

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

In the Matter of the Application of Evergy Kansas Central, Inc. and Evergy Kansas South, Inc. for Approval to Make Certain Changes in their Charges for Electric Service.))))	Docket No. 25-EKCE-294-RTS
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RESPONSE OF KANSAS INDUSTRIAL CONSUMERS GROUP TO THE RESPONSE TO EVERGY KANSAS CENTRAL, INC. AND EVERGY KANSAS SOUTH, INC. (“EVERGY”) TO PETITION TO INTERVENE OF KANSAS INDUSTRIAL CONSUMERS GROUP, INC.

COMES NOW Kansas Industrial Consumers Group, Inc. (“KIC”) and for its Response to the State Corporation Commission of the State of Kansas (“Commission” or “KCC”), states as follows:

1. K.A.R. 82-1-225 provides as follows:

“This regulation shall apply to both KAPA and non-KAPA proceedings.

(a) The presiding officer shall grant a petition for intervention if the following conditions are met: (1) **The petition is submitted in writing to the presiding officer**, with copies mailed to all parties named in the presiding officer's notice of the hearing, at least three days before the hearing. (2) **The petition states facts demonstrating that the petitioner's legal rights, duties, privileges, immunities, or other legal interests may be substantially affected by the proceeding** or that the petitioner qualifies as an intervenor under any provision of law.(3) The presiding officer

determines that the interests of justice and the orderly and prompt conduct of the proceedings will not be impaired by allowing the intervention.”¹

2. KIC complied precisely with the provisions of K.A.R. 82-1-225.KIC.
3. KIC submitted its Petition for Intervention in writing on March 14, 2025.²
4. KIC stated facts in its Petition that demonstrated KIC’s legal rights, privileges,

immunities, and other legal interests as follows:³

- KIC is a Kansas corporation, incorporated on April 13, 2005. KIC is and has remained a corporation in good standing in Kansas, at all times in the period April 13, 2005, through March 13, 2025.
- The nature and business purpose of KIC for its 20-year existence is, and has been as follows:
 - **"representation, advancement, and protection of the interests of commercial, industrial, and other large volume users of energy (oil, natural gas, electric energy, renewable energy resources) in matters before state and federal administrative agencies, state and federal courts, and before other private and government entities, and in the public generally.**

5. By accepting as lawful the “nature of corporation’s business or purpose” in its Articles of Incorporation, for twenty consecutive years the stated corporate nature and purpose specifically states its **“legal rights, duties, privileges, immunities, or other legal interests may be substantially affected by the proceeding.”**⁴

6. Evergy incorrectly contends that K.A.R. 82-1-225 requires that an entity be a customer of Evergy to be granted Intervention.⁵ No Kansas statute or regulation contains such requirement.

¹ K.A.R. § 82-1-225 (emphasis added).

² K.A.R. § 82-1-225(1).

³ K.A.R. § 82-1-225(2).

⁴ *Id.* (emphasis added).

⁵ Response of Evergy to Petition to Intervene of KIC, ¶ 2 – 6, KCC Docket No. 25-EKCE-294-RTS (Mar. 21, 2025).

7. The Intervention regulation does not use the word “customer” at any point, but instead sets forth specified categories of interests, that are protected under the law, and upon alignment of such interests provide the lawful basis for Intervention. Evergy erroneously attempts to make a “customer” interest the only basis for Intervention⁶ – but there is no statutory or regulatory basis that supports the Evergy position.

8. Only K.A.R. 82-1-204(i)(2) requires identification of membership to an unincorporated association. This Regulation has no application to KIC which is a Kansas corporation.

9. Even a small, partial listing of those entities that the Commission has granted Intervention, with no requirement of any type to list membership, highlights the incorrectness of the Evergy position on Intervention:

- Vote Solar
- Earth Justice
- Alliance for Livable Electric Rates
- Electric Shock Coalition
- American Association of Retired Persons (AARP)
- Natural Resources Defense Council (NRDC)
- Kansas Chamber of Commerce and Industry
- Wichita Regional Chamber of Commerce
- Sierra Club
- Kansas Feed and Grain Association
- Kansas Agribusiness Retailer Association
- Renew Kansas Biofuels Association
- Climate + Energy Project
- New Energy Economics
- Sustainability Action Network
- New Energy Economics
- Kansas Farm Bureau
- Renew Missouri
- Kansas Livestock Association
- International Brotherhood of Electrical Workers (IBEW)

⁶ *Id.*

10. Evergy argues, and for an extended period has argued, that KIC must identify its members as a requirement for Intervention.⁷ Evergy does not make that same contention for any other entity seeking Intervention. Most notably, Evergy did not make that argument in KCC Docket No. 25-EKME-315-TAR regarding the Petition of Intervention of the Data Center Coalition.⁸

11. Instead, KIC made the argument that Evergy always heretofore made concerning any “Members Requirement,” as may be applicable to the Data Center Coalition.⁹ The Commission in its Order granting Intervention to the Data Center Coalition, held that no “Membership Requirement” applied.¹⁰

12. The issue is squarely before the Commission – is there one rule for KIC that requires Members be listed, or does the same rule apply for KIC as applies to Vote Solar, Earth Justice, the Electric Shock Coalition, Renew Missouri, Sustainability Action Network, and New Energy Economics.

⁷ *Id.*

⁸ *See* KCC Docket No. 25-EKME-315-TAR.

⁹ *See* Kansas Industrial Consumers Group, Inc.'s Reply to Data Center Coalition's Response to Kansas Industrial Consumers Group, Inc.'s Motion to Deny the Petition to Intervene of the Data Center Coalition, KCC Docket No. 25-EKME-315-TAR (Mar. 6, 2025).

¹⁰ *See* Order Granting Data Center Coalition's Petition to Intervene, KCC Docket No. 25-EKME-315-TAR (Mar. 13, 2025).

Respectfully submitted,

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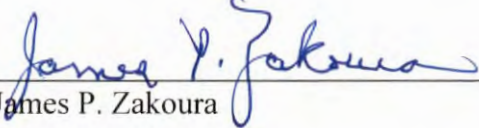
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VERIFICATION

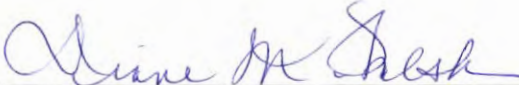
STATE OF KANSAS)
) ss:
COUNTY OF JOHNSON)

James P. Zakoura, being duly sworn upon his oath, deposes and states that he is the Attorney for the Kansas Industrial Consumers Group, Inc. and its Participating Members, that he has read and is familiar with the foregoing *Response to Evergy*, and that the statements therein are true to the best of his knowledge, information, and belief.



James P. Zakoura

SUBSCRIBED AND SWORN to before me this 21st day of March 2025.



Notary Public

My Appointment Expires:



CERTIFICATE OF SERVICE

I hereby certify that on this 21st day of March 2025, the foregoing *Response of Kansas Industrial Consumers Group to the Response of Evergy Kansas Central, Inc. and Evergy Kansas South, Inc. ("Evergy") to Petition to Intervene of Kansas Industrial Consumers Group, Inc.* was electronically filed with the Kansas Corporation Commission and that one copy was delivered electronically to all parties on the service list as follows:

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