BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of Evergy Metro, Inc. d/b/a Evergy Missouri Metro's Request for Authority to Implement a General Rate Increase for Electric Service	))))	**File No. ER-2026-0143**

STAFF'S MOTION TO STRIKE PORTIONS OF EVERGY MISSOURI METRO'S REPLY BRIEF

COMES NOW the Staff of the Missouri Public Service Commission ("Staff") and moves to strike one sentence on Issue 19.B. from the *Reply Brief* of Evergy Metro, Inc. d/b/a Evergy Missouri Metro ("EMM"). The sentence misstates what Staff needed to assess EMM's asset prioritization methodology and what EMM supplied. In support of this motion, Staff states as follows:

1. Staff moves to strike the following sentence on page 51 of EMM's *Reply Brief*: "Staff's concern is access to the historical scoring data, and the Company filed a supplemental discovery response with the archived exports that filled the gaps Staff identified."[1]

2. On August 11, 2026, Staff filed the rebuttal testimony of Staff witness Malachi Bowman. Staff witness Bowman explained that EMM used AssetLens benefit-cost ratios to select asset replacements and sought to recover their costs.[2]

3. On September 8, 2026, Staff witnesses Shawn Lange and Malachi Bowman met with EMM personnel, including Andy Alexander and Rose Wibbenmeyer,

[1] EMM's *Reply Brief*, EFIS Item No. 580, p. 51, sentence accompanying n. 352.

[2] Malachi Bowman, *Rebuttal Testimony*, Exhibit No. 129, EFIS Item No. 478, p. 11, at lines 8–10, and p. 12, at lines 1–4; EFIS Item No. 153 (filed Aug. 11, 2026).

on Microsoft Teams to discuss AssetLens. After the meeting, Staff concluded that EMM could not provide the necessary formulas to Staff due to the confidential nature of AssetLens. Therefore, retaining the scores would be of little benefit to Staff.[3]

4. On October 8, 2026, the Commission admitted Staff witness Bowman's rebuttal testimony as Exhibit No. 129.[4]

5. Staff explained in its *Initial Post-Hearing Brief*, filed November 6, 2026, that it could not assess EMM's methodology without the underlying analysis. Staff did not recommend a disallowance for prior distribution investments, nor did Staff endorse EMM's methodology.[5] EMM and Staff filed their reply briefs on November 18, 2026. On Issue 19.B., Staff stood on its initial brief.[6]

6. Paragraph 3(D) of the Commission's procedural order requires the parties to cite the portions of the record that support their positions on unresolved issues.[7] Commission rules require evidentiary support for factual assertions in a brief.[8] The Commission controls post-hearing briefing and must base its findings on competent

[3] The "gap filled" was that Staff confirmed that EMM retaining these cost benefit scores from AssetLens would be of little value without understanding how they are calculated.

[4] Malachi Bowman, hearing testimony, Official Transcript, Volume 9, EFIS Item No. 347, p. 71, at lines 4–15.

[5] Staff's *Initial Post-Hearing Brief*, EFIS Item No. 354, p. 67.

[6] EMM's *Reply Brief*, EFIS Item No. 580, p. 51, n. 352; Staff's *Reply Brief*, EFIS Item No. 582, p. 1.

[7] *Order Setting Procedural Schedule and Directing the Filing of Dates for Local Public Hearings*, EFIS Item No. 43, p. 6, para. 3(D).

[8] 20 CSR 4240-2.080(6)(C), (12). Under subsection (6)(C), counsel certifies after reasonable inquiry that factual assertions have evidentiary support or specifically identifies those likely to have support after further investigation or discovery. Under subsection (12), acceptance for filing does not waive noncompliance.

and substantial evidence on the whole record.[9] A factual assertion in a brief cannot substitute for evidence.

