

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service Commission held at its office in Jefferson City on the 16th day of March, 2022.

In the Matter of Evergy Metro, Inc. d/b/a)	
Evergy Missouri Metro's Request for)	<u>File No. ER-2022-0129</u>
Authority to Implement a General Rate)	Tracking Nos. YE-2022-0200
Increase for Electric Service)	and YE-2022-0201

In the Matter of Evergy Missouri West, Inc.)	
d/b/a Evergy Missouri West's Request for)	<u>File No. ER-2022-0130</u>
Authority to Implement a General Rate)	Tracking No. YE-2022-0202
Increase for Electric Service)	

**ORDER SETTING PROCEDURAL SCHEDULE, DENYING
CONSOLIDATION, AND GRANTING A VARIANCE**

Issue Date: March 16, 2022

Effective Date: March 16, 2022

On January 7, 2022, Evergy Metro, Inc. (EMM) and Evergy Missouri West, Inc. (EMW) each submitted tariff sheets to produce net increases in their electric base rates. The Commission has set the test year in both files to be the twelve month period ending June 30, 2021, updated through December 31, 2021, with the true-up period ending on May 31, 2022. Both EMM's and EMW's submitted tariff sheets have been suspended until December 6, 2022.

The Commission directed the parties to produce a proposed procedural schedule. On February 25, 2022, on behalf of all parties,¹ the Staff of the Commission (Staff) submitted a motion to consolidate the files and a proposed procedural schedule. The

¹ All parties in File No. ER-2022-0129 refers to all parties to the case: EMM; EMW; Staff; the Office of the Public Counsel (OPC); ChargePoint, Inc.; Missouri Energy Consumers Group (MECG); Renew Missouri Advocates; Sierra Club; Google, LLC; Missouri Industrial Energy Consumers (MIEC); and Dogwood Energy, LLC. The same proposed schedule and motion was filed in File No. ER-2022-0130, but did not include Velvet Tech Services or Nucor Steel.

parties requested that the two cases be consolidated as they involve affiliated companies and related questions of law and fact. The Commission will deny the consolidation request as it prefers to keep these general rate cases separate. However, the Commission will hear the two rate cases simultaneously in a joint hearing because of the common questions of law and fact involved.² Parties shall file documents and pleadings in either File No. ER-2022-0129, ER-2022-0130, or both as appropriate. Parties may file identical documents or pleadings in both cases by simply referencing both ER-2022-0129 and ER-2022-0130 on the filings. The Commission finds the jointly-filed proposed procedural schedule as applied to each file to be reasonable, and will adopt it as set forth by the parties.

On February 22, 2022, in File No. ER-2022-0130, Staff filed its notice that the fourth RESRAM prudence review, as required by EMW's tariff and Commission Rule 20 CSR 4240-20.100(6)(A)(11) and 20.100(6)(A)26, would be conducted as part of this general rate proceeding. As part of Staff's filing, Staff also requested a variance from the prudence review timeline provisions set forth in 20 CSR 4240-20.100(6). Those prudence review timelines dictate deadlines that are out of place in a general rate case proceeding. No party has objected or otherwise responded to Staff's requested waiver of certain prudence review timelines.³ The Commission finds the requested variance to be reasonable and will grant it.

Lastly, the parties have requested expedited treatment for all hearing transcripts, but did not provide a reason for the request. The Commission will not address this request in this order, but will allow the parties to file a pleading explaining the need for expedited

² Commission Rule 20 CSR 4240-2.110(3).

³ Commission Rule 20 CSR 4240.080(13).

hearing transcripts, with specificity as to whether the expedited transcript request is for all hearings, or just the evidentiary hearing.

THE COMMISSION ORDERS THAT:

1. The joint motion to consolidate the two cases is denied.
2. Staff's request in File No. ER-2022-0130 for a variance from the prudence review timeline provisions set forth in 20 CSR 4240-20.100(6) is granted.

3. The following procedural schedule is established:

April 1, 2022	Discovery Conference
April 19, 2022	Local public hearing recommendations
April 19, 2022	Local public hearing bill insert notice language
May 5, 2022	Discovery Conference
June 8, 2022	Staff/Intervenor Direct Testimony – Revenue Requirement
June 16, 2022	Discovery Conference
June 22, 2022	Staff/Intervenor Direct Testimony – Rate Design
July/August, 2022	Local Public Hearings
July 6, 2022	First Technical Conference
July 8, 2022	EMM and EMW Provides True-Up Information
July 13, 2022	Rebuttal Testimony
July 14, 2022	Data request response time 10 calendar days, with 5 business days to object or notify.
July 25, 2022	EMM and EMW Provides True-Up Models
August 1, 2022	Second Technical Conference

