

**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)	File No. ER-2022-0129
Authority to Implement a General Rate)	Tracking Nos. YE-2022-0200;
Increase for Electric Service)	YE-2022-0201

In the Matter of Evergy Missouri West, Inc.))	
d/b/a Evergy Missouri West's Request for)	File No. ER-2022-0130
Authority to Implement a General Rate)	Tracking Nos. YE-2022-0202
Increase for Electric Service)	

INITIAL BRIEF OF MIDWEST ENERGY CONSUMERS GROUP

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October 14, 2022

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INITIAL BRIEF OF MECG

COMES NOW the Midwest Energy Consumers Group (“MECG”), and for its Initial Brief, respectfully states:

Overview

Prior to the evidentiary hearing in these cases, the Commission was briefed in the pre-hearing agenda session that there were well over one-hundred distinct issues to be decided. Over the course of the following few weeks the parties engaged in robust and fruitful settlement negotiations that resulted in four separate Stipulation and Agreements resolving many issues. Those stipulations were approved by the Commission on September 22, 2022. MECG notes its appreciation to the parties for their efforts as well as the Commission’s grace in granting delays and adjustments to the hearing schedule to allow parties additional time to negotiate. However, as the Commission is aware, the parties were not able to resolve all disputed issues. In this Initial Brief, MECG addresses two of the remaining issues: the calculation and treatment of the Sibley regulatory liability (Issue II) and Rate Design (Issue XVIII). Below, MECG asks the Commission to adopt MECG’s positions. First, the Commission should permit Evergy to recover only its unrecovered cost of investment in Sibley and not a return or profit stream for a plant that is no

longer used and useful. Second, the Commission should reject efforts to force Commercial and Industrial customers onto a new and untested default rate. Instead, it should require the Company to meet with interested stakeholders to incorporate and fully evaluate proposed rate design changes to its rate modernization plan. Adopting MECG's positions in conjunction with the already approved Stipulations and Agreements results in rates that make considerable movement towards reasonable cost-based rates that are vital to maintaining competitive commercial and industrial rates.

Sibley AAO and Net Book Value (Issue II)

Sibley Overview

In the Company's last rate case its Sibley generating plant stopped providing benefit to customers before the rates from that case took effect. Rates were based on revenues, costs, and investments as of a true-up date of June 30, 2018. Since the Sibley Units 2 and 3 were formally retired after the true-up date, Evergy's current rates include costs, revenues, and investment associated with the Sibley units. In mid-November 2018, the Sibley units were retired and ceased operations. At that time, the Sibley units stopped producing energy for Evergy customers and as such were not used and useful.¹ This meant that customers rates resulting from that case included the full value of the Sibley plant. Ratepayers should not provide a profit stream for investments that are no longer used and useful.² In order to protect customers – MECG and the Office of Public Counsel filed a complaint seeking an Accounting Authority Order. Ultimately, the Commission granted that request and ordered:

KCP&L Greater Missouri Operations Company shall record as a regulatory liability in Account 254 the revenue and the return on the Sibley unit investments **collected in rates for non-fuel operations and maintenance costs, taxes, including**

¹ Ex. 400. P. 10.

² *Id.*

accumulated deferred income taxes, and all other costs associated with Sibley units 1, 2, 3, and common plant. The regulatory liability should quantify separately dollars related to return and other cost of service expense savings.³

(emphasis added). The Commission did the right thing. Now, Evergy and Staff invite the Commission to ignore its prior order and to violate the principle of utility regulation that a utility should not earn a “return on” investment that is not used and useful or providing any benefit to customers. The Commission must decline that invitation.

Instead, the Commission should order that the Sibley regulatory liability be calculated according to the 2019 Report and Order. First, this means determining the figures based on what was “collected in rates” as MECG Witness Greg Meyer has done. Doing so means that the Commission adheres to the principle that “the utility property upon which a rate of return can be earned must be utilized to provide service to customers. That is, it must be used and useful.”⁴

It's unquestionable that ratepayers are paying for a net book value related to Sibley of approximately \$300 million.⁵ The deleterious effect on customers of using Evergy or Staff's net book value related to Sibley is two-fold. First, by artificially reducing the value of Sibley after-the-fact in this case, customers will not realize the full value of the regulatory liability. Using the \$145 million as proposed by the Staff and Evergy mean the return on that investment is significantly less than what was included in rates. Second, by manipulating the depreciation reserves Evergy and Staff would require customers to continue paying a return on a portion of that retired plant going forward. The Commission should reject this outcome and, instead, adopt the approach outlined in the testimony of MECG – that Evergy should recover only its unrecovered

³ Report and Order, *Iss'd* Oct. 17, 2019, Case No. EC-2019-0200, p. 15.

