

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

In the Matter of the Second Prudence)
Review of the Missouri Energy Efficiency)
Investment Act (MEEIA) Cycle 2 Energy) **File No. EO-2020-0227**
Efficiency Programs of Evergy Metro, Inc.)
d/b/a Evergy Missouri Metro)

In the Matter of the Second Prudence)
Review of the Missouri Energy Efficiency)
Investment Act (MEEIA) Cycle 2 Energy) **File No. EO-2020-0228**
Efficiency Programs of Evergy Missouri)
West, Inc. d/b/a Evergy Missouri West)

**PROPOSED PROCEDURAL SCHEDULE OF EVERGY METRO, INC.
AND EVERGY MISSOURI WEST, INC.**

COMES NOW Evergy Metro, Inc. d/b/a Evergy Missouri Metro (“Evergy Missouri Metro”) and Evergy Missouri West, Inc. d/b/a Evergy Missouri West (“Evergy Missouri West”) (collectively, “Evergy” or “Company”) and submits the procedural schedule and procedural requirements proposal outlined below for resolving these cases and in support thereof states as follows:

1. On July 8, 2020, the Commission issued an *Order Directing Joint Proposed Schedule* in both of the above-captioned unconsolidated cases. In both orders, the Commission ordered that “No later than July 22, 2020, the parties shall submit a joint proposed procedural schedule.”

2. Although to-date the cases have not been formally consolidated, since the cases involve related questions of law and fact, as well as affiliated companies, Evergy submits this procedural schedule for both cases. The Commission may also want to consider formally consolidating the cases.

3. Evergy and Staff (“Staff”) of the Missouri Public Service Commission (“Commission”) have been unable to agree upon a procedural schedule. Evergy files the proposed procedural schedule as described in paragraph 5 herein and Schedule A, referenced and incorporated herein.

4. Evergy proposes the following procedural schedule:

August 21, 2020:	Evergy files its Direct testimony.
September 21, 2020:	Staff and OPC file Rebuttal Testimony
September 23, 2020:	Settlement Conference
October 5, 2020	Cross-rebuttal Testimony- Staff and OPC
October 21, 2020:	Evergy files Surrebuttal Testimony
October 26, 2020:	List of Issues, Order of Witnesses, Order of Cross-Examination, Joint Stipulation of Facts, Last Day to Issue Discovery Requests, Subpoenas, or Take Depositions
October 28, 2020:	Statement of Position
November 5-6, 2020:	Evidentiary Hearing
November 16, 2020	Transcripts due
December 4, 2020	Initial Post-Hearing Briefs
December 18, 2020	Reply Briefs

5. The Company’s proposed schedule is consistent with the “burden shifting” framework of a prudency review. The public utility initially has the statutory burden of proof under section 393.150(2) RSMo. to support its proposed rate and tariff in a manner similar to rate cases. Therefore, the public utility must initially shoulder the burden to prove its proposed rate and tariff is just and reasonable. Then, the Staff, Public Counsel or other intervenor has the burden to raise a “serious doubt” as to the reasonableness of the rate and tariff. If some other participant

in the proceeding creates a serious doubt as to the prudence of an expenditure, then the applicant has the burden of dispelling these doubts and proving the questioned expenditure to have been prudent. See Union Electric, 27 Mo. PSC (N.S.) 183, 193 (1985). This requires that if some party raises a “serious doubt” as to the prudence of an expense, then the public utility has the last opportunity to dispel any doubts as to the reasonableness of the rate and tariff.

6. This burden-shifting framework in prudency reviews is clearly reflected in the most recent fuel adjustment clause prudency review cases.¹ In these FAC cases, Evergy filed direct testimony, describing and supporting its FAC-related expenditures and Staff and OPC filed rebuttal testimony, which, in that case, shifted the burden to Evergy to overcome a showing of “inefficiency or improvidence” in its surrebuttal testimony. The Commission should not adopt a procedural schedule in this case which does not give the Company the last word to demonstrate the reasonableness of the MEEIA 2 rate and tariffs. Staff’s proposed procedural schedule is simply not appropriate for a prudency review case and should be rejected.

