

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

In the Matter of the Application of Evergy )  
Kansas Metro, Inc., Evergy Kansas South, Inc. )  
and Evergy Kansas Central, Inc. for Approval ) Docket No. 22-EKME-254-TAR  
of its Demand-Side Management Portfolio )  
Pursuant to the Kansas Energy Efficiency )  
Investment Act (“KEEIA”), K.S.A. 66-1283. )

**PETITION TO INTERVENE OF CLIMATE + ENERGY PROJECT**

The Climate + Energy Project (“CEP”) files its Petition to Intervene pursuant to K.S.A. 77-521 and K.A.R. 82-1-225 and states the following in support of its Petition:

1. On December 17, 2021, Evergy Kansas Metro, Inc., Evergy Kansas South, Inc., and Evergy Kansas Central, Inc. (collectively referred to herein as “Evergy”) filed an Application for Approval of Evergy’s Demand-Side Management (“DSM”) Portfolio pursuant to the Kansas Energy Efficiency Investment Act (KEEIA), K.S.A. 66-117 and 66-1283.<sup>1</sup> On December 21, 2021, Evergy, the Staff of the Kansas Corporation Commission, and the Citizens’ Utility Ratepayer Board filed a joint motion for a Procedural Order.<sup>2</sup> On December 28, 2021, the Kansas Corporation Commission (hereinafter “Commission”) issued an Order suspending Docket 22-EKME-254-TAR (“Docket 22-254”) until August 15, 2022 and issued protective and discovery orders that would govern the discovery procedures of the docket.<sup>3</sup> On January 6, 2022, the Commission issued an order setting the procedural schedule.<sup>4</sup>

---

<sup>1</sup> Application of Evergy Kansas Metro, Inc., Evergy Kansas South, Inc. and Evergy Kansas Central, Inc. for Approval of Demand-Side Management Program Portfolio and Recovery Mechanism, Docket NO. 22-EKME-254-TAR (December 17, 2021) (hereinafter “Portfolio”).

<sup>2</sup> Joint Motion of Evergy, Commission Staff and the Citizens’ Utility Ratepayer Board, for a Procedural Order, Docket No. 22-EKME-254-TAR (December 21, 2021).

<sup>3</sup> Order Granting CURB’s Petition to Intervene; Suspension Order: August 15, 2022, Protective Order; and Discovery Order, Docket No. 22-EKME-254-TAR at 13 (December 28, 2021) (hereinafter “Order”).

<sup>4</sup> Order on Procedural Schedule, Docket No. 22-EKME-254-TAR (January 6, 2022).

2. On November 1, 2021, and prior to the opening of Docket 22, 254, CEP identified concerns with Evergy’s DSM plans and filed a comment indicating such in Docket 19-KCPE-096-CPL (“IRP Docket”).<sup>5</sup> CEP’s concerns were three-fold:

- i. Evergy should take advantage of the KEEIA to maximize its investment in energy efficiency programs;<sup>6</sup>
- ii. Evergy’s programs should match or exceed investments in Missouri throughout the Kansas City Metropolitan Area;<sup>7</sup> and
- iii. Programs should include robust investments for low- and moderate-income customers.<sup>8</sup>

While these concerns were only a portion of concerns and deficiencies identified by CEP at the time of filing, CEP in no way limits itself to these concerns and deficiencies and may identify additional concerns and deficiencies during the review process of Evergy’s DSM Portfolio which initiated this docket.

3. On December 16, 2021, Evergy and other stakeholders submitted a joint filing in the IRP Docket that included “a summary of alleged deficiencies and concerns expressed by [CEP and other stakeholders] of this Joint Filing regarding the Company’s triennial 2021 Integrated Resource Plan..., proposed resolutions to several of these deficiencies and concerns, and identifies deficiencies and concerns that remain unresolved.”<sup>9</sup> In the resolution addressing CEP’s concerns, it was noted that “the Company is planning to file a DSM application by year-end. The Company will continue to work with stakeholders to develop inputs form multiple levels of savings that will

---

<sup>5</sup> Comment of Climate + Energy Project Regarding Evergy Kansas Metro and Kansas Central Integrated Resource Plan, Docket No. 19-KCPE-096-CPL pp. 11-19 (November 1, 2021) (hereinafter “CEP’s IRP Comment”).