⁴ State ex rel. Union Elec. Co. v. Pub. Serv. Com's of State of Mo. 765 S.W.2d 618, 622 (Mo. App. W.D. 1988.)

⁵ Tr. Vol. 8, p. 319.

cost of investment in Sibley and not a return or profit stream for investments that are no longer used and useful.

A. *Was the retirement of the Sibley generating facility before the end of its useful life prudent?*

MECG takes no position on this issue.

B. *What is the appropriate value for the regulatory liability from Case No. EC- 2019-0200?*

The appropriate value for the Sibley regulatory liability is approximately \$142 million. This amount is calculated – referring back to the Staff’s accounting schedules from the last rate case (ER-2018-0146) – by taking the undepreciated balance for the Sibley units of approximately \$300 million, applying a pre-tax rate of return of 8.576% to the undepreciated balance to yield \$25.7 million.⁶ That is then factored over the four years the current rates have been in effect to be \$102.9 million. Next, that amount is added to the non-fuel Operations and Maintenance (“O&M”) and labor costs of \$39.1 million to reach a total regulatory liability of \$142 million.⁷

This is the amount that customers have been paying “in rates” since the last rate case and the amount the Commission ordered be recorded in a regulatory liability – when it directed Evergy shall record as a regulatory liability in Account 254 the revenue and the return on the Sibley unit investments **collected in rates** for non-fuel operations and maintenance costs, taxes, including accumulated deferred income taxes, and all other costs associated with Sibley units 1, 2, 3, and common plant. The regulatory liability should quantify separately dollars related to return and other cost of service expense savings.⁸ Evergy and Staff propose a different number for the value of the regulatory liability based on a reduced net book value (“NBV”) – the unrecovered

⁶ Ex. 400, p. 11.

⁷ Ex. 400, p. 11.

⁸ Report and Order, *Iss’d* Oct. 17, 2019, Case No. EC-2019-0200, p. 15.

investment – of Sibley that neither party can support with anything in the record from the prior rate case. This was made clear during the evidentiary hearing.

Staff's Mr. Majors testified he could not point to anywhere in the accounting schedules where the lesser value that Evergy and Staff propose is in rates:

MR. OPITZ: Can you show me anywhere in these accounting schedules where the 145 value that the company and staff have used as in rates?

MR. MAJORS: No.⁹

In an extended exchange, the Company's witness Mr. Spanos refused to, or could not, point to anywhere in the prior case where his lesser value was built in customer rates. His number was calculated after-the-fact:

MR. OPITZ: Your Honor, I guess I'd ask you to, I guess -- I don't think it's unreasonable to ask this witness to answer that yes or no if he can point to anywhere where it's in there. And I would ask you to direct him to answer yes or no.

JUDGE HATCHER: Evergy is going to have the opportunity to ask you to explain or expand on your answer here. As I understand the basic question though, it is: can Mr. Spanos point to 145.6 million at any point in time before this case? Specifically, can he point to that number somewhere in the previous rate case.

MR. OPITZ: Correct.

MS. MERS¹⁰: I would just also point out that Mr. Spanos is not responsible for accounting schedules. He's a depreciation expert.

JUDGE HATCHER: And I would point out that we all seem to have agreed that the 145 looks to be new here. Or not new, but it's calculated in this case. No? Okay. Mr. Spanos, can you give a yes or no?

MR. SPANOS: I don't know the answer to the question that he's asking.

JUDGE HATCHER: And I think I can help because he's talking about rates, but the customer rates that they pay for electric usage, not depreciate rates. I think we're getting very confused on using just the abbreviated rates. Try your question again.

⁹ Tr. Vol. 8, p. 205 lines 5-8.

¹⁰ In this portion of the transcript the reporter inadvertently uses the name of staff counsel, Ms. MERS which is reflected here in the brief. The correct Counsel is Evergy's counsel Ms. WHIPPLE.

