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BEFORE THE PUBLIC SERVICE COMMISSION

2

STATE OF MISSOURI

3

TRANSCRIPT OF PROCEEDINGS

4

DISCOVERY CONFERENCE

5

In the Matter of Evergy)

6

Metro, Inc. d/b/a Evergy)

7

Missouri Metro's Request for)

8

Authority to Implement a) Case No.: ER-2026-0143

9

General Rate Increase for)

10

Electric Service)

11

12

TUESDAY, SEPTEMBER 1, 2026
10:00 a.m.

13

Jefferson City, MO
via WebEx

14

15

VOLUME 5

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PAGE 1

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JOHN CLARK, Presiding
SENIOR REGULATORY LAW JUDGE

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KAYLA HAHN, Chair,
MAIDA J. COLEMAN,
GLEN KOLKMEYER,
JOHN MITCHELL,
COMMISSIONERS

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Transcribed by:

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Satish Dhavamani

1 JUDGE CLARK: Okay. Good morning,
2 everybody. It's 10 o'clock. Before we go on the
3 record, I want to say if you -- if the only thing you
4 have in your calendar for a WebEx conference is a -- is
5 a time that says canceled, and there's not a
6 corresponding order, then it's not canceled. It means
7 you just don't have the most current calendar invite,
8 and I, I apologize for that. But everybody appears --
9 who needed one appears to have gotten the invite I sent
10 around a few minutes ago. Let's go on the record.

11 Today is September 1st of 2026, and the
12 current time is 10:01 a.m. The Commission has set this
13 time for a WebEx discovery conference and the case
14 captioned as In the Matter of Evergy Metro, Inc. d/b/a
15 Evergy Missouri Metro's Request for Authority to
16 Implement a General Rate Increase for Electric Service.
17 And that is case number ER-2026-0143. My name is John
18 Clark. I'm overseeing this discovery conference today.
19 I'm going to ask the parties to enter their appearance
20 for the record, starting with Evergy Missouri Metro.

21 MR. BAILEY: Thank you, Judge. My name
22 is Cole Bailey. With me is Jackie Whipple for Evergy
23 Missouri Metro. My address is 1200 Main Street, Kansas
24 City, Missouri 64105.

25 JUDGE CLARK: Thank you. On behalf of

1 the Commission staff.

2 MS. JOHNSON: Morning, Judge. This is
3 Tracy Johnson and also Travis Pringle is on the line for
4 staff, and our information's in the record.

5 JUDGE CLARK: Thank you so much. And on
6 behalf of Public Counsel.

7 MR. WILLIAMS: Nathan Williams, Chief
8 Deputy Public Counsel, appearing on behalf of the public
9 and the Office of Public Counsel. My information is in
10 the record.

11 JUDGE CLARK: Thank you, Mr. Williams.
12 And it appears I have a few other people. Are there any
13 interveners here I haven't called?

14 MR. LYSKOWSKI: Yeah. Good morning,
15 Judge. Daniel Lyskowski, on behalf of Midwest Energy
16 Consumers Group. Our information is in the record.

17 JUDGE CLARK: Okay. And Mr. Schulte? I
18 can't hear you. I think you're muted.

19 MR. SCHULTE: Okay. Hopefully I'm
20 unmuted now. Good morning, Judge Clark. Andrew Schulte
21 on behalf of Google.

22 JUDGE CLARK: Great. Thank you, Mr.
23 Schulte. Is that everybody? There's no other
24 interveners? Okay. I can rule on procedural and
25 substantive issues at this conference pursuant to

1 Commission Rule 20 CSR 424-2.090, Subsection 6. I'm
2 going to start by asking Public Counsel to kind of frame
3 the request to discovery for me and explain why it meets
4 the Rule 56 requirements that it's -- that it's relevant
5 and necessary. So, Mr. Williams, would you like to
6 start?