WHEREFORE, Evergy Missouri Metro and Evergy Missouri West respectfully requests the Commission issue its order adopting the procedural schedule and requirements attached hereto as Schedule A.

¹ See, In the matter of the Eighth Prudence Review of Costs Subject to the Commission-Approved Fuel Adjustment Clause of KCP&L Greater Missouri Operations and Kansas City Power & Light Company, File No. EO-2019-0067 and EO-2019-0068, Joint Proposed Procedural Schedule, and Motion to Consolidate Cases, filed March 18, 2019.

Respectfully submitted,

/s/ Roger W. Steiner

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**Attorneys for Evergy Missouri Metro and
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CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of the foregoing document has been hand-delivered, emailed or mailed, postage prepaid, to the Staff of the Commission and to the Office of the Public Counsel this 22nd day of July 2020.

/s/ Roger W. Steiner

**Attorney for Evergy Missouri Metro and Evergy
Missouri West**

**SCHEDULE A: Evergy's Proposed Procedural Schedule for
File No. EO-2020-0227 and EO-2020-0228**

August 21, 2020:	Evergy files its Direct testimony
September 21, 2020: September 23, 2020:	Staff and OPC file Rebuttal Testimony Settlement Conference
October 5, 2020	Cross-rebuttal (Staff/OPC)
October 21, 2020: October 26, 2020:	Evergy files Surrebuttal Testimony List of Issues, Order of Witnesses, Order of Cross-Examination, Joint Stipulation of Facts, Last Day to Issue Discovery Requests, Subpoenas, or Take Depositions
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Proposed Procedural Requirements

(a) All parties must comply with the requirements of Commission Rule 20 CSR 4240-2.130 for prepared testimony, 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.

(d) All pleadings, briefs, and amendments shall be filed in accordance with 20 CSR 42402.080. 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 issue that are to be decided by the Commission.

(e) If part of testimony or documents are prefiled and served upon the parties before a hearing, a party need only provide a copy of the testimony or document to the court reporter for making as an exhibit. If not prefiled and served upon the parties, then a party who has a document marked for use at the hearing shall have sufficient copies of the document to provide a copy not only to the court reporter, but also to each of the Commissioners, the presiding officer, and counsel for each party.

(f) All parties shall provide copies of testimony (including schedules), exhibits, and pleadings to other counsel 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 (.PDF, .DOC, .WPD, .XLS, etc.). Parties are not required to put information that does not exist in electronic format into electronic format for purposes of exchanging.

(g) 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.

(h) 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. Data requests issued to or by Staff shall be submitted and responded to in EFIS, if feasible, or in electronic format on compact disc, or by other means agreed to by counsel, if infeasible. 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, other than data requests submitted through EFIS, 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, other than responses to data requests in EFIS, shall be served (electronically, if feasible and practical) on counsel for the requesting party, unless waived by counsel, and shall also be served by e-mail (if feasible and practical) on the requesting party's employee or representative who submitted the data request at the e-mail address provided in the data request.

(i) The parties shall make an effort to not include confidential information in data requests. If confidential information must be included in a data request, the confidential information shall be appropriately designated as such pursuant to 20 CSR 4240-2.135.

(j) If a data request has been responded to, a party's request for a copy of the response shall be timely responded to without waiting the full response time allowed.

(k) Unless included as part of a party's prefiled testimony or submitted as an exhibit at hearing, workpapers prepared in the course of developing a testimony need not be filed with the Commission, but shall be submitted to each party within two (2) business days following the filing of the 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. If there are no workpapers associated with testimony, the party's attorney shall so notify the other parties within the time allowed for providing those workpapers.

(l) 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, if available in that format, the party providing the workpaper or response shall provide this type of information in that original format with formulas intact.