MR. OPITZ: Can you point me to anywhere in the most recent Evergy West rate case ER-2018-0146 that would indicate customer rates for usage were based upon your amount of \$145 million?

MS. MERS¹¹: For the record, same objections.

JUDGE HATCHER: I'm going to allow it because I know the answer I expect, and I have not heard that. Go ahead.

MR. SPANOS: Are you asking me to answer that question yes or no? Or can I give an answer to what I understand?

MR. MEYER¹²: I'm asking for a yes or no.

JUDGE HATCHER: Let's --

MS. MERS: Judge, I would ask that he be allowed to fully answer the question if he's put --

MR. OPITZ: Your Honor, they'll have an opportunity to redirect and say --

MS. MERS¹³: This is a settled case that we're referring to. He doesn't --

JUDGE HATCHER: I don't see the difference in allowing Mr. Spanos to explain following a yes or no, and the difference between allowing his counsel to ask him on the promised redirect. So Mr. Spanos, if you can start, please with a yes or no, I would be very interested in hearing your explanation. But I would like for the record Opitz' question answered beginning with a yes or no.

MS. MERS¹⁴: I'm sorry, is he required to answer yes or no, or can he testify that he doesn't no or can't answer yes or no?

JUDGE HATCHER: Oh, yeah. Absolutely. I'm sorry. Yes. Those are options, too. I apologize.

MR. SPANOS: I don't know the answer to how that is. I've calculated the 145 here and in the accounting order. Those are the times that I've calculated that

¹¹ In this portion of the transcript the reporter inadvertently uses the name of staff counsel, Ms. MERS which is reflected here in the brief. The correct Counsel is Evergy's counsel Ms. WHIPPLE.

¹² In this portion of the transcript the reporter inadvertently uses the name of MECG witness MEYER which is reflected here in the brief. The correct Counsel name should be OPITZ.

¹³ In this portion of the transcript the reporter inadvertently uses the name of staff counsel, Ms. MERS which is reflected here in the brief. The correct Counsel is Evergy's counsel Ms. WHIPPLE.

¹⁴ In this portion of the transcript the reporter inadvertently uses the name of staff counsel, Ms. MERS which is reflected here in the brief. The correct Counsel is Evergy's counsel Ms. WHIPPLE.

number. It's been built on time before that. I don't know how that gets applied to customer rates as being asked in this question.¹⁵

In fact, Staff's Mr. Majors testified that the unrecovered investment value for Sibley reflected in Staff's accounting schedules was approximately \$300 million and that those schedules were used to set rates in the prior case:

MR. OPITZ: So you agree with me that if you go back to the accounting schedule one, page 1, line 1, which is the net original cost rate base.

MR. MAJORS: Yes.

MR. OPITZ: And that is, I think, \$1.9 billion; is that right?

MR. MAJORS: Yes.

MR. OPITZ: That value includes that 299.9 million of unrecovered investment as depicted in staff's accounting schedules. Correct?

MR. MAJORS: Yes.

MR. OPITZ: And those schedules were used to set rates and apply the rate of return to.

MR. MAJORS: Yes.¹⁶

This testimony at the hearing is consistent with Mr. Majors rebuttal testimony that "the net plant included in the true-up revenue requirement was \$300 million and this was the basis of the depreciation and rate of return included in the cost of service."¹⁷ He also testified: "I can conclude that the NBV of \$300 million is the amount upon which the AAO "return on" deferrals should be calculated as that amount was the basis of the rate of return and depreciation calculation."¹⁸

¹⁵ Tr. Vol. 8, p. 235, lines 10-13 and p. 235 lines 17-20.

¹⁶ Tr. Vol. 8, p. 204, lines 16-25 through p. 205 lines 1-4.

¹⁷ Ex. 254, p. 10.

¹⁸ Ex. 254, p. 5. Lines 7-10.

In its order establishing the Sibley regulatory liability in Case No. EC-2019-0200, this Commission directed it be based on what was “collected in rates”. The unrefuted evidence presented in this case is that based on what was collected in rates the regulatory liability should be approximately \$142 million.