7 MR. WILLIAMS: Sure. One of the issues
8 in this case involves capital spending on distribution
9 level assets. And our office has issued a data or
10 actually multiple data requests regarding it. But the
11 ones that issue, which the Metro has objected to pertain
12 to operations and maintenance spending and capital
13 spending on two lateral programs. One is the worst
14 performing circuit lateral program, or I'm sorry, worst
15 performing lateral program, and the other is a lateral
16 improvement program. We've asked for 10 years of data
17 from the dates of 2016 to 2025, and Evergy Missouri
18 Metro has objected to that request. We're asking the
19 commission to rule on the objection.

20 JUDGE CLARK: Okay. How quickly do you
21 need a commission ruling?

22 MR. WILLIAMS: Well, since the
23 surrebuttal is coming up on September 10th, and we would
24 like to have this information, if possible, before then,
25 as soon as possible, it's when we would like to have a

1 ruling on the objection.

2 JUDGE CLARK: Okay, thank you. Did you
3 have anything else you wanted to address, Mr. Williams?

4 MR. WILLIAMS: That's the only thing
5 we're bringing before the commission at this time.

6 JUDGE CLARK: Okay. And Evergy Metro is
7 opposing answering this. You want to explain your
8 objection to me?

9 MR. BAILEY: Yeah. Your Honor, we, we're
10 not opposing to answering part of the question. We've
11 offered to go back to 2022, and I mean, there's a couple
12 of clarifications. It's not two programs, it's one
13 program. And OPC asked this exact same question in
14 April, and we answered the exact same way with the exact
15 same objection. I don't know why they sat on it until
16 now, but they asked the same question again and then we
17 objected the same way.

18 The reason is they're asking for a
19 specific subset of data from 10 years ago before the
20 merger. We don't record this type of information
21 specifically, so they can just recall the data at any
22 point. The, the program, the lateral program has
23 changed at least three times since it's been -- since,
24 you know, 2016. And so there's no way for us to
25 correctly find all of the information, you know, this

1 subset of distribution data from 10 years ago and then
2 verify it to make sure it's correct and offer it as a
3 competent evidence.

4 So we'd feel, you know, we could go back
5 to 2022 and we offer 2022 because that's the -- that's
6 the cost that's in this case. And we can do the manual
7 work to find the information, but going back further, we
8 just can't -- we can't feel comfortable that it would be
9 correct and accurate evidence offering anything we could
10 find would be unverified and would prejudice us. So,
11 you know, we've offered 2022. We did the same thing
12 back in April, and we provided information back to 2022.
13 And so I'm not -- I don't know why it's coming up again
14 right before surrebuttal.

15 JUDGE CLARK: Well, it's a scheduled
16 discovery conference, so I'm not really as worried about
17 whether or not they failed to take it up right away in
18 April. They're certainly entitled to take it up now.
19 This is not new territory for you. Whether you're ever
20 Evergy Metro or your KCP&L, you're coming in for rate
21 cases every so often. And in, in that you're having
22 your revenue requirement evaluated and you're having
23 many of these costs evaluated. Are these costs that are
24 regularly evaluated in a rate case?

25 MR. BAILEY: No. Well, I don't know. I

1 asked OPC if they asked the same question back in, you
2 know, 2020. I don't think they did. This is a subset
3 of distribution costs that now OPC is focused on for
4 disallowance that we don't normally track in this way.

5 JUDGE CLARK: Which way do you normally
6 track it?

7 MR. BAILEY: In a, you know, in a larger
8 pot, distribution, transmission generation. We file, I
9 think, you know, and I, you know, I just learned about
10 this, this morning. I, you know, I didn't get a chance
11 to talk to OPC until this morning, and so I don't really
12 have anything to, you know, negotiate. If I -- If I --
13 we had more time, I think we could, but so the -- we
14 file reports every year with capital cost for larger
15 pots.

16 But this LIP, this lateral improvement
17 program, which is also formerly known as the worst
18 performing lateral program, is a subset of this
19 information that is not something we, we just track and
20 categorize that can be asked later on. We, you know, we
21 didn't know this was going to be a subject for OPC's
22 testimony until they filed it.