<sup>6</sup> CEP’s IRP Comment, pp. 12-14.

<sup>7</sup> *Id.*, pp. 14-16.

<sup>8</sup> *Id.* pp. 16-18.

<sup>9</sup> Joint Filing, Docket No. 19-KCPE-096-CPL at 1 (December 16, 2021) (hereinafter “IRP Joint Filing”).

be evaluated in the future IRP updates and triennial filings.”<sup>10</sup> Evergy and CEP came to an understanding that CEP would be given an opportunity to address the DSM Portfolio in this docket.

4. The Climate and Energy Project (“CEP”) is located in Hutchinson, Kansas. It began as a project of the highly-renowned Land Institute located in Salina, Kansas. CEP is now a separate, incorporated non-profit. Its goal is to support the cost-effective, sustainable deployment of energy efficient and renewable energy technologies in an effort to reduce greenhouse gases. The mission of CEP is to infuse the following core values into local, regional and national discussions: (1) stewardship of the Earth’s resources; (2) development of flexible energy systems; (3) balance of the benefits and burdens of energy technologies; and (4) support of creative implementation of energy efficient and renewable energy technologies that are environmentally and socially sustainable. CEP maintains an extensive website at <http://www.climateandenergy.org>, which helps it to pursue and accomplish its mission.

5. CEP sponsors and supports the Clean Energy Business Council (“CEBC”). CEBC’s mission is to “expand opportunities for business access to wind, solar, geothermal and waste-heat recovery systems and energy efficiency in Kansas and the Greater Kansas City Metro.” Collectively, CEBC members employ approximately 500 individuals in Kansas. CEBC members include Cromwell Solar, Good Energy Solutions, King Solar, Prosoco, Metropolitan Energy Center, Solar Design Studio, The Lawrence Chamber, Stanion Wholesale Electric Company, Olsson Associates, Foley Equipment, Flint Hills Renewable Energy & Efficiency Cooperative, Inc., Prosoco, Sisters of Charity, Wildan, Building Performance Association and the US Army as an ex-officio member. These businesses include vendors of goods and services related to energy conservation, electric vehicles, utility scale renewable energy and distributed solar generation.

---

<sup>10</sup> IRP Joint Filing, p. 14.

6. Pursuant to K.S.A. 77-521(a), the Commission is required to grant intervention if: (1) it is in the interests of justice; (2) the intervention will not impair the orderly and prompt conduct of the proceedings; and (3) the party has stated facts demonstrating its legal rights, duties, privileges, immunities, or other legal interests may be substantially affected by the proceeding. CEP's intervention in the instant matter is in the interests of justice, will not impair the orderly and prompt conduct of the proceedings, and is supported by CEP's demonstrated potential that its legal interests may be affected by the proceeding.

- i. CEP submitted comments in the IRP Docket which specifically addressed concerns related to Evergy's DSM plan. CEP also submitted comments and miscellaneous pleadings related to Evergy's most recent Capital Plan<sup>11</sup> and the Company's most recent Sustainability Transformation Plan.<sup>12</sup> In each of these related dockets, the Commission granted CEP's Petitions to Intervene,<sup>13</sup> and similarly, should do so here considering the IRP Resolution indicated that CEP would be given the opportunity to address the DSM Portfolio in Docket 22-254.<sup>14</sup>
- ii. CEP's intervention is in the interest of justice because no other party represents CEP's interests. CEP can creatively and constructively provide valuable information specifically regarding energy efficiency and DSM. CEP has demonstrated interest in energy efficiency and has participated in many DSM

---

<sup>11</sup> Comment of Climate + Energy Project Regarding Evergy's Capital Plan, Docket No. 19-KCPE-096-CPI (November 29, 2021).

