

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

In the Matter of the Joint Application of Evergy )  
Kansas Central, Inc. Evergy Kansas South, Inc. )  
and Evergy Metro, Inc. for Approval to Make ) Docket 23-EKCE-775-RTS  
Certain Changes in their Charges for Electric ) **Confidential Information Deleted**  
Service )

**PETITION FOR INTERVENTION OF  
SCRAP MANAGEMENT INDUSTRIES  
(DBA MIDWEST SCRAP MANAGEMENT, INC.)**

COMES NOW Midwest Scrap Management, Inc. (“MSM”) and for its Petition for Intervention, states to the State Corporation Commission of the State of Kansas (“Commission” or “KCC”) as follows:

**Factual Synopsis**

1. Midwest Scrap Management, Inc. (“MSM”) (now known as Scrap Management Industries) was founded in 1973 and operates a recycling business located at 850 East 45<sup>th</sup> Street North, Park City, Kansas 67219 – Park City is a part of the Wichita, Kansas metropolitan statistical area.
2. MSM participates in the recycling business and specializes in the processing of ferrous and non-ferrous metals.
3. Recycling permits scrap materials to be reused in an economically and environmentally beneficial manner, rather than to place such materials in a landfill.
4. At its Park City, Kansas business operation, MSM is a retail ratepayer of Evergy Kansas Central (“EKC”).
5. Prior to December 21, 2023, MSM received retail electric service from EKC at Park City pursuant to the Off-Peak Service Rate Schedule of EKC (“WKOPS”).

6. The WKOPS Rate Schedule had been approved by the KCC in multiple KCC Dockets and found by the Commission in those Dockets to be just and reasonable - - since at least June of 2017, and most recently approved by the Commission and found to be just and reasonable in KCC Docket No. 21-EKME-050-RTS, on January 1, 2021.

7. At no time was the WKOPS Rate Schedule ever determined by the KCC to no longer be in the public interest, or no longer be just and reasonable.

8. On November 21, 2023, the Commission approved a Unanimous Settlement Agreement, filed on September 29, 2023, in KCC Docket No. 23-EKCE-775-RTS.

9. In its News Release dated November 21, 2023, the Commission stated in part as follows:

“Evergy Kansas Central will receive a net revenue increase of \$74 million (3.54% increase).”

<https://www.kcc.ks.gov/news-11-21-23>

10. The Unanimous Settlement Agreement, as approved by the KCC, provided in part for the elimination of the WKOPS Rate Schedule. (Testimony of Justin Grady, in Support of Unanimous Settlement Agreement, dated October 3, 2023, at page 19, in KCC Docket No 23-EKCE-775-RTS.)

11. On information and belief only MSM and 2 other EKC retail ratepayers received retail electric service pursuant to the WKOPS Rate Schedule.

12. On January 10, 2024, EKC for the first time advised MSM that the WKOPS Rate Schedule was no longer available for retail electric service. EKC advised MSM that it could no longer receive service under the WKOPS Rate Schedule, but instead would qualify to receive retail electric service under either of the following:

- The EKC Large General Service – Secondary Voltage
- The EKC Large General Service – Secondary Voltage – with Off Peak Rider

13. The annual charges to MSM under the WKOPS Rate Schedule and the two service offerings set forth above, are as follows:

- **\*\* [REDACTED] \*\*** – The EKC WKOPS Rate Schedule
- **\*\* [REDACTED] \*\*** – The EKC Large General Service – Secondary Voltage (a 465.71% annual increase)
- **\*\* [REDACTED] \*\*** – The EKC Large General Service – Secondary Voltage – with Off Peak Rider (a 434.28% annual increase)

14. The EKC system-wide average rate increase is 3.54%. The MSM annual rate increase for service from EKC will exceed 400%.

15. The MSM invoice from EKC for December 2023 retail electric service was **\*\* [REDACTED] \*\***, and for January 2024 retail electric service was **\*\* [REDACTED] \*\***.