23 JUDGE CLARK: Okay. Thank you, Mr. Cole.
24 I'm sorry, Mr. Bailey. Mr. Williams, how far back do
25 you need?

1 MR. WILLIAMS: You know, we'd like to
2 have decades of information, but we're willing to accept
3 the 10 years we've asked for. We might be able to
4 compromise for something not quite so far back -- but
5 I'll also say, you know, the utilities come in and ask
6 for their expenses, which is O&M, I mean, normalized,
7 and they also ask for their capital investment to be put
8 into rate base. So these are all programs involving --
9 I mean, we've asked for the capital spend and we've
10 asked for their expenses so we can try to arrive at an
11 appropriate level to include in the rate case for the
12 revenue requirement increase and, you know, the capital
13 spending would go into rate base.

14 So we're looking for what would be an
15 appropriate level and whether it's appropriate to be
16 included in a rate base and these programs -- I mean,
17 basically what Mr. Bailey is saying is we don't track
18 them for rate case purposes at this program level.
19 Well, it is part of what's built up into what they do
20 see. In terms of what we could compromise for if we
21 don't get the full 10 years, which we think is really a
22 reasonable cutoff. But we could probably go back like
23 2019, which would be the preceding rate case roughly.

24 JUDGE CLARK: Was this asked in the
25 preceding rate case?

1 MR. WILLIAMS: I do not know offhand. I
2 doubt it.

3 JUDGE CLARK: Is this something new that
4 came to public counsel's attention?

5 MR. WILLIAMS: I don't know if I'd say
6 it's something -- it's something new that we focused on.
7 I mean, as the commission's aware, we do not -- we have
8 some limitations on resources. Not as much now as we
9 have in the past, but we have to pick and choose what we
10 focus on.

11 JUDGE CLARK: Give me just a second. Mr.
12 Bailey, can you briefly explain to me what changes the
13 program has gone through when KCPL became Evergy Metro
14 and what --

15 MR. BAILEY: I'm sorry, Your Honor. Were
16 you not -- I didn't -- we're not done.

17 JUDGE CLARK: It's, it's a compound
18 question. You can answer the first part.

19 MR. BAILEY: I don't know exactly from
20 worst -- so it was called the worst performing lateral,
21 and then it was called lateral improvement program. And
22 then now we've involved another, you know, analysis with
23 AssetLens. So I don't -- I mean, I don't know exact,
24 you know, this would be a question for my witness. But
25 it says --

1 JUDGE CLARK: Go ahead.

2 MR. BAILEY: I, I think I was done.

3 JUDGE CLARK: No, no, no. You were
4 saying something.

5 MR. BAILEY: I, I, I don't know if we
6 could bring witnesses to these things or, you know,
7 maybe we're meeting with OPC on Wednesday to talk about
8 another data request with the same subject matter
9 expert. So I don't know if I could prep her for that as
10 well, and then we could discuss maybe offering something
11 to OPC again. It's just not -- it's -- it'd be
12 something we would have to manually go back and, you
13 know, rake the data for this specific subset of
14 distribution costs.

15 It's not -- we can't just plug it in and
16 ask our data management question, you know, so even if
17 we were to provide it, we couldn't be able to verify it,
18 and then it would take I don't know how long. It's one
19 person answering this data request.

20 JUDGE CLARK: Now, that's more of an
21 argument towards weight at a -- at an evidentiary
22 hearing. Mr. Williams said they might be able to get by
23 on data back to 2019. How much of a problem would 2019
24 be?

25 MR. BAILEY: I'd, I'd have to check

1 again. I found out about this yesterday, and OPC didn't
2 call me till this morning. I didn't have a chance to,
3 you know, run any negotiation behind my witnesses. So I
4 -- and that's why I think Wednesday we could get
5 together with OPC and try and figure something out.

6 JUDGE CLARK: Okay. I haven't asked any
7 of the other parties to weigh in if they want to. Do
8 any of the other parties have anything they would like
9 to say in regard to this? Okay. Nobody has said
10 anything. I will try and have a ruling on this by the
11 end of the week. So that would be my intent, given that
12 surrebuttal is coming up on the 10th, which is -- hold
13 on, next Thursday. So that, that, that should provide
14 some time.

