

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

In the Matter of the Commission's Proposed Rule      )  
20 CSR 4240-10.035 Relating to Residential      )      File No. OX-2026-0045  
Advanced Meter or Hub Meter Opt-Out      )

**EVERGY'S COMMENTS**

**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 the “Company”) and, for their response to the Missouri Public Service Commission’s (“Commission”) *Notice of Hearing and Comment Period* (“Notice”) issued on September 5, 2025, states as follows:.

Evergy began its AMI Opt Out program with authorization in File No. ER-2016-0285 and then later established a self-read program as authorized in File No. ER-2024-0189. Since implementing these programs, Evergy has gained practical experience working with customers and stakeholders to address a variety of issues. We have experience with what does and does not work. Based upon this experience, Evergy believes there is a clear need for the following changes to the draft rule.

Section 2(C), Definition of Commercially Available. Evergy suggests the addition of the language “from a utility approved vendor that meets the utility’s specifications” to the end of the sentence so that the definition reads “Commercially available means a meter that is readily available for purchase by the utility from a utility approved vendor that meets the utility’s specifications.” Utilities have specifications for metering to make sure that the metering equipment works with the existing infrastructure, which varies by utility. Additionally, utilities have requirements related to managing the security of the equipment and the related supply chain.

Without this additional language being added to the proposed rule, a meter may be “commercially available” for purchase, but a utility may not be able to *actually utilize* the metering equipment because of security issues with either the equipment or supply chain, or because the “commercially available” metering equipment does not work with that particular utility’s existing infrastructure.

Section 2(F), Definition of “Inaccurate information”. Section 2(F) of the proposed rule defines “Inaccurate information” as:

[T]he intentional under-reporting of meter data in an effort to not pay for services. Inaccurate information does not mean minor differences in readings by less than two percent to account for variations based on the time of day that the meter is read and similar factors.

*See also Section 386.820. 1(3).* For the statute and the rule to work efficiently and effectively an actionable threshold is needed. Everyg recommends that the Commission clarify this definition through the use of a rebuttable presumption phrase, which would dovetail the statutory requirements that address minor differences in readings with the use of the terms “intentional...in an effort to not pay for services” in an efficient and effective way. Everyg recommends the addition of this rebuttable presumption at the end of the definition of Inaccurate information: “There is a rebuttable presumption that there is intentional under-reporting of meter data when the difference between the self-reported readings and the Utility’s manual reading exceeds two percent.”<sup>1</sup>. The two percent threshold suggested aligns with the definitions use of less than two percent as an indication of minor differences.

Proposed Additions to Section 5. Everyg also respectfully requests the addition of the following requirements as Section 5(D) and (E):

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<sup>1</sup> Rebuttable presumptions are often used. See, Mo. Const. art. III, Section 2. There is case law upholding the use of rebuttable presumptions. See, Johannesmeyer v Net Zero, LLC, 716 S.W.3d 344 (WD87410, Mo. App. June 17, 2025); Gipson v. Gipson, 686 S.W.3d 655 (ED111391, Mo. App. March 5, 2024); M.T.M. v. St. Louis City Circuit Court, 717 S.W.3d 844 (ED112834, Mo. App. July 1, 2025).

(D) As part of the customer's choice to self-read, such customer shall accept that obtaining a meter reading requires access and physical contact with the meter and will not inhibit the utility in executing a meter reading.

(E) If the customer fails to report usage, inaccurately reports usage, or the utility does not receive the customer's service usage report on time, the utility may manually read the customer's meter or charge that customer based on an estimate of prior energy use in a manner approved by the commission. If the customer fails to report usage for their meter for two (2) consecutive months or any three (3) months in a rolling twelve-month period, the utility may resume monthly readings of the meter.

The proposed language in 5(D) addresses actual situations encountered by Evergy's metering reading team. Customers sometimes refuse to provide access and physical contact with the meter. This language is necessary to ensure that utilities are able to comply with the requirement related to obtaining a meter reading to verify the accuracy of the self-reported reads at least once every twelve months. While the Commission's Rules address refusal of access in 20 CSR 4240-13.035, Denial of Service, and 20 CSR 4240-13.050, Discontinuance of Service. 20-CSR 4240-13.035 these apply to the commencement of service and would not apply to an existing customer who chose to opt out of an AMI or Hub meter. While 20 CSR 4240-13.050 would provide the utility with the option to discontinue service should a customer refuse access to the meter, the addition of this language would provide clarity to the customer that access is a critical and necessary component of opting out of an AMI or Hub meter and may impact whether that customer chooses to opt out.

The proposed language in (E) is needed to provide clarity to both utilities and customers, in advance, on what happens when a customer is unable to timely or accurately self-report. Including a provision which would allow a utility to resume monthly readings of the meter after failures for two consecutive months or any three months within a rolling twelve-month period would protect all customers of the utility, including the self-read program participants. When a customer is unable to accurately or timely self-report, there is a risk that the amount due will accrue

to a level that the customer may be unable to afford. Providing a path forward which would switch a self-read program participant to a manual meter reading program would reduce the risk that the amount due becomes unaffordable. The meter readings would also provide an opportunity for Evergy staff in the field to assess the situation and possibly provide other resources such as education on meter reading requirements, and/or other supportive programs.

In conclusion, the suggested changes are designed to provide additional clarity, consistency, and operational efficiencies for utilities in the operation of their Residential Advanced Metering Opt-Out and Self-Read programs and related customer billing procedures. Additionally, the suggested changes are designed to provide clarity to customers who opt out of advanced meter technologies and prefer traditional meters and the associated, necessary manual processes. Evergy believes the proposed rule, with these changes, will allow utilities to efficiently and affordably implement the rule.

Respectfully submitted,

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Evergy Missouri West**

## **CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the above and foregoing document was served upon counsel for all parties on this 5<sup>th</sup> day of November 2025, by EFIS filing and notification, and/or e-mail.

*[Signature]* Roger W. Steiner

Roger W. Steiner