

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

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| In the Matter of Evergy Missouri West, Inc., |) | |
| d/b/a Evergy Missouri West's Request for |) | <u>File No. HR-2026-0109</u> |
| Authority to Implement A General Rate Increase |) | |
| For Steam/Heat Service |) | |

RESPONSE TO FILING

COMES NOW the Public Service Commission Staff ("Staff"), by and through counsel, submits this response to the filing made by Evergy Missouri West Inc., d/b/a Evergy Missouri West ("Evergy Missouri West" or "Company") on December 8, 2025, titled "Stipulation and Agreement".

1. On December 8, 2025, Evergy Missouri West submitted a filing titled "Stipulation and Agreement" purporting to settle this case after coming to an agreement with each of its steam heat customers. Evergy Missouri West states that neither Staff nor the Office of Public Counsel were a part of settlement negotiations.

2. Commission Rule 20 CSR 4240-2.080(13) states, "Parties shall be allowed ten (10) days from the date of filing in which to respond to any pleading unless otherwise ordered by the commission."

3. Commission Rule 20 CSR 4240-2.010(10) states the definition of "Party" to include "...any applicant, complainant, petitioner, respondent, intervenor, or public utility in proceedings before the commission. Commission Staff and the public counsel are also parties..."

4. Evergy Missouri West's "Stipulation and Agreement" only includes one party: Evergy Missouri West. None of Evergy Missouri West's customers have requested or been granted intervention in this case. Thus, the filing is essentially

Evergy Missouri West's position statement.

5. Commission Rule 20 CSR 4240-2.075(1) states, "A motion to intervene or add new member(s) shall be filed within thirty (30) days after the commission issues its order giving notice of the case, unless otherwise ordered by the Commission."

6. The Commission has not issued any notice of this case or set an intervention deadline. The reason for this is clear. Evergy Missouri had not yet filed a case prior to its "Stipulation and Agreement", only a "Notice of Intended Case Filing" on October 20, 2025.

7. As a small utility company, Evergy Missouri West's steam heat utility is not required to meet the minimum filing requirements under 20 CSR 4240-3.030. However, in this instance, no request for a rate increase has been filed at all. Under the Staff Assisted Rate Case Procedures

...A small utility rate case may be commenced by--

(A) A letter received by the secretary of the Commission stating the amount of the requested increase in its overall operating revenue...

(B) A complaint filed by staff...; and

(C) A proposed tariff stating a new rate or charge filed by a small utility pursuant to section 393.150.1 RSMo, if accompanied by a written statement requesting the use of the procedures established by this rule.¹

None of these has yet occurred.

8. Should the Commission decide that Evergy Missouri West's December 8, 2025 filing is a Nonunanimous Stipulation and Agreement as defined by 20 CSR 4240-2.115, Staff respectfully requests that the Commission accept this *Response to Filing* as an "Objection Filed Out of Time."² Staff objects on the grounds that

¹ 20 CSR 4240-10.075(3).

² 20 CSR 4240-2.115(2)(B) Each party shall have seven (7) days from the filing of a nonunanimous stipulation and agreement to file an objection to the nonunanimous stipulation and agreement...

Staff has not had the chance to review anything the Company might submit in the course of a rate case and has not had the chance to issue any discovery requests. While Staff was made aware of the potential filing of an agreement between Evergy Missouri West and its customers, it was Staff's understanding that this would be part of its requested rate increase.

WHEREFORE, Staff respectfully submits this *Response to Filing*, and respectfully requests the Commission reject Evergy Missouri West's December 8, 2025 filing.

Respectfully submitted,

/s/ Casi Aslin

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed or hand-delivered, transmitted by facsimile or electronically mailed to all parties and or counsel of record on this 16th day of December, 2025.

/s/ Casi Aslin