

BEFORE THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS

In the Matter of the Petition of Evergy)
Kansas Central, Inc., Evergy Kansas)
South, Inc., and Evergy Metro, Inc. for)
Determination of the Ratemaking)
Principles and Treatment that Will) Docket No. 25-EKCE-207-PRE
Apply to the Recovery in Rates of the)
Cost to be Incurred for Certain Electric)
Generation Facilities under K.S.A. 66-)
1239.)

**PETITION OF KANSAS ELECTRIC POWER
COOPERATIVE, INC. TO INTERVENE OUT OF TIME**

COMES NOW Kansas Electric Power Cooperative, Inc. (“KEPCo”) and, pursuant to K.S.A. 77-521 and K.A.R. 82-1-225, respectfully petitions the State Corporation Commission of the State of Kansas (“Commission”) for an order permitting it to intervene in the above-captioned docket. Additionally, KEPCo respectfully requests that the Commission exercise its discretion as permitted by K.A.R. 82-1-217(b) and allow KEPCo to intervene after the 10-day intervention deadline set out in K.S.A. 66-1239(d)(3). In support of its Petition to Intervene Out of Time (“Petition”), KEPCo states as follows:

1. KEPCo is a corporation duly organized and existing under the laws of the State of Kansas, with its registered office and principal place of business at 600 SW Corporate View, Topeka, Kansas, 66615.

2. KEPCo is engaged in the business of a generation and transmission cooperative electric supplier providing power and energy to its 16 member distribution cooperatives (“Members”) in the state of Kansas pursuant to all-requirements wholesale electric power agreements. KEPCo’s Members collectively serve over 75,000 retail consumer-members in the eastern two-thirds of Kansas, which equates to nearly 200,000 Kansans.

3. In addition to the undersigned counsel, service of all pleadings, testimony, briefs, orders, correspondence, and other communication relating to this docket should be sent to the following named individuals:

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I. Petition to Intervene

4. On November 6, 2024, Evergy Kansas Central, Inc., Evergy Kansas South, Inc., and Evergy Metro, Inc. (together referred to herein as “Evergy”) filed its petition for a determination of the ratemaking principles and treatment that will apply to the rate recovery of the costs to be incurred by Evergy in constructing and acquiring a stake in two new combined cycle gas-fired generating facilities and one solar facility. Specifically, Evergy plans to construct and acquire 50% of a 710 MW combined cycle gas turbine located in Kansas near its Viola Substation and a 50% interest in a second 710 MW combined cycle gas turbine located near Hutchinson, Kansas, with flexibility to acquire the second 50% of the Hutchinson natural gas facility.¹ Evergy also plans to construct and own approximately 200 MWDC of solar generation.²

¹ Petition of Evergy Kansas Central, Inc., Evergy Kansas South, Inc., and Evergy Metro, Inc. for Determination of Ratemaking Principles and Treatment at ¶ 6 (Nov. 6, 2024) (“Petition”).

² *Id.*

5. The resource decisions that are the subject of this docket are the same resource decisions as those at issue in Evergy's Integrated Resource Plan ("IRP") in Docket No. 24-EKCE-387-CPL ("24-387 Docket") and predecessor docket, Docket No. 19-KCPE-096-CPL ("19-096 Docket"). KEPCo was granted intervenor status and has fully participated in both 24-387 Docket and the 19-096 Docket. Given a considerable amount of KEPCo's power supply is dependent upon Evergy's generation fleet through a long-term power supply contract with Evergy, KEPCo has a significant interest in Evergy's resource decisions and planning.

6. Additionally, KEPCo is a co-owner of the Wolf Creek Generating Station and the Iatan Generating Station Unit 2 with certain of the Evergy companies. As such, any consideration of Evergy's generation resources, including the determination of the ratemaking principles and treatment that will apply to the rate recovery of the costs to be incurred related thereto, necessarily impacts KEPCo and its Members.