C. *What is the amount of unrecovered investment associated with the Sibley Unit Retirements?*

The unrecovered investment related to Sibley is approximately \$254 million. As described above, this value starts with the original net book value of approximately \$300 million as shown in the Staff’s and the Company’s true-up accounting schedules used to set rates in its prior rate case.¹⁹ This value is the value upon rates were established and was collected in rates. To reach the \$254 million value, that net book value of Sibley in rates is updated for the time between June 30, 2018 (the date of the true-up schedules) through the operation of law date in this present case of December 6, 2022.²⁰

D. *What reserve balances should be used for purposes of determining depreciation expense for Evergy West steam production units, consistent with the Commission’s determination of Sibley’s unrecovered investment?*

The Commission should rely on the reserve balances that were used in Evergy’s last rate case to set rates as updated for the accumulation of depreciation expense from the time of last case through the effective date of rates in this case. These figures are shown below in the third column in Table 6 of Ex. 400, p. 13.

¹⁹ Ex. 400, p. 34.

²⁰ Ex. 400, p. 12.

TABLE 6				
<u>Comparison of Accumulated Depreciation Reserves</u>				
Generating Unit	Evergy Proposed ER-2022-0130	Staff Accounting ER-2018-0148	Updated thru December 2022	Difference
Jeffrey Energy	\$59,681,925	\$81,691,593	\$94,505,412	\$34,823,487
Lake Road	\$31,539,649	\$45,708,010	\$52,945,349	\$21,416,700
Iatan Common	\$2,893,940	\$13,023,044	\$18,254,174	\$15,360,234
Iatan 1	\$37,320,128	\$49,105,670	\$57,700,940	\$20,380,812
Iatan 2	\$6,825,903	\$50,491,803	\$70,867,836	\$64,041,933
			TOTAL	\$156,023,166

Ex. 400, p. 13. Generally, accumulated depreciation balances increase overtime.²¹ Here, though – as demonstrated in the chart above – Evergy has attempted to decrease the accumulated depreciation reserve balances for the Jeffrey Energy Center, Iatan 1 and 2, Iatan Common, and Lake Road generating units to account for a portion of the undepreciated balance from the Sibley unit retirements.

By doing so, Evergy would recover a portion of the unrecovered investment from the Sibley retirements in depreciation expense over the life of those generating units.²² Essentially, Evergy would collect a rate of return on those plants’ new undepreciated value in rate base because it is decreasing the levels of accumulated depreciation reserves by “baking in” in value from Sibley that it can’t earn a return on anymore. Such an outcome is contrary to established law and Commission practice.

²¹ Ex. 400, p. 14. The exception is generally when a plant sees major retirements. None of these plants listed had any such retirements.

²² Ex. 400, p. 14.

In *State ex rel. Union Elec. v. Pub. Serv. Comm'n*, 765 S.W.2d 618 (Mo. App. W.D. 1988), the Western District Court explained:

The utility property upon which a rate of return can be earned must be utilized to provide service to its customers. That is, it must be used and useful. This used and useful concept provides a well-defined standard for determining what properties of a utility can be included in its rate base.²³

This decision was discussed in another case that indicated a company may be able to recover its cost of a stranded asset but would not be able to earn a return on the stranded investment.²⁴ These cases establish the long-standing principle that a utility cannot earn a return on plant that is not used and useful or benefitting ratepayers. Recently, the Commission has reiterated its commitment to this principle in Empire's securitization cases (Storm Uri and Asbury retirement) by including in its order a finding that "the utility property upon which a rate of return can be earned must be utilized to provide service to customers. That is, it must be used and useful."²⁵

This adjustment of the accumulated depreciation reserves is a thinly veiled effort to capture some of the unrecovered investment from the Sibley retirements and needs to be reinstated. Evergy's approach is reminiscent of Shakespeare's Juliet in its characterization of Sibley's accumulated depreciation reserve: "O, be some other name!"²⁶ Just as Juliet pondered whether what something is called impacts its essence, perhaps Evergy imagines adjusting the depreciation reserves for its other generating units changes the amounts that are properly associated with Sibley. This Commission knows better.

As MEEG witness Meyer testified, the cumulative impact of Evergy's adjustments to its accumulated depreciation reserves for its other plants is nearly the same amount as for the

²³ *State ex rel. Union Elec. Co. v. Public Service Com'n of State of Mo.*, 765 S.W.2d 618, 622 (Mo. App. W.D. 1988)

²⁴ *State ex rel. Missouri Office of Public Counsel v. Public Service Commission of State*, 293 S.W.3d 63, 74-76 (Mo. App. S.D. 2009)

²⁵ Amended Report and Order, Case Nos. EO-2022-0040/EO-2022-0193, p. 67.

