BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of Evergy Metro, Inc. d/b/a Evergy Missouri Metro's Request for Authority to Implement a General Rate Increase for Electric Service	))))	File No. ER-2026-0143

Velvet Tech Services, LLC's Initial Post-Hearing Brief

Velvet Tech Services, LLC ("Velvet") submits this brief on the issues affecting customers taking service under the Large Load Power Service ("LLPS") tariff of Evergy Metro, Inc. d/b/a Evergy Missouri Metro ("Evergy"). Velvet's position is the one it stated at the outset of the hearing: the Commission should make minimal changes to Schedule LLPS in this case. Tr. Vol. 6, 50:21-51:1. The evidentiary record supports that position on three grounds. First, the Commission approved Schedule LLPS less than a year ago, and the tariff took effect only after this case was filed. Second, Evergy has billed under the approved tariff and has quoted prospective customers making siting and expansion decisions under it. Third, no LLPS customer was on Evergy's system during the test year, so the record lacks the data needed to justify changes now.

Velvet's data center is located in the Evergy Missouri West service territory, and Velvet is not presently an Evergy Missouri Metro customer.

Statement of Facts

A. Schedule LLPS was approved less than a year ago and took effect after this case was filed.

The Commission approved Evergy's LLPS Rate Plan for both Evergy Missouri Metro and Evergy Missouri West in Case No. EO-2025-0154 by Report and Order issued November 13, 2025. Case No. EO-2025-0154, Report and Order at 28, 46 (Mo. P.S.C. Nov. 13, 2025). The Commission then approved

Evergy's compliance tariff sheets implementing Schedule LLPS, effective March 9, 2026. Case No. EO-2025-0154, Order Approving Tariffs at 1-2 (Mo. P.S.C. Feb. 25, 2026). Staff witness Sarah Lange confirmed that the tariffs approved in that case did not take effect until after Evergy filed this rate case. Tr. Vol. 8, 48:21-49:1.

B. Evergy bills under the approved tariff and has quoted prospective customers under it.

Evergy witnesses Darrin Ives and Brad Lutz were each heavily involved in developing the LLPS rate plan approved in that case. Tr. Vol. 7, 187:11-14, 196:14-17.

Evergy's testimony is that its current LLPS billing practice complies with the approved tariff. Tr. Vol. 7, 188:19-22, 197:15-18. Mr. Ives testified that Evergy has already billed customers under Schedule LLPS using that method and had not issued any bill under a different method. Tr. Vol. 7, 188:23-189:10. Mr. Lutz likewise testified that Evergy calculates the minimum monthly bill according to the terms of Schedule LLPS. Tr. Vol. 7, 197:10-14.

Mr. Ives also confirmed that when Evergy provided prospective customers with estimates for siting or expansion decisions, it used the approved Schedule LLPS method to prepare those projections. Tr. Vol. 7, 189:24-190:4.

C. No LLPS customer was in the test year.

No LLPS customer took service on Evergy Metro's system during the test year. Public Counsel's witness Ron Nelson agreed with that point. Tr. Vol. 7, 177:6-9. Mr. Lutz described this as "a transitional case where we do not have a customer present in the test year to inform rate making." Tr. Vol. 12, 114:14-18. As of the hearing, Evergy had a single Schedule LLPS customer ramping up service. Tr. Vol. 7, 218:25-219:4.

D. The proposals before the Commission.

Public Counsel proposes to raise the LLPS minimum bill requirement from 80 percent to 90 percent, extend the contract term from 12 to 20 years, lower the applicability threshold from 75 megawatts to 25 megawatts, and add a voluntary community benefits rider. Staff proposes several tariff "clarifications," including to the ramp period, the definition of contract demand, and the minimum bill calculation, along with additional reporting requirements.

Evergy and Google filed an LLPS Stipulation that, among other things, changes how billing demand is determined for the LLPS minimum monthly bill. Staff, Public Counsel and MECG objected, so the LLPS Stipulation is a joint position of its signatories and the issues it covers remain for the Commission to decide on the evidence.

Argument

I. Issues 3.A, 3.A.i, 31.A, and 31.B: The Commission should make minimal changes to Schedule LLPS in this case.

Senate Bill 4, codified at § 393.130.7, RSMo, requires large electrical corporations to develop and submit to the Commission large-load schedules that should reasonably ensure those customers' rates reflect their representative share of the costs incurred to serve them and prevent other customer classes' rates from reflecting any unjust or unreasonable costs arising from service to large loads. The Commission applied that mandate less than a year ago when it approved Schedule LLPS in Case No. EO-2025-0154, finding that Evergy's LLPS Rate Plan, as amended by the Agreement, satisfies § 393.130.7. Case No. EO-2025-0154, Report and Order at 28. The evidence in this case does not support departing from that framework.