7. Also, KEPCo significantly depends on Evergy's transmission system to deliver power to KEPCo's Members. To the extent that Evergy's proposed generation assets require transmission upgrades, the costs associated with those upgrades will affect KEPCo and its Members.

II. Good Cause to Grant Petition Out of Time

8. K.S.A. 66-1239(d)(3) provides that requests for intervention in electric generating or transmission facility ratemaking principles and treatment determination proceedings shall be submitted not later than 10 days after a public utility files a petition for such determination. As noted above, Evergy's petition was filed on November 6, 2024, making intervention requests due

on or before November 18, 2024.³ KEPCo respectfully requests that the Commission exercise its discretion as permitted by K.A.R. 82-1-217(b) and allow KEPCo to intervene after the 10-day intervention deadline.

9. K.A.R. 82-1-217(b) provides that when an act is required to be done at or within a specified time, the Commission may exercise its discretion and extend the time for good cause. The Commission issued a procedural schedule in this docket on November 14, 2024,⁴ which was amended on December 19, 2024.⁵ The first procedural date relevant to intervenors is not until March 14, 2025, so KEPCo's request does not interfere with the existing procedural schedule.⁶ Additionally, KEPCo accepts the existing procedural schedule in its entirety and will not seek to modify it. As a result, the orderly and prompt conduct of this proceeding will not be impaired by allowing KEPCo to intervene out of time.

III. Conclusion

10. For the above reasons, KEPCo has a direct and substantial interest in the issues to be addressed in this docket and such interest cannot be adequately represented by any other party. Further, KEPCo may or will be substantially affected by any Commission order or activity in this proceeding.⁷ Finally, the interests of justice and the orderly and prompt conduct of this proceeding will not be impaired by allowing KEPCo to intervene; thus, KEPCo asserts good

³ The intervention due date of November 16, 2024, fell on a Saturday, making interventions due the following business day, Monday, November 18, 2024. *See* K.A.R. 82-1-217(a).

⁴ *See* Order Setting Procedural Schedule; Granting Curb's Petition to Intervene; Designating Presiding Officer; Protective and Discovery Order (Nov. 14, 2024) ("Procedural Order").

⁵ *See* Order Amending the Procedural Schedule (Dec. 19, 2024) ("Amended Procedural Order").

⁶ Amended Procedural Order at ¶5.

⁷ K.A.R. 82-1-225(a)(2).

cause exists to allow KEPCo to intervene out of time.⁸

11. Because KEPCo will or may be bound by any Commission order or activity in this proceeding and may be adversely affected thereby, and because KEPCo's interest herein may not be adequately represented by any other party, KEPCo respectfully requests its petition to intervene be granted without limitation.

WHEREFORE, for the above and foregoing reasons, KEPCo respectfully requests that the Commission grant its Petition to Intervene Out of Time and for such other relief as the Commission deems just and proper.

Respectfully submitted,

/s/ Susan B. Cunningham

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January 16, 2025

⁸ K.A.R. 82-1-225(a)(3); K.A.R. 82-1-217(b).

VERIFICATION
(K.S.A. 53-601)

STATE OF KANSAS)
) ss.
COUNTY OF SHAWNEE)

I, Susan B. Cunningham, verify under penalty of perjury that I have caused the foregoing Petition of Kansas Electric Power Cooperative, Inc. to Intervene Out of Time to be prepared on behalf of Kansas Electric Power Cooperative, Inc.; that I have read and reviewed the Petition; and that the contents thereof are true and correct to the best of my information, knowledge, and belief.

/s/ Susan B. Cunningham

Susan B. Cunningham

Executed on this 16th day of January, 2025.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing Petition of Kansas Electric Power Cooperative, Inc. to Intervene Out of Time was electronically served on this 16th day of January, 2025, to the following named persons appearing on the Commission’s service list as last modified on December 17, 2024:

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