

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

In the Matter of the Application of)
Every Missouri West, Inc. d/b/a)
Every Missouri West for)
Permission and Approval of a)
Certificate of Public Convenience) Case No. EA-2022-0328
and Necessity Authorizing It to)
Purchase, Own, Operate, Maintain)
and Otherwise Control and Manage)
an Existing Wind Generation)
Facility in Oklahoma)

PUBLIC COUNSEL’S POSITION STATEMENT

COMES NOW the Office of the Public Counsel (“OPC”) and for its statement of OPC’s positions on the issues before the Public Service Commission in this case, states as follows:

A. 1. Is there a need for EMW to operate Persimmon Creek?

No. While Every Missouri West (“EMW”) does have a noted need to improve their energy capacity, EMW’s customers do not need Persimmon Creek because it is uneconomic, inefficient¹ and carries other risks and issues that EMW does not appear to consider.²

2. Does EMW have the financial ability to operate Persimmon Creek?

The OPC does not take a position on this issue at this time, but this office reserves the right to discuss this issue in briefing.

¹ Lena Mantle Surrebuttal Testimony page 4, lines 3-15.

² J Luebbert Rebuttal Testimony page 5, lines 19-22.

3. Is EMW qualified to operate Persimmon Creek?

The OPC does not take a position on this issue at this time, but this office reserves the right to discuss this issue in briefing.

4. Is EMW's proposed operation of Persimmon Creek economically feasible?

No. This project has already proven to be economically inefficient.³ Moreover, with the Southwest Power Pool's ("SPP") shift to performance-based accreditation, EMW's captive customers will likely be forced to overpay for an impractical asset with less energy production to sell.⁴ As J Luebbert and Jordan Seaver both discussed, Persimmon Creek has a history of negative pricing which is likely to continue as more wind sources come online.⁵

5. Does EMW's proposed operation of Persimmon Creek promote the public interest?

No. This project is neither presently economically efficient, nor is it likely to become economically efficient. Persimmon Creek already imposes a serious negative impact to threatened species in its immediate surroundings.⁶ This resource will not provide any increased benefit for proponents of renewable resources, because it does not increase the amount of renewable energy on the SPP grid.⁷ Further, the functioning status of this wind farm means it is not receiving the full benefit of current or future Federal funds.⁸ Finally, Persimmon Creek will lose money as more renewable sources

³ Jordan Seaver Surrebuttal Testimony page 5, lines 15 & 16.

⁴ *Id.* at lines 18 & 19.

⁵ *Id.* at page 3, lines 14-19.

⁶ *Id.* at page 9.

⁷ J Luebbert Rebuttal Testimony page 22, lines 3-13.

⁸ *Id.* at page 19, lines 6-9.

come online.

B. 1. Should a production tax credit tracker be established?

The OPC does not take a position on this issue at this time, but this office reserves the right to discuss this issue in briefing.

2. Should the Commission order that EMW track revenues produced by Persimmon Creek for ratemaking purposes?

Yes. If the Commission does approve a CCN, it should order a tracker for the revenues that are produced by the wind project for ratemaking consideration in the rate case in which Evergy West asks for customers to pay the return of and on the Persimmon Creek project.⁹

C. Should the Commission Order EMW to provide resource-specific economic analysis utilizing reasonable assumptions beyond the IRP results, LCOE estimates, and installed capacity costs in support of future CCN applications?

Yes. To fully analyze all of the ramifications of EMW's future acquisitions on ratepayers, the Commission should order EMW to provide resource-specific economic analysis as Mr. Luebbert described in his rebuttal testimony.¹⁰

D. What, if any, additional project-specific analysis requirements should the Commission Order from EMW for future CCN requests?

Regarding this issue, the Commission should follow the recommendation set out by Lena Mantle in her surrebuttal testimony.¹¹ Ms. Mantle recommends the Commission order EMW's future CCN applications to include project-specific analyses. Specifically, Ms. Mantle recommends that EMW's analyses accurately reflect the

⁹ Lena Mantle Surrebuttal Testimony page 2, lines 19-23.

¹⁰ J Luebbert Rebuttal Testimony page 4, lines 6-11.

¹¹ *Id.* at page 2, line 24 through page 3, line 2.

timing of the regulatory treatment of the project, and include an examination of the costs versus the benefits the project will have for customers.

E. Does the evidence establish that authorizing EMW under Section 393.190.1 to complete the asset transfer and merger described in the Application so that it may own and operate Persimmon Creek is not detrimental to the public interest?

No. EMW has not met its burden of proving that purchasing Persimmon Creek is not detrimental to the public interest.

WHEREFORE, the Office of the Public Counsel respectfully offers this statement of its position on the issues before the Commission.

Respectfully submitted,

OFFICE OF THE PUBLIC COUNSEL

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed, emailed or hand-delivered to all counsel of record this 14th day of February 2023.

/s/ Anna Kathryn Martin