

**THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS**

Before Commissioners: Susan K. Duffy, Chair
Shari Feist Albrecht
Dwight D. Keen

In the Matter of the Application of)
Eversource Energy, Inc. for Approval to) Docket No. 20-KCPE-154-MIS
Extend its Demand-Side Management)
Programs.)

**ORDER GRANTING EVERGY METRO, INC.'S MOTION
TO FILE RESPONSE OUT OF TIME**

This matter comes before the State Corporation Commission of the State of Kansas (Commission) for consideration and decision. Having reviewed the pleadings and record, the Commission makes the following findings:

1. On October 1, 2019, Eversource Energy, Inc. d/b/a Eversource Kansas Metro (Eversource) timely filed its Application requesting Commission approval to extend five of its Demand-Side Management (DSM) pilot programs for an additional three years.¹
2. On October 15, 2019, to allow Commission Staff (Staff) time to fully investigate the proposed DSM pilot programs, the Commission issued an Order suspending the effective date of the proposed Application for 240 days from October 1, 2019 until May 28, 2020.²
3. On January 22, 2020, Eversource and Staff filed a Joint Motion seeking approval of a temporary extension of the tariffs for the portfolio of DSM programs in this Application until the

¹ Eversource Energy, Inc. Application (Oct. 1, 2019), Order Approving Joint Settlement Agreement, Docket No. 18-KCPE-124-TAR (Aug. 7, 2018). Per the terms of the settlement, timely means "The Signatories agree that if, based upon the results of a completed EM&V, KCP&L wishes to petition the Commission for extension of its existing programs, KCP&L must submit an application no later than October 1, 2019, or else the programs will automatically terminate on February 1, 2020."

² Order Granting CURB's Petition To Intervene, Discovery Order, Protective Order, Suspension Order (May 28, 2020), Oct. 15, 2019, ¶ 27.

Commission issues its final order in the Docket.³ The Joint Motion explains that Staff will not complete its Report and Recommendation in time for the Commission to issue an order by February 1, 2020. Therefore, Staff has agreed to temporarily extend the five current DSM programs at their existing budgets and allow Evergy to continue to operate those programs until Staff can complete its Report and Recommendation and the Commission issues its final order on Evergy's Application.⁴

4. On January 28, 2020, the Commission issued an Order Granting Joint Motion for Temporary Extension of Demand-Side Management Programs at their existing budget levels until the Commission issues its final order on Evergy's Application.⁵

5. On May 28, 2020, Staff filed its Report and Recommendation, recommending recommends approval of continuing the PT Program and IEW program and their respective proposed budgets through 2022, but rejecting the HEA, BEA, and BOC proposed program expansion.⁶

6. On June 17, 2020, Evergy filed a Motion to Respond Out of Time, explaining its failure to file its response to Staff's Report and Recommendation by June 8, 2020⁷ is the result of excusable neglect and there is good cause for the Commission to grant its Motion.⁸ Specifically, Evergy attributes its excusable neglect to disruptions in normal tracking processes related to COVID-19 restrictions.⁹ As a result, the deadline to respond to Staff's Report and

³ Joint Motion for Temporary Extension of Demand-Side Management Programs, Jan. 23, 2020, ¶ 3.

⁴ *Id.*, ¶ 4.

⁵ Order Granting Joint Motion for Temporary Extension of Demand-Side Management Programs, Jan 28, 2020, ¶ 6.

⁶ Staff Report and Recommendation, May 28, 2020, p. 2.

⁷ Pursuant to K.A.R. 82-1-218(d), Evergy is permitted to file a response to Staff's R&R within ten (10) days, which was June 8, 2020.

⁸ Motion of Evergy Metro, Inc. to File Response Out of Time, June 17, 2020, ¶ 5.

⁹ *Id.*

Recommendation was inadvertently overlooked.¹⁰ Evergy requests an extension until June 26, 2020 to file its response to Staff's Report and Recommendation.¹¹

7. K.A.R. 82-1-217(b) authorizes the Commission to accept a filing subsequent to the expiration of the prescribed time where the failure to act within such time was the result of excusable neglect. The Commission finds that Evergy's failure to timely respond to Staff's Report and Recommendation was the result of excusable neglect. Therefore, the Commission grants Evergy's Motion to File Response Out of Time. Evergy has until June 26, 2020 to file its response to Staff's Report and Recommendation.

THEREFORE, THE COMMISSION ORDERS:

A. Evergy Metro, Inc.'s Motion to File Response Out of Time is granted. Evergy's response to Staff's Report and Recommendation is due June 26, 2020.

B. Any party may file and serve a petition for reconsideration pursuant to the requirements and time limits established by K.S.A. 77-529(a)(1).¹²

BY THE COMMISSION IT IS SO ORDERED.

Duffy, Chair; Albrecht, Commissioner; Keen, Commissioner

Dated: 06/23/2020



Lynn M. Retz
Executive Director

BGF

¹⁰ *Id.*

¹¹ *Id.*, ¶ 6.

¹² K.S.A. 66-118b; K.S.A. 77-503(c); K.S.A. 77-531(b).

CERTIFICATE OF SERVICE

20-KCPE-154-MIS

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of
electronic service on 06/23/2020.

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/S/ DeeAnn Shupe

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