August 4, 2022	Discovery Conference
August 16, 2022	Surrebuttal Testimony; and True-Up Direct Testimony
August 17, 2022	Data request response time 5 business days, with 2 business days to object or notify.
August 17, 2022	List of Issues, etc.
August 18, 2022	Non-Utility Parties to Provide Values of Issues for Reconciliation
August 19, 2022	Statements of Position
August 22, 2022	Settlement Conference
August 23, 2022	Cut-off for Non-True-Up Discovery
August 24, 2022	Reconciliation Filed
August 25, 2022	True-Up Rebuttal Testimony
August 26, 2022	Cut-off for True-Up Discovery
August 29 - September 9, 2022	Evidentiary Hearing
October 7, 2022	Initial Briefs
October 17, 2022	Reply Briefs; and True-Up Briefs

4. The Commission shall hold an evidentiary hearing on August 29, 2022, through September 9, 2022, beginning at 8:30 a.m. each day.

5. The combined hearing for ER-2022-0129 and ER-2022-0130 shall be held at the Commission's office at the Governor Office Building, Room 310, 200 Madison Street, Jefferson City, Missouri. This building meets accessibility standards required by the Americans with Disabilities Act. If you need additional accommodations to participate

in this hearing, please call the Public Service Commission's Hotline at 1-800-392-4211 (voice) or Relay Missouri at 711 before the hearing. A link and access code to participate in the hearing via WebEx conference call will be emailed to all parties.

6. The parties have jointly proposed, and shall comply with, the following procedural requirements:

- a. All parties shall provide copies of testimony (including schedules), exhibits, and pleadings to other counsel of record by electronic means and in electronic form essentially concurrently with the filing of such testimony, exhibits or pleadings where the information is available in electronic format. Parties are not required to put information that does not exist in electronic format into electronic format for purposes of exchanging it.
- b. Parties shall make all reasonable efforts to not include confidential information in data requests. If confidential information must be included in data requests, the confidential information will be appropriately designated as such pursuant to 20 CSR 4240-2.135.
- c. Data requests issued to or by Staff shall be submitted and responded to in the Commission's Electronic Filing and Information System ("EFIS"), if feasible, or in electronic format on compact disc or by other means agreed to by counsel, if infeasible. Counsel for each party shall receive electronically from each other party serving a data request, an electronic copy of the text of the "description" of that data request contemporaneously with service of the data request. Regarding Staff-issued data requests, if the description contains confidential information, or is voluminous, a hyperlink to the EFIS record of that data request shall be considered a sufficient copy. If a party desires the response to a data request that has been served on another party, the party desiring a copy of the response must request a copy of the response from the party answering the data request. Data requests shall be sent by e-mail to counsel for the other parties. Counsel may designate other personnel to be added to the service list for data requests, but shall assume responsibility for compliance with any restrictions on confidentiality. Data request responses shall be served on counsel for the requesting party, unless waived by counsel, and on the requesting party's employee or representative who submitted the data request, and shall be served electronically, if feasible and not voluminous as defined by Commission rule. Everygy's responses to Staff data requests will be available to other parties on EFIS. In addition, Everygy's responses to all parties' data requests will be available for review on CaseWorksEX for parties who complete the requirements for accessing the CaseWorksEX system.

- d. Until the filing of Rate Design Rebuttal testimony, the response time for all data requests shall be twenty calendar days, and ten calendar days to object or notify that more than twenty calendar days will be needed to provide the requested information. After the filing of Rebuttal testimony (July 13, 2022) and before the filing of Surrebuttal testimony (August 16, 2022), the response time for data requests shall be ten calendar days to provide the requested information, and five business days to object or notify that more than ten calendar days will be needed to provide the requested information. After the filing of Surrebuttal testimony (August 16, 2022), the response time for data requests shall be five business days to provide the requested information, and two business days to object or notify that more than five calendar days will be needed to provide the requested information. Data requests sent after 5:00 pm will be considered served on the next business day. The Commission may rule on discovery motions filed after Surrebuttal testimony is filed without holding the conference required by 20 CSR 4240- 2.090(8)(B).
- e. Workpapers prepared in the course of developing a witness' testimony (including schedules) and exhibits shall not be filed with the Commission, but shall be submitted to each party within two business days following the filing of the particular testimony, unless a party has indicated that it does not want to receive some or all of the workpapers. Workpapers containing confidential information shall be appropriately marked. Counsel shall undertake to advise other counsel if the sponsored witness has no workpapers related to the round of testimony.
- f. Where workpapers or data request responses include models or spreadsheets or similar information originally in a commonly available format where inputs or parameters may be changed to observe changes in inputs or outputs, if available in that original format, the party providing the workpaper or response shall provide this type of information in that original format with formulas intact. Workpapers shall be provided in electronic format by e-mailing or by delivery of a compact disc or other electronic storage media.
- g. Documents filed in EFIS shall be considered properly served by serving the same on counsel of record for all other parties via e-mail.
- h. Data requests and responses thereto made by any party in File Nos. EC-2019-0200, EU-2020-0350, EO-2021-0032, EU-2021-0283, EO-2021-0349, EO-2021-0350, EO-2020-0422, EA-2022-0043, ER-2022-0005, and ER-2022-0025 shall be treated as having been made in these cases, ER-2022-0129 and ER-2022-0130, subject to objections as to relevance and admissibility in evidence.