²⁶ Shakespeare, William. *Romeo and Juliet*, Act. 2, Scene 2.

unrecovered investment related to Sibley.²⁷ The disputed depreciation reserve by any other name is – at its essence – still Sibley. The evidence in this case demonstrates the level of accumulated depreciation reserves related to Sibley at the time rates were last set. No matter what name or theoretical approach Evergy proffers now the value of Sibley for which customers are paying in rates is unchanged. Accepting Evergy’s adjustments means that customers will pay Evergy for a return on a portion of the retired Sibley plant going forward. As such, it is contrary to established law, the Commission’s order granting an AAO related to Sibley, and recent Commission practice. New depreciation rates consistent with the testimony of Greg Meyer should be calculated for the Jeffrey Energy Center, Iatan 1 and 2, Iatan Common, and Lake Road generating units.

E. *What is the proper amortization period for the regulatory liability related to Sibley?*

The Commission should amortize the regulatory liability of \$142 million over ten years.²⁸ This period is greater than the four years proposed by Evergy in its case, but a longer period is reasonable given that Evergy was proposing to amortize a significantly smaller liability.²⁹ This timeframe is a reasonable balance between the company and its ratepayers.

F. *What is the proper amortization period for the unrecovered depreciation investment from the Sibley retirement?*

The Commission should amortize unrecovered investment in the Sibley units of approximately \$254 million over 20 years.³⁰ This is the same timeframe as proposed by Evergy in its initial filing. This timeframe is a reasonable balance between the company and its ratepayers. If the company prefers not to keep this on its books when it is prohibited from earning a return on it, Evergy may choose to securitize this amount.

²⁷ Ex. 400, p. 14.

²⁸ Ex. 400, p. 15.

²⁹ *Id.*

³⁰ Ex. 400, p. 15.

G. *Should the net book value be included in rate base?*

As discussed above, the net book value related to Sibley plant is no longer used or useful, provides no benefits to ratepayers, and should not be included in rate base. The law prohibits Evergy from earning a return on that amount and including it in rate base would do just that.³¹ The Commission must exclude this amount from rate base.

H. *Should the Regulatory liability for Sibley include a rate of return on the undepreciated balance from the time of retirement through the rates effective in this rate case?*

The regulatory liability balance as ordered by the Commission for Sibley's retirement should include a rate of return on the undepreciated balance. Ratepayers should not provide a profit stream for investments that are no longer used and useful. There is no debate that in mid-November 2018, the Sibley units were retired and ceased operations. At that time, the Sibley units stopped producing energy for Evergy customers and as such were not used and useful. To require ratepayers to continue to provide a profit return on plants that are not used and useful is wrong. Therefore, the return on the Sibley units should be accumulated from the date of retirement until the date for new rates in this rate case and amortized to ratepayers.³²

I. *Should the unrecovered investment in Sibley earn a weighted average cost of capital return on a going forward basis?*

No. For the same legal and policy reasons identified above the Commission should prohibit a rate of return on the undepreciated investment resulting from the Sibley retirements.

³¹ See *State ex rel. Union Elec. Co. v. Public Service Com'n of State of Mo.*, 765 S.W.2d 618, 622 (Mo. App. W.D. 1988).

³² Ex. 400, p. 10.

Rate Design (Issue XVIII)

B. *What are the appropriate rate schedules, rate structures, and rate designs for the non-residential customers of each company?*

For Large Power Service (“LPS”) and Large General Service (“LGS”) customers the existing rate structure that includes a facilities charge, customer charge, demand and energy charges, and seasonally differentiated demand and energy charges should remain the default rate design.³³ When the revenue requirement is decided in this case, the Company’s approach to apply 125% of any increase to fixed components such as customer and demand charges and 75% to variable components such as energy charges is reasonable as corrected in the testimony of MECG witness Kavita Maini.³⁴ This approach to place more of the increase on the fixed rate components will improve the pricing signal to customers because current demand charges are under-recovering fixed costs and instead forcing more to be included in energy rates.³⁵

G. *Should the Staff’s proposed Time of Use rate schedules be implemented on a mandatory basis?*

For LPS and LGS customer classes, the Commission should reject Staff’s proposed mandatory time of use rates. This approach is not tested and Commercial and Industrial customers in the LGS and LPS classes have not been presented with impact analysis or information on the TOU proposal by Staff.³⁶ Evergy’s witness Mr. Caisley testified that, as a part of its rate modernization plan, it has conducted outreach to customers to educate and receive input on different rate designs – but there has been no information sent to Commercial and Industrial customers about staff’s TOU adder for LGS and LPS classes.³⁷ MECG supports a more systematic

³³ Ex. 403, p. 32; Ex. 404, p. 32.

