5) includes briefing and reply briefing. Nothing in the Order restricts Staff's or OPC's statutory or procedural rights. The schedule simply establishes dates – something the Commission is fully empowered to do.

7. Staff asserts that the absence of direct testimony contradicts "recent Commission practice." But Commission rules do not require Staff or OPC to file direct testimony in MEEIA cases. The Commission has full authority to structure proceedings as it deems appropriate. The

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[1] Staff and OPC acknowledged in the Motion that Evergy's energy efficiency programs will be expiring on January 1, 2027, while the Demand Response programs are scheduled to expire on January 1, 2028. (Motion, p. 3, fn.4)

Procedural Schedule Order does not prohibit Staff or OPC from presenting evidence; it merely sets the sequence of filings.

8. Staff cites overlapping hearings and internal workload pressures. While Evergy appreciates these challenges, they do not render the Commission's order unlawful, unreasonable, or subject to reconsideration. Nor does it establish the "good cause" required for reconsideration. The Commission's procedural authority is not contingent on Staff's internal staffing levels or OPC's litigation calendar. If workload concerns justified reconsideration, nearly every major case would be subject to delay.

9. The Commission's Order sets an expected decision date of December 19, 2026**,** consistent with the 120-day timeline. Evergy's MEEIA Cycle 4 energy efficiency programs conclude at the end of 2026. A timely order is essential to: (1) avoid a gap in customer programs, and (2) maintain contractor engagement. Staff and OPC's request—to delay the schedule and potentially extend the case beyond the 120-day window—creates a substantial risk of program interruption. The Commission's Procedural Schedule Order is not only reasonable; it is necessary.

10. Staff's interpretation—that the 120-day requirement applies only to the initial MEEIA application—is inconsistent with the rule's text, structure, and purpose. The rule contains two distinct sentences, each governing different types of filings. Staff relies exclusively on the first sentence, but the second sentence—quoted in their own motion—controls here. The first sentence addresses a narrow circumstance: utilities that had existing demand-side programs in effect prior to the rule's adoption in 2011. It states:

> Any existing demand-side program with tariff sheets in effect prior to the effective date of this rule shall be included in the initial application…

11. This clause simply required utilities to fold pre-existing programs into their first MEEIA filing so that unrecovered costs could be incorporated into the DSIM. It does not define

or limit the Commission's timeline for subsequent MEEIA cycles. The second sentence, however, contains the operative deadline:

> 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…"

12. Staff argues that "such applications" refers only to the initial application. But the phrase "such applications" grammatically refers to applications for approval of demand-side program plans—the subject of the second sentence—not to the "initial application" referenced in the first sentence. If the Commission intended the 120-day timeline to apply only once, it would have said so expressly. It did not.

13. Moreover, Staff's own motion acknowledges that Evergy has filed five MEEIA applications since the rule's adoption. This admission underscores the flaw in Staff's interpretation: if the 120-day timeline applied only to the first application filed in 2011, the Commission would have no timeline governing any subsequent MEEIA cycle. That reading would render the second sentence meaningless and contradict the statute's purpose.[2]

14. The Commission itself recognized this in the Procedural Schedule Order, stating:

> Commission Rule 20 CSR 4240-20.094(4)(H) requires the Commission to approve, approve with modification acceptable to the electric utility, or reject Evergy's Cycle 5 filing within 120 days of the filing."

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[2]Section 3931075(3) states: "3. It shall be the policy of the state to value demand-side investments equal to traditional investments in supply and delivery infrastructure and allow recovery of all reasonable and prudent costs of delivering cost-effective demand-side programs. In support of this policy, the commission shall:

(1) Provide timely cost recovery for utilities;

(2) Ensure that utility financial incentives are aligned with helping customers use energy more efficiently and in a manner that sustains or enhances utility customers' incentives to use energy more efficiently; and

(3) Provide timely earnings opportunities associated with cost-effective measurable and verifiable efficiency savings.

This is a straightforward application of the rule's plain language. The Commission has consistently applied the 120-day timeline to full MEEIA filings, including Evergy's Cycle 4 filing in 2024, which Staff acknowledges took eight months only because the Commission exercised its authority to modify the schedule—not because the rule did not apply. Importantly, the MEEIA 4 procedural schedule that the Commission ultimately issued, while it was an 8-month schedule, in that case Evergy was agreeable to an extended timeline under different circumstances.

15. Finally, Staff's interpretation would produce an untenable regulatory gap. MEEIA programs are time-limited and tariff-driven. Without a binding timeline, the Commission could issue orders months or years after filings, creating program gaps, contractor disruption, and customer confusion. The rule's structure prevents that outcome by imposing a uniform deadline on all applications seeking approval of demand-side program plans.

16. For these reasons, the Commission should reject Staff's and OPC's argument and reaffirm that the 120-day timeline applies to Evergy's Cycle 5 application.

17. As explained in Evergy's Application, the MEEIA Cycle 5 programs proposed in the Application are very similar to the approved Evergy's MEEIA Cycle 4 programs with the exception that there is a new proposed Whole Home Efficiency With Home Energy Financing program ("WHE/HEF") which, if approved, will replace the current Modified PAYS program. While the proposed budgets of the MEEIA Cycle 5 programs are somewhat different from the approved MEEIA Cycle 4 programs, there are very few, if any, new issues for the Staff or OPC to review that are substantially different than in the MEEIA Cycle 4 case. As a result, this case should not be complex or complicated since the programs have been previously reviewed and approved by the Commission.

18. Evergy's MEEIA Cycle 4 filings were approved by the Commission's *Order Approving Agreement and Tariffs* in File Nos. EO-2023-0369 and EO-2023-0370 (issued December 11, 2024)

WHEREFORE, Evergy Missouri Metro and Evergy Missouri West respectfully request that the Commission deny the motion for reconsideration and request for variance filed by the Staff and OPC on September 8, 2026. For the reasons stated above, Evergy respectfully requests that the Commission:

(1) **DENY** the Joint Motion for Reconsideration;

(2) **DENY** the request for waiver of 20 CSR 4240-20.094(4)(H);

(3) **AFFIRM** the Procedural Schedule Order issued on August 26, 2026; and

(4) **MAINTAIN** the expected order date to ensure continuity between MEEIA Cycle 4 and MEEIA Cycle 5.

Respectfully submitted,

|s| Roger W. Steiner

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing document was served upon counsel of record on this 16th day of September 2026, by either e-mail or U.S. Mail, postage prepaid.

/s/ Roger W. Steiner
Roger W. Steiner