15 That will also -- oh, I lost you for a
16 second. There we go. That will also give you guys time
17 to meet and see if you can work out anything in regard
18 to these two sub -- well, the C&D 5056. So if you're
19 able to work out something in regard to that on
20 Wednesday, let me know. Otherwise, it's my intention to
21 rule on this by Friday to talk to the Commission and see
22 how they would like to weigh in on this.

23 MR. WILLIAMS: Judge, may I make one more
24 point?

25 JUDGE CLARK: Please.

1 MR. WILLIAMS: We're asking for dollars.
2 We're not asking for how the programs are administered.

3 JUDGE CLARK: So just, just, just these -
4 - just the O&M amounts?

5 MR. WILLIAMS: O&M and capital.

6 JUDGE CLARK: Okay. Okay.

7 MR. BAILEY: And you -- Judge, I had a
8 question. It's about something you said. So by the end
9 of the week, you'll make a ruling and you'll ask the
10 Commission to weigh in? Or, or how -- I'm just
11 wondering how this procedurally works, because I, really
12 think -- Oh, God.

13 JUDGE CLARK: I, I think this is in my
14 backyard. I think technically I can rule on this under
15 delegation. I generally go to the Commission and say,
16 here's what happens, here's what I'd like to do. If
17 they're okay with it, then I go ahead and issue an
18 order. Does that give some insight?

19 MS. JOHNSON: I have a procedural
20 question too, Judge. Given the helpful timing that you
21 framed for us, if the parties are able to resolve it,
22 which hopefully they will, you know, we can send you an
23 email that says the issue has been resolved. In the
24 event that there isn't a resolution, would you accept
25 some form of further submission prior to ruling? You

1 know, perhaps on Thursday, should that be helpful to
2 you?

3 JUDGE CLARK: I'm not really opposed to
4 it anytime parties want to offer additional evidence or
5 argument, unless we're under a time crunch.

6 MS. JOHNSON: I don't know that we would,
7 judge, I'm just wondering -- some of this sounds very
8 technical to me and I wonder if it would --

9 JUDGE CLARK: Why don't you let me know
10 by the end of the day on Wednesday if you guys are
11 meeting on Wednesday, if you guys were able to work this
12 out. If you're unable to work this out, then I may set
13 another discovery conference for Thursday, if that would
14 work for everyone, probably in the afternoon. Well,
15 let's look at Thursday afternoon, before I say that.
16 Yeah, probably the early afternoon, like 1 o'clock. Is
17 that --

18 MS. JOHNSON: That suits. Yes. Thank
19 you, Judge.

20 JUDGE CLARK: Is public counsel agreeable
21 with that?

22 MR. WILLIAMS: Yes, that sounds all
23 right.

24 JUDGE CLARK: Okay. All right. So if I
25 -- hopefully I will hear from you all by tomorrow

1 evening and if necessary, I will hold another discovery
2 conference. I'll try and look at this more thoroughly
3 and see if I have any additional questions. Anything --
4 have anyone have anything before we adjourn? Anything
5 that the commission needs to take up at this time? I
6 hear nothing, hearing nothing, I will adjourn this
7 discovery conference and we will go off the record.
8 Thank you very much for your time.

9 MS. JOHNSON: Thank you, Judge.

10 MR. BAILEY: Thank you.

11 JUDGE CLARK: Bye.

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22 (End of audio recording.)

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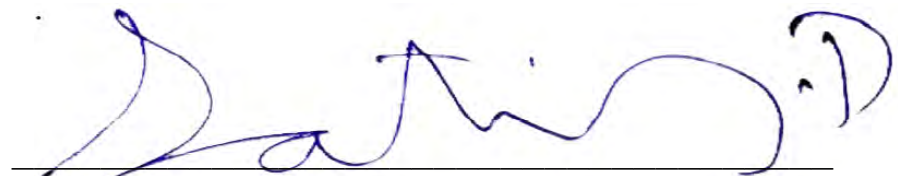
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That said audio transcription is a true record as reported by me, a disinterested person.

I further certify that I am not interested in the outcome of said action, nor connected with, nor related to any of the parties in said action, nor to their respective counsel.

IN WITNESS THEREOF, I have hereunto set my hand this 10th day of September, 2026.



Satish Dhavamani

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