³⁴ Ex. 403, p. 34; Ex. 404, p. 34.

³⁵ Ex. 404, pp 34-36.

³⁶ Ex. 405, p. 12.

³⁷ Tr. Vol. 11, p. 693, lines 3-24.

and measured approach to considering rate design changes that will evaluate rate impacts, ensure proper pricing signals, and avoid unintended consequences prior to changing the structure of default rates.³⁸ If the Commission does want to see time differentiated rates for commercial and industrial customers it should not order Staff's time based adder but should order Evergy to meet with stakeholders after this case in order to work towards quantifying the impacts of alternative rate design proposals on customers. Evaluating the rate impacts on customers is a vital step in being able to educate and inform them about what they can expect their utility bills to look like in future rate cases. It is unreasonable to impose this change in this case without doing that evaluation.

K. *Should the Commission order Evergy to meet with stakeholders related to its rate modernization plan within 180 days after the effective date of rates in this case?*

Yes, the company has signaled its intent to continue changing its rate designs over a period of years under its "rate modernization plan" and should take steps to involve stakeholders in the process. Working proactively with stakeholders will give parties an opportunity to work collaboratively to reach a reasonable result rather than in an adversarial rate case process. In this case, the company asked for stakeholders to provide feedback to its rate modernization plans. MECG's witness Maini offered testimony addressing these plans and noted several areas where the plan could be improved to better serve commercial and industrial customers. This includes:

- Evaluating shifting fixed costs from energy charges to demand charges while maintaining energy charge differentials;
- Removing demand blocks (as shown in the Company's proposals) and introduce an on-peak provision whereby the maximum demand set in the specified on peak hours is the billing demand for the month; and

³⁸ Ex. 405, p. 12.

- Evaluating a time differentiated on and off-peak energy rate to recognize the cost differentials and provide better pricing signals than a flat energy rate.³⁹

During the hearing, Evergy's Mr. Caisley testified the company would agree to set up a working group with interested parties to evaluate the alternatives presented in this case and assess the rate impacts prior to the next rate case.⁴⁰ Specifically, he agreed that the company would agree to evaluating the items identified by MCEG in its testimony:

A. (CAISLEY): Yeah. I mean, one of our underlying premises for this whole rate modernization plan is the idea that different customers have different needs in use cases and to be able to send real price signals, not just an almost undifferentiated price signal, which we can get into in the future this morning, but tailoring that to different entities whether it's different industry sectors, whether it's different classes of clients or customers, all those we think are important for a sustained modern rate structure.⁴¹

The Staff's mandatory "TOU adder" approach is untested and unknown to commercial and industrial customers in the LPS and LGS customer classes. Rather than subject these customers to a new mandatory rate design, the Commission should order the company to work proactively with stakeholders towards improving the existing rate modernization plan.

Conclusion

"The utility property upon which a rate of return can be earned must be utilized to provide service to its customers. That is, it must be used and useful."⁴² MCEG's recommendations comply with that principle and should be adopted; the Company's recommendations do not, and so, should be

³⁹ Ex. 408, p. 13.

⁴⁰ Tr. Vol. 11, p. 694, lines 17-23.

⁴¹ Tr. Vol. 11, p. 695, lines 6-19.

⁴² *State ex rel. Union Elec. Co. v. Public Service Com'n of State of Mo.*, 765 S.W.2d 618, 622 (Mo. App. W.D. 1988)

rejected. Furthermore, the Commission should reject efforts to force Commercial and Industrial customers onto a new and untested default rate. Instead, it should require the Company to meet with interested stakeholders to incorporate and fully evaluate proposed rate design changes to its rate modernization plan.

WHEREFORE, MECG submits its Initial Brief.

Respectfully,

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Certificate of Service

I hereby certify that copies of the foregoing have been mailed, emailed or hand-delivered to all counsel of record this 14th day of October 2022:

/s/ Tim Opitz