<sup>12</sup> Comment of Climate + Energy Project, Docket No. 21-EKME-088-GIE (April 16, 2021); Cross Answer Comment of Climate + Energy Project, Docket No. 21-EKME-088-GIE (April 30, 2021); Motion of Sierra Club, Climate and Energy Project, and Kansas Industrial Consumers Group, Inc. to Enhance Transparency, Docket No. 21-EKME-088-GIE (November 16, 2020).

<sup>13</sup> Order Granting Intervention to Natural Resources Defense Council, the Climate and Energy Project and the Sierra Club, Docket No. 21-EKME-088-GIE at ¶ 11 (September 24, 2020); Order Granting Intervention to the Climate and Energy Project, the Kansas Power Pool; and Midwest Energy, Inc., Docket No. 19-KCPE-096-CPL at ¶ 9 (October 27, 2020).

<sup>14</sup> See *supra*, n. 10.

dockets in the past. For example, CEP intervened in Docket 10-KCPE-795-TAR, 12-GIMX-337-GIV, and 16-KCPE-446-TAR, all of which focused on energy efficiency and DSM programs. In addition, the Commission has previously found that CEP has special expertise in the area of energy conservation, energy efficiency, and renewable energy technologies.<sup>15</sup> The interests of justice weigh in favor of granting CEP's Petition to Intervene because no other party will likely present evidence and arguments relating to the environmental benefits of DSM and energy efficiency investments.

- iii. CEP's intervention will not impair the orderly and prompt conduct of the proceedings. CEP has consolidated the interests of multiple individual and business enterprises interested in implementing renewable energy assets and energy efficient practices as practical businesses solutions. For these reasons, CEP's intervention will not impair the orderly and prompt conduct of the proceedings.
- iv. CEP's legal rights, duties, privileges, immunities, and other legal interests will be substantially affected by the proceeding. Implementation of DSM pursuant to the KEEIA will have a direct bearing on electric rates paid by CEP and CEBC member businesses and the ability of these businesses to ultimately implement energy efficiency practices. Further, CEP's unique interest in promoting energy efficiency and renewable energy technology will, in turn, benefit the long-term public health

---

<sup>15</sup> Order Granting Petition to Intervene of Climate and Energy Project, Docket No. 16-KCPE-446-TAR at ¶9 (May 17, 2016) (“The Commission finds that CEP’s expertise in energy efficiency matters will lead to a more thorough and accurate record and is therefore in the interest of justice.”); *see also*, Order Granting Intervention to Natural Resources Defense Council, the Climate and Energy Project and the Sierra Club, Docket No. 21-EKME-088-GIE at ¶ 11 (September 24, 2020) (“The Commission believes CEP’s experience in the area of energy conservation and renewable energy technologies may prove beneficial to the Commission.”).

and economic interests of the people of Kansas. The Commission will also benefit from CEP's evidence and shared expertise on the matter.

7. Pursuant to K.S.A. 77-521(b), the Commission *may* grant a petition for intervention when the intervention sought is in the interest of justice and will not impair the orderly and prompt conduct of the proceedings. As indicated above, CEP's participation in Docket 22-254 is in the interest of justice and would not impair the orderly and prompt conduct of the proceedings.

8. CEP requests full rights of participation, including, but not limited to, the right to relevant discovery, the right to present and sponsor witnesses, the right to present evidence, the right to cross-examine witnesses, the right to file briefs, and the right to offer oral argument and participate in hearings.

9. In addition to undersigned counsel, please include the following CEP representatives with all electronic notices, pleadings, and correspondence regarding Docket 22-254 as follows:

Dorothy Barnett  
Executive Director  
Climate + Energy Project  
PO Box 1858  
Hutchinson, KS 67504  
Email: [barnett@climateandenergy.org](mailto:barnett@climateandenergy.org)

WHEREFORE, CEP respectfully requests that the Commission grant its Petition to Intervene.