7. The parties shall comply with the following general procedural requirements:

(a) Testimony shall be prefiled as defined in Commission Rule 20 CSR 4240-2.130, including the requirement that testimony be filed on line-numbered pages.

(b) Although not all parties may agree upon how each issue should be described or on whether a listed issue is in fact a proper issue in this case, the parties shall agree upon and file a list of the issues to be heard, the witnesses to appear on each day of the hearing, the order in which they will be called, and the order of cross-examination for each witness. The list of issues should be detailed enough to inform the Commission of each issue that must be resolved. The Commission will view any issue not contained in this list of issues as uncontested and not requiring resolution by the Commission.

(c) Each party shall file a simple and concise statement summarizing its position on each disputed issue. Position statements shall track the list of issues. Any position statement shall set forth any order requested, cite any law authorizing that relief, and allege facts relevant under the law with citations to any pre-filed testimony in support.

(d) All pleadings, briefs, and amendments shall be filed in accordance with Commission Rule 20 CSR 4240-2.080. Briefs shall follow the same list of issues as filed in the case and must set forth and cite the proper portions of the record concerning the remaining unresolved issues that are to be decided by the Commission.

(e) If testimony or documents are prefiled and served upon the parties before a hearing, a party need only provide an emailed copy of the testimony or document to exhibits@psc.mo.gov. If not prefiled and served upon the parties, then a party who has a document marked for use at the hearing shall email it to the presiding officer, and counsel for each other party, prior to the hearing if possible.

(f) Public documents filed in the Commission's Electronic Filing and Information System ("EFIS") shall be considered properly served by serving the same on counsel of record for all other parties via email. The parties agree confidential documents may be obtained from EFIS and so agree not to serve those documents via email.

(g) Each party shall prepare a list of its pre-filed, pre-marked exhibits and submit a copy of that list to every other party and to the regulatory law judge as set out above. The lists shall not be filed in the EFIS case file. Exhibits that may be offered during cross-examination, but which have not been pre-filed,

need not be included on the list. However, when those documents are offered during the hearing, they will be assigned a number from that party's number group.

8. Staff shall consult with the other parties and file a joint recommendation, if possible, regarding the times, dates, and locations for local public hearings. Such local public hearing recommendations, or a request for an extension of time, shall be filed on or before April 19, 2022.

9. No later than April 19, 2022, interested parties shall file, jointly if possible, notice language to be mailed as bill inserts to EMM and EMW customers, or file a request for an extension of time.

10. Exhibit numbers, which may be used in either case together with the File No. designation, are assigned as follows:

1-99	EMM
100-199	EMW
200-299	Staff
300-399	OPC
400-449	MECG
450-499	Sierra Club
500-549	Renew Missouri Advocates
550-599	ChargePoint
600-649	MIEC
650-699	Google

(The following exhibit numbers are applicable only in ER-2022-0130)

700-749	Dogwood Energy
750-799	Nucor Steel Sedalia
800-849	Velvet Tech Services

If any party requires additional exhibit numbers, it may add 1000 to its assigned number list and start over. For example, if Sierra Club has exhibits in addition to exhibit number 499, its next exhibit numbers would be 1450, 1451, 1452, etc.

11. This order shall be effective when issued.



BY THE COMMISSION

A handwritten signature in black ink that reads "Morris L. Woodruff". The signature is written in a cursive, flowing style.

Morris Woodruff
Secretary

Silvey, Chm., Rupp, Coleman, Holsman, and
Kolkmeier CC., concur.

Hatcher, Regulatory Law Judge

STATE OF MISSOURI

OFFICE OF THE PUBLIC SERVICE COMMISSION

I have compared the preceding copy with the original on file in this office and I do hereby certify the same to be a true copy therefrom and the whole thereof.

WITNESS my hand and seal of the Public Service Commission, at Jefferson City, Missouri, this 16th day of March, 2022.




