

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service Commission held at its office in Jefferson City on the 1st day of September, 2021.

In the Matter of Evergy Metro. Inc. d/b/a Evergy Missouri Metro Request for Variance of 20 CSR 4240-3.175)
) **File No. EE-2021-0423**
)

In the Matter of Evergy Missouri West, Inc. d/b/a Evergy Missouri West Request for Variance of 20 CSR 4240-3.175)
) **File No. EE-2021-0424**
)

ORDER DENYING MOTION FOR REHEARING/RECONSIDERATION

Issue Date: September 1, 2021

Effective Date: September 1, 2021

On June 24, 2021,¹ Evergy Metro, Inc. d/b/a Evergy Missouri Metro (Evergy Metro), in File EE-2021-0423 and Evergy Missouri West, Inc. d/b/a Evergy Missouri West (Evergy West), in File EE-2021-0424 (collectively, “Evergy”) asked the Missouri Public Service Commission to grant variances from the provisions of Commission Rule 20 CSR 4240-3.175 to allow it to delay the filing of a depreciation study, data base, and property unit catalog until the filing of their 2022 rate case(s). On August 4, the Commission issued its Order Granting Variance which granted the requested variances in part. That order directed Evergy to file the depreciation studies and all other submissions as soon as they were final and, in any event, no later than October 1, 2021. On August 19, Evergy filed a Motion for Rehearing/Reconsideration asking the Commission to extend the deadline for submitting the depreciation studies and property unit catalogs to the Commission to

¹ All date references will be to 2021 unless otherwise indicated.

the date it files its next rate cases, presumably in January 2022. The Commission will deny the motion for rehearing or reconsideration.

Evergy Missouri Metro last submitted a depreciation study, database, and property unit catalog on July 1, 2016, and its new submissions were due on June 30, 2021 per Rule 20 CSR 4240-3.175. Evergy Missouri West last submitted a depreciation study on February 23, 2016, and its new submissions were due on February 22, 2021. The premise for Evergy's argument for a variance was set out in its Request for Variance. Evergy simply asserted that it "did not file the depreciation studies pursuant to the time frames in the above rule as it believed that the depreciation studies should be filed in a rate case. . . ." Evergy followed with a second assertion: that the substance of the depreciation studies should be brought into line with the anticipated test year chosen for that rate case, i.e., in this case an "anticipated" June 30, 2021 test year. Evergy argues in its Motion for Rehearing/Reconsideration that it is impossible to comply with the Commission's October 1, 2021, deadline because the data for its realigned depreciation studies was not fully available until June 30, 2021, and, thus, cannot be processed by an October 1 deadline. In granting in part the requested variances, the Commission granted Evergy's request to not be required to file its depreciation studies by their then already past due date. The Commission expressly did not grant Evergy its requested extension until the filing of its rate case to file its depreciation studies or authorize use of the test year adopted in that case as the period for those depreciation studies. In its Order Granting Variance, the Commission required the end date of Evergy's depreciation studies to be the period of time that would have been included if the original due dates had been met.

Rule 20 CSR 4240-3.175 provides that an electric utility *shall* no less frequently than every five years submit a depreciation study, database and property unit catalog to the manager of the Commission's energy department and to the Office of Public Counsel.² The rule expressly excuses or modifies submission requirements where the utility has already submitted the items to the Commission's Staff during the three years prior to the due date or where the utility has simultaneous due dates for a depreciation study related to natural gas service.³ The rule, thus, expressly provides for situations where the Commission will otherwise get the same data, i.e., data which was available and could be processed and timely submitted prior to the deadlines set by the rule. However, the intent of the Rule is to require electric utilities to provide updated depreciation studies at a minimum of five-year intervals.

Rule 20 CSR 4240-3.175(2) allows the Commission to waive or grant a variance from its provision for good cause shown. Evergy argues that it has done so by showing it cannot comply with the Commission's October 1 deadline. The Commission has granted Evergy a variance of the due date for submissions that will substantively comply with the Rule 20 CSR 4240-3.175 requirements. While Evergy is free to make whatever submissions it deems appropriate in its rate case, the Commission's order moving the deadline back to October 1 endorsed no unilateral decision to realign the studies required by 20 CSR 4240-3.175. The Commission will deny the request for rehearing and reconsideration. The content of the submissions due no later than October 1 must conform to the rule 20 CSR 4240-3.175 requirements.

² 20 CSR 4240-3.175 (1) (B) 2.

³ 20 CSR 4240-3.175 (1)(B)1.B (I) and (II). Compare 20 CSR 4240-40.090. In some instances, a company providing both gas and electric service might have simultaneous due dates for its respective studies.

THE COMMISSION ORDERS THAT:

1. Evergy's Motion for Rehearing/Reconsideration is denied.
2. Evergy's depreciation studies, databases, and property unit catalogs due no later than October 1, 2021, shall concern the time periods that would have been included if the original due dates had been met.
3. This Order shall be effective when issued.



BY THE COMMISSION

A handwritten signature in black ink that reads "Morris L. Woodruff".

Morris L. Woodruff
Secretary

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

Graham, 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 1st day of September, 2021.





Morris L. Woodruff
Secretary

MISSOURI PUBLIC SERVICE COMMISSION

September 1, 2021

File/Case No. EE-2021-0423 and EE-2021-0424

**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
opcservice@opc.mo.gov

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

**Missouri Public Service
Commission**
Curtis Stokes
200 Madison Street, Suite 800
P.O. Box 360
Jefferson City, MO 65102
curtis.stokes@psc.mo.gov

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.