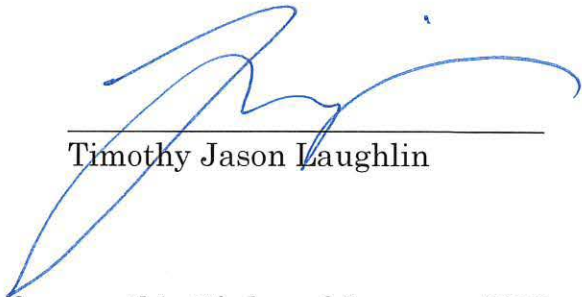
Respectfully Submitted,

/s/ Timothy Jason Laughlin  
Timothy Jason Laughlin, KS Bar #28379  
LONG & ROBINSON, LLC  
1800 Baltimore Ave., Ste. 500  
Kansas City, MO 64108  
DD: (816) 541-2112  
[tlaughlin@longrobinson.com](mailto:tlaughlin@longrobinson.com)  
*Counsel for Climate + Energy Project*

VERIFICATION

STATE OF MISSOURI    )  
                                  ) ss:  
COUNTY OF JACKSON )

I, Timothy J. Laughlin, of lawful age and being duly sworn, state and affirm the following: that I am counsel for Climate + Energy Project, I have read and reviewed the above and foregoing *Petition to Intervene of Climate + Energy Project*, and the contents thereof are true and correct to the best of my information, knowledge, and belief.

  
\_\_\_\_\_  
Timothy Jason Laughlin

SUBSCRIBED AND SWORN to before me this 7<sup>th</sup> day of January, 2022.

  
\_\_\_\_\_  
Notary Public  
My Appointment Expires:  
  
\_\_\_\_\_  
AMANDA SHUNK  
NOTARY PUBLIC  
NOTARY SEAL  
#15635297  
Jackson County  
STATE OF MISSOURI

**CERTIFICATE OF SERVICE**

22-EKME-254-TAR

I hereby certify that on this 7<sup>th</sup> day of January 2022, the foregoing *Petition to Intervene of Climate + Energy Project*, was electronically filed with the Kansas Corporation Commission and that one copy was delivered electronically to all parties on the service list as follows:

JOSEPH R. ASTRAB, ATTORNEY  
CITIZENS' UTILITY RATEPAYER  
BOARD  
1500 SW ARROWHEAD RD  
TOPEKA, KS 66604  
[j.astrab@curb.kansas.gov](mailto:j.astrab@curb.kansas.gov)

TODD E. LOVE, ATTORNEY  
CITIZENS' UTILITY RATEPAYER  
BOARD  
1500 SW ARROWHEAD RD  
TOPEKA, KS 66604  
[t.love@curb.kansas.gov](mailto:t.love@curb.kansas.gov)

DAVID W. NICKEL, CONSUMER  
COUNSEL  
CITIZENS' UTILITY RATEPAYER  
BOARD  
1500 SW ARROWHEAD RD  
TOPEKA, KS 66604  
[D.NICKEL@CURB.KANSAS.GOV](mailto:D.NICKEL@CURB.KANSAS.GOV)

SHONDA RABB  
CITIZENS' UTILITY RATEPAYER  
BOARD  
1500 SW ARROWHEAD RD  
TOPEKA, KS 66604  
[s.rabb@curb.kansas.gov](mailto:s.rabb@curb.kansas.gov)

DELLA SMITH  
CITIZENS' UTILITY RATEPAYER  
BOARD  
1500 SW ARROWHEAD RD  
TOPEKA, KS 66604  
[d.smith@curb.kansas.gov](mailto:d.smith@curb.kansas.gov)

CATHRYN J. DINGES, SR  
DIRECTOR & REGULATORY  
AFFAIRS COUNSEL  
EVERGY KANSAS CENTRAL, INC  
818 S KANSAS AVE  
PO BOX 889  
TOPEKA, KS 66601-0889  
[Cathy.Dinges@evergy.com](mailto:Cathy.Dinges@evergy.com)

AMBER HOUSHOLDER, REGULA  
TORY AFFAIRS, MGR  
EVERGY KANSAS CENTRAL, INC  
818 S KANSAS AVE  
PO BOX 889  
TOPEKA, KS 66601-0889  
[amber.housholder@evergy.com](mailto:amber.housholder@evergy.com)