Morris L. Woodruff
Secretary

MISSOURI PUBLIC SERVICE COMMISSION

March 16, 2022

File/Case No. ER-2022-0129 and ER-2022-0130

Missouri Public Service Commission

Staff Counsel Department
200 Madison Street, Suite 800
P.O. Box 360
Jefferson City, MO 65102
staffcounsel@psc.mo.gov

Office of the Public Counsel

Marc Poston
200 Madison Street, Suite 650
P.O. Box 2230
Jefferson City, MO 65102
opc@psc.mo.gov

ChargePoint, Inc.

Scott F Dunbar
1580 Lincoln St., Suite 1105
Denver, CO 80203
sdunbar@keyesfox.com

ChargePoint, Inc.

Elizabeth Hubertz
Washington University Law School
Campus Box 1120 1 Brookings Drive
St. Louis, MO 63130
ejhubertz@wustl.edu

City of St. Joseph, Missouri

William D Steinmeier
2031 Tower Drive
Jefferson City, MO 65109
wds@wdsjc.com

Dogwood Energy, LLC

Carl J Lumley
130 S. Bemiston, Ste. 200
St. Louis, MO 63105
clumley@chgolaw.com

Evergy Missouri Metro

James M Fischer
101 Madison Street, Suite 400
Jefferson City, MO 65101
jmfischer@aol.com

Evergy Missouri Metro

Roger W Steiner
1200 Main Street, 16th Floor
P.O. Box 418679
Kansas City, MO 64105-9679
roger.steiner@evergy.com

Evergy Missouri Metro

Jacqueline Whipple
4520 Main Street, Ste. 1100
Kansas City, MO 64111
jacqueline.whipple@dentons.com

Evergy Missouri Metro

Karl Zobrist
4520 Main Street, Suite 1100
Kansas City, MO 64111
karl.zobrist@dentons.com

Evergy Missouri West

James M Fischer
101 Madison Street, Suite 400
Jefferson City, MO 65101
jmfischer@aol.com

Evergy Missouri West

Roger W Steiner
1200 Main Street, 16th Floor
P.O. Box 418679
Kansas City, MO 64105-9679
roger.steiner@evergy.com

Evergy Missouri West

Jacqueline Whipple
4520 Main Street, Ste. 1100
Kansas City, MO 64111
jacqueline.whipple@dentons.com

Evergy Missouri West

Karl Zobrist
4520 Main Street, Suite 1100
Kansas City, MO 64111
karl.zobrist@dentons.com

Google LLC

Lewis Mills
221 Bolivar Street, Suite 101
Jefferson City, MO 65101-1574
lewis.mills@bclplaw.com

Midwest Energy Consumers Group

Tim Opitz
308 E. High Street, Suite B101
Jefferson City, MO 65101
tim.opitz@opitzlawfirm.com

Midwest Energy Consumers Group

David Woodsmall
308 E. High Street, Suite 204
Jefferson City, MO 65101
david.woodsmall@woodsmalllaw.com

Missouri Industrial Energy Consumers (MIEC)

Diana M Plescia
130 S. Bemiston, Suite 200
St. Louis, MO 63105
dplescia@chgolaw.com

**Missouri Public Service
Commission**

Nicole Mers
200 Madison Street, Suite 800
P.O. Box 360
Jefferson City, MO 65102
nicole.mers@psc.mo.gov

Nucor Steel Sedalia, LLC

Marc H Ellinger
308 E. High Street, Ste. 300
Jefferson City, MO 65101
mellinger@ellingerlaw.com

Nucor Steel Sedalia, LLC

Michael K Lavanga
1025 Thomas Jefferson Street NW
Washington, DC 20007
mkl@smxblaw.com

Nucor Steel Sedalia, LLC

Peter J Mattheis
1025 Thomas Jefferson Street NW
Washington, DC 20007
PJM@smxblaw.com

Renew Missouri

Alissa Greenwald
P.O. Box 413071
Kansas City, MO 64141
alissa@renewmo.org

Renew Missouri

Andrew J Linhares
3115 S. Grand Ave
Suite 600
St. Louis, MO 63118
Andrew@renewmo.org

Sierra Club

Bruce A Morrison
319 North Fourth Street
Suite 800
St. Louis, MO 63102
bamorrison@greatriverslaw.org

Sierra Club

Sarah W Rubenstein
319 N. 4th Street, Suite 800
St. Louis, MO 63102
srubenstein@greatriverslaw.org

Velvet Tech Services, LLC

Stephanie S Bell
308 East High Street, Suite 300
Jefferson City, MO 65101
sbell@ellingerlaw.com

Enclosed find a certified copy of an Order or Notice issued in the above-referenced matter(s).

Sincerely,



**Morris L. Woodruff
Secretary**

Recipients listed above with a valid e-mail address will receive electronic service. Recipients without a valid e-mail address will receive paper service.