A. The approved tariff already does what Senate Bill 4 requires.

In Mr. Lutz's opinion, the tariff approved in Case No. EO-2025-0154 ensures large-load rates reflect those customers' representative share of the costs to serve them, and prevents other classes' rates from reflecting unjust or unreasonable costs arising from service to large loads. Tr. Vol. 7, 196:25-197:9. Mr. Ives agreed that the tariff as approved in that case complies with Senate Bill 4. Tr. Vol. 7, 187:19-22.

Dr. Geoff Marke agreed that Senate Bill 4 contains consumer protections and that additional protections are embedded within the approved LLPS tariff, including minimum bills, minimum demand, financial security, and a distinct customer class. Tr. Vol. 7, 215:18-216:1, 219:10-18. Nothing in the record shows that the protections the Commission approved are not working.

B. Public Counsel largely re-urges proposals the Commission considered less than a year ago.

Dr. Marke testified that his concerns about the LLPS tariff are "effectively the same concerns" he raised in Case No. EO-2025-0154. Tr. Vol. 7, 216:15-22. He agreed that his recommendations here repeat recommendations the Commission rejected in that case, including the reporting studies and a lower applicability threshold. Tr. Vol. 7, 216:23-218:24.

Public Counsel's proposals would also alter what Chair Hahn described as the "fundamental components" of the tariff: the contract term, the minimum-demand percentage, and the size threshold. Tr. Vol. 7, 222:23-224:15. When asked whether any utility or state had adopted all three changes, Dr. Marke identified none. *Id.*

When the Commission approved Schedule LLPS, it recognized the importance of predictable large-load rates. In rejecting Staff's alternative in

that case, the Commission found that Staff's proposal "creates rate instability for large load customers," and that under it, "neither a prospective large load customer nor Evergy on the customer's behalf could confidently model the expected rate to inform their site selection efforts, which could drive away large load customers from the state and deprive ratepayers of the advantages such customers can provide." Case No. EO-2025-0154, Report and Order at 18 ¶ 46, 28. That reasoning applies with equal force to substantial changes to the tariff, or to its interpretation, less than a year after approval.

C. Customers and prospective customers have relied on the tariff as approved.

A large-load tariff exists to give customers a stable, known set of terms against which to make long-horizon decisions: where to site a facility, how much capital to commit, how to plan for power supply, and when to sign a service agreement. The record shows that reliance has already occurred. Evergy has billed under the approved tariff, Tr. Vol. 7, 188:19-189:10, 197:10-18, and Evergy used the approved method to prepare projections for prospective customers making siting and expansion decisions, Tr. Vol. 7, 189:24-190:4. Those customers made their decisions on the terms this Commission approved.

The record also shows how consequential changes can be. The billing-demand change in the LLPS Stipulation, which its signatories characterize as a clarification, would increase ramp-period bills. Tr. Vol. 7, 190:8-16, 198:1-6. Mr. Lutz agreed that, depending on where a customer is in its ramp, the effect could reach millions of dollars a year. Tr. Vol. 7, 198:7-12. If a single change of that kind carries that magnitude, the broader changes Staff and Public Counsel propose would disrupt the expectations on which customers and prospective customers have already acted.

D. The record lacks the data needed to support significant changes.

No LLPS customer was in the test year. Tr. Vol. 7, 177:6-9; Tr. Vol. 12, 114:14-18. The record therefore contains no representative operating history for the LLPS class.

The parties seeking change acknowledged as much. Public Counsel's Mr. Nelson agreed that his revenue proposal is an estimate based on forecasts of future revenues, that no actual recorded revenue of that magnitude exists, and that his proposal would require the Commission to set rates based on revenues that have not yet occurred. Tr. Vol. 7, 176:22-178:4. Evergy's Mr. Lutz explained that, absent a customer in the test year, the appropriate course is to hold to the framework approved in Case No. EO-2025-0154 "until we have a customer available to inform any other behavior that might be different." Tr. Vol. 12, 114:14-25.

Changes of the kind Staff and Public Counsel propose should rest on the type of evidence the Commission has historically relied on, including actual LLPS data in a test year. That evidence will exist in a future rate case. It does not exist in this one.

Conclusion

Schedule LLPS was approved recently, customers and prospective customers have begun relying on it as approved, and this record lacks the data needed to support significant changes. Velvet respectfully requests that the Commission refrain from making any significant changes to Schedule LLPS and maintain the approved framework until a future rate case in which LLPS operating data is in the test year.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served upon all of the parties of record or their counsel, pursuant to the Service List maintained by the Data Center of the Missouri Public Service Commission, on November 6, 2026.

/s/ Stephanie S. Bell
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