BRIAN FILE  
EVERGY METRO,  
INC D/B/A EVERGY KANSAS  
METRO  
One Kansas City Place  
1200 Main St., 19th Floor  
Kansas City, MO 64105  
[Brian.File@evergy.com](mailto:Brian.File@evergy.com)

MARK FOLTZ  
EVERGY METRO,  
INC D/B/A EVERGY KANSAS  
METRO  
One Kansas City Place  
1200 Main St., 19th Floor  
Kansas City, MO 64105  
[Mark.Foltz@evergy.com](mailto:Mark.Foltz@evergy.com)



DARRIN R. IVES, V.P.  
REGULATORY AFFAIRS  
EVERGY METRO,  
INC D/B/A EVERGY KANSAS  
METRO  
One Kansas City Place  
1200 Main St., 19th Floor  
Kansas City, MO 64105  
[darrin.ives@evergy.com](mailto:darrin.ives@evergy.com)

TIM NELSON  
EVERGY METRO,  
INC D/B/A EVERGY KANSAS  
METRO  
One Kansas City Place  
1200 Main St., 19th Floor  
Kansas City, MO 64105  
[Tim.Nelson@evergy.com](mailto:Tim.Nelson@evergy.com)

LARRY WILKUS, DIRECTOR  
REGULATORY AFFAIRS  
EVERGY METRO,  
INC D/B/A EVERGY KANSAS  
METRO  
One Kansas City Place  
1200 Main St., 19th Floor  
Kansas City, MO 64105  
[LARRY.WILKUS@EVERGY.COM](mailto:LARRY.WILKUS@EVERGY.COM)

KIM WINSLOW  
EVERGY METRO,  
INC D/B/A EVERGY KANSAS  
METRO  
One Kansas City Place  
1200 Main St., 19th Floor  
Kansas City, MO 64105  
[Kimberly.Winslow@evergy.com](mailto:Kimberly.Winslow@evergy.com)

DAVID COHEN, ASSISTANT  
GENERAL COUNSEL  
KANSAS CORPORATION  
COMMISSION  
1500 SW ARROWHEAD RD  
TOPEKA, KS 66604  
[d.cohen@kcc.ks.gov](mailto:d.cohen@kcc.ks.gov)

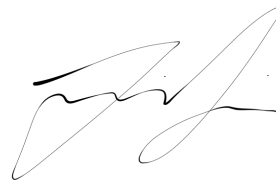
BRIAN G. FEDOTIN, GENERAL  
COUNSEL  
KANSAS CORPORATION  
COMMISSION  
1500 SW ARROWHEAD RD  
TOPEKA, KS 66604  
[b.fedotin@kcc.ks.gov](mailto:b.fedotin@kcc.ks.gov)

JARED JEVONS, LITIGATION  
ATTORNEY  
KANSAS CORPORATION  
COMMISSION  
1500 SW ARROWHEAD RD  
TOPEKA, KS 66604  
[j.jevons@kcc.ks.gov](mailto:j.jevons@kcc.ks.gov)

CARLY MASENTHIN, LITIGATION  
COUNSEL  
KANSAS CORPORATION  
COMMISSION  
1500 SW ARROWHEAD RD  
TOPEKA, KS 66604  
[c.masenthin@kcc.ks.gov](mailto:c.masenthin@kcc.ks.gov)

LESLIE WINES, EXECUTIVE  
ADMINISTRATIVE ASSISTANT  
DR.  
KCP&L AND WESTAR, EVERGY  
COMPANIES D/B/A EVERGY  
KANSAS CENTRAL  
818 S KANSAS AVENUE  
PO BOX 889  
TOPEKA, KS 66601-0889  
[Leslie.Wines@evergy.com](mailto:Leslie.Wines@evergy.com)

GLEND A CAFER, ATTORNEY  
MORRIS LAING EVANS BROCK &  
KENNEDY  
800 SW JACKSON  
SUITE 1310  
TOPEKA, KS 66612-1216  
[GCAFER@MORRISLAING.COM](mailto:GCAFER@MORRISLAING.COM)



---

Timothy J. Laughlin  
*Counsel for Climate + Energy Project*