7. On redirect, Staff witness Bowman testified that Staff lacked "access to the underlying analysis that AssetLens uses to create those benefit cost ratios."[10] Staff witness Bowman explained that Staff could not assess whether EMM's method for prioritizing replacements was reasonable "without understanding that underlying analysis."[11]

The record separates what Staff needed from what EMM supplied:

- Staff needed the analysis behind the scores to assess EMM's methodology. The scores show where AssetLens ranked each project. The scores do not disclose the assumptions and weightings that produced those rankings.[12]

- Footnote 352 on page 51 of EMM's *Reply Brief* cites page 118 of EMM's *Initial Post-Hearing Brief*. Footnote 693 cites EMM witness Alexander's rebuttal testimony. At page 16, EMM witness Alexander testified that EMM recovered archived scores and filed a supplemental response.[13] EMM witness Alexander also explained that EMM could not share the vendor's proprietary calculations of individual benefits.[14]

[9] Section 386.410.1, RSMo; 20 CSR 4240-2.140(1); 20 CSR 4240-2.120(1); Section 386.410.1 directs the Commission to prescribe its hearing procedure. Rule 20 CSR 4240-2.140(1) governs briefing. Rule 20 CSR 4240-2.120(1) authorizes the presiding officer to take action necessary to conduct a fair proceeding and maintain order.

[10] Malachi Bowman, Official Transcript, Volume 9, p. 75, lines 19–25.

[11] *Id*. at p. 76, lines 5–18.

[12] Alexander, *Rebuttal Testimony*, Exhibit No. 1, EFIS Item No. 567, p. 15, at lines 1–7, 13–16; Malachi Bowman, *Rebuttal Testimony*, p. 13, lines 4–8, through p. 14, lines 1–2.

[13] Alexander, *Rebuttal Testimony*, p. 16, lines 6–10; EMM's *Initial Post-Hearing Brief*, EFIS Item No. 351, p. 118, n. 693.

[14] Alexander, *Rebuttal Testimony,* at p. 15, lines 13–16.

8. The testimony EMM cites in footnote 352 show that EMM recovered archived scores and filed a supplemental response. EMM witness Alexander did not testify that the supplemental response gave Staff the analysis that generated those scores.

9. For future investments, Staff witness Bowman proposed comparing EMM's investment programs through cost-benefit analyses outside AssetLens. Staff could then review the assumptions and weightings.[15] The archived scores show results for past lateral projects. The scores do not compare investment programs, nor do they disclose the assumptions and weightings Staff witness Bowman proposed for review.[16]

10. In the final paragraph under Issue 19.B., EMM argues that Staff's inability to reproduce a proprietary calculation does not show that the investments lacked value.[17] Staff witness Bowman testified that Staff could not assess how EMM chose which projects to pursue without the analysis behind the scores.[18] Staff did not have enough information to conclude that EMM's method was unreasonable. Nor could Staff conclude that the method was reasonable without knowing how AssetLens weighted the factors that went into the scores.

11. EMM's reference to the supplemental response does not satisfy paragraph 3(D) of the procedural order. EMM's witness said the company filed a response, but did not say the response supplied the missing analysis. Staff recommends that the Commission strike the sentence quoted in paragraph 1 rather than decide Issue 19.B. on the

[15] Malachi Bowman, *Rebuttal Testimony*, p. 13, lines 3–8, through p. 14, lines 1–2.

[16] Alexander, *Rebuttal Testimony*, p. 16, lines 6–10.

[17] EMM's *Reply Brief*, p. 51, final paragraph under Issue 19.B.

[18] Malachi Bowman, *Official Transcript*, Vol. 9, p. 76, lines 5–18.

mistaken premise that Staff received that analysis. If the Commission leaves the sentence in the brief, Staff recommends that the Commission expressly disregard it, as the Commission did with references to material outside the record in *Evergy Missouri West*.[19]

WHEREFORE, Staff respectfully requests that the Commission strike or expressly disregard the following sentence on page 51 of EMM's *Reply Brief*: "Staff's concern is access to the historical scoring data, and the Company filed a supplemental discovery response with the archived exports that filled the gaps Staff identified."[20]

Respectfully submitted,

/s/ Eric Vandergriff
Eric Vandergriff
Senior Counsel
Missouri Bar No. 73984
P.O. Box 360
Jefferson City, MO 65102
573-522-9524 (Voice)
573-751-9285 (Fax)
Eric.Vandergriff@psc.mo.gov

Staff Counsel for the
Missouri Public Service Commission

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed or hand-delivered, transmitted by facsimile or electronically mailed to all parties and/or counsel of record on this 25th day of November 2026.

/s/ Eric Vandergriff

[19] *Evergy Missouri West*, Case No. EO-2026-0129, Order Denying Motion to Strike and Denying Leave to File Surreply, EFIS Item No. 82, p. 2.

[20] EMM's *Reply Brief*, EFIS Item No. 580, p. 51, sentence accompanying n. 352.