**The Pending Joint Motion**

16. On April 4, 2024, the Staff of the Commission, EKC, and Evergy Metro, Inc. (“Joint Movants”) filed a Joint Motion in this Docket.

17. Joint Movants requested that the Commission issue an Order permitting and approving a “Phase-In of Certain Rate Impacts caused by the rate change implemented as a result of the Unanimous Settlement Agreement approved by the Commission.

18. The Joint Motion provided in part as follows:

“3. After this transition occurred, several of the customers previously taking service on the Off-Peak Service Rate made Evergy aware that they were seeing very significant bill impacts under the LGS and MGS rates, together with the new Off-Peak Rider. For example, one of the customers could experience increases of over 300% annually as a result of the transition.

4. Evergy made Staff aware of these impacts and Evergy and Staff agreed that steps should be taken to phase-in the transition from the Off-Peak Service Rate to the LGS and MGS rates over a three-year period, in order to smooth out the impacts for these customers.

5. Specifically, Joint Movants propose to provide bill credits to the customers that were moved off of the cancelled Off-Peak Service Rate so that the amount of the increase they are paying is limited to 1/3 of the full annualized rate increase the first year, 2/3 of the full annualized rate increase the second year, and the full annualized rate increase starting in the third year. For example, if the full annualized bill increase for a specific customer as a result of the elimination of the rate is 99% annually, Evergy would provide a bill credit to limit the impact for the first year to be 33%, 66% the second year, and the customer would then receive the full 99% rate increase in the third year. The bill credit provided to implement this phase-in will be adjusted annually on December 21.

6. Joint Movants agree that Evergy should be permitted to defer the impact of the phase-in on the amount of revenue not collected by Evergy from these customers (the amount of the credit provided to these customers to implement the phase-in) as a regulatory asset and seek recovery of that regulatory asset in its next general rate case from all customer classes. Evergy estimates that the annual amount of the deferral will be approximately \$1 million, based on usage of these customers over the last 12 months.”

19. The proposal of Joint Movants does not propose any rate reduction from the 435% rate increase to be collected from MSM, but rather a 3-year phase-in of the 435% rate increase.

### **Intervention**

20. The Motion of the Joint Movants addresses a proposed phase-in of a retail rate increase to MSM. The financial impact of the Joint Motion on MSM is direct and material.

21. Thus, the legal rights, duties, privileges, immunities, and other legal interests of MSM are substantially affected by the Joint Motion, and Intervention is appropriate pursuant to K.A.R. 82-1-225.

22. Intervention is respectfully requested by MSM for the purpose of responding to the Joint Motion.

WHEREFORE, MSM respectfully requests an Order of Intervention in this Docket, for the purpose of responding to the Joint Motion.

Respectfully submitted,

/s/ James P. Zakoura

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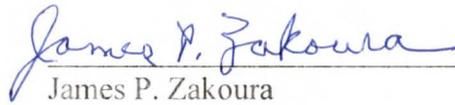
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VERIFICATION

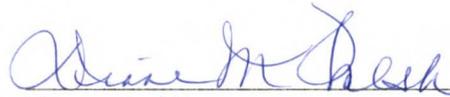
STATE OF KANSAS            )  
                                          ) ss:  
COUNTY OF JOHNSON        )

James P. Zakoura, being duly sworn upon his oath, deposes and states that he is the Attorney for Midwest Scrap Management, Inc., that he has read and is familiar with the foregoing Petition for Intervention of Midwest Scrap Management, Inc., and that the statements therein are true to the best of his knowledge, information, and belief.

  
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James P. Zakoura

SUBSCRIBED AND SWORN to before me this 9th day of April 2024.

  
\_\_\_\_\_

Notary Public

My Appointment Expires:



**CERTIFICATE OF SERVICE**

I hereby certify that on this 9th day of April 2024, the foregoing 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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