

**BEFORE THE STATE 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 of Large Load Service Rate Plan and Associated Tariffs.))))))	Docket No. 25-EKME-315-TAR
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**KANSAS INDUSTRIAL CONSUMERS GROUP, INC.’S MOTION TO DENY THE
PETITION TO INTERVENE OF THE DATA CENTER COALITION AND REQUIRE
THE DATA CENTER COALITION TO IDENTIFY THE ENTITIES THAT IT
REPRESENTS**

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

1. On March 3, 2025, the Data Center Coalition (“DCC”) filed a Petition for Intervention (“Petition”) in this Docket.
2. In its Petition, DCC states at Paragraph No. 2 as follows:

DCC is a voluntary membership association of the data center industry, representing 35 leading data center owners and operators, as well as companies that lease large amounts of data center capacity. DCC represents and advances the interests of the data center community through public policy advocacy, thought leadership, stakeholder outreach, and community engagement.¹
3. DCC states further in its Petition at Paragraph No. 5 as follows:

DCC and its members have a direct interest in the issues raised by Evergy’s Application, which may be substantially affected by the outcome of this

¹ DCC Petition, ¶ 2.

proceeding. DCC's members include customers of Evergy and companies which are interested in constructing new data center facilities in Evergy's service territory. Evergy's proposals will impact the economics of data center operations in its service territory, as well as the attractiveness and feasibility of new data center development in Evergy's Kansas service territories. Thus, DCC has an interest in ensuring that Evergy's LLPS Rate Plan is thoughtfully designed and thoroughly evaluated so as to facilitate the needs of new and existing data centers in a fair and efficient manner.²

4. K.A.R. 82-1-204(i)(2) states: “[n]o unincorporated association shall obtain party status in a proceeding without identifying its membership.”

5. In numerous proceedings before the Commission since 2008, Evergy has argued to the Commission that no Party may be granted Intervention in a KCC Docket, unless and until it states the parties that it represents.

6. In its ORDER DENYING INTERVENTION FOR THE KANSAS INDUSTRIAL CONSUMERS GROUP, INC., dated July 18, 2008, the Commission stated:

The Commission finds that without identification of the interests represented by KIC, it cannot determine whether the petition should be granted. The Commission also reaches this determination in the context of K.A.R. 2006 Supp. 82-1-204, which is quoted above. According to its Petition, KIC is a corporate entity, which means K.A.R. 2006 Supp. 82-1-204 is not applicable on its face. However, the principle of K.A.R. 2006 Supp. 82-1-204(i)(2) still applies; the Commission has an interest in knowing the explicit identity of interests an intervening party represents.

² *Id.* at ¶ 5.

The Commission concludes that KIC is required to identify the parties it represents for the same rationale underlying K.A.R. 2006 Supp. 82-1-204(i)(2).³

The Commission finds that KIC will be given 10 days to amend its petition to identify its membership and those members entitled to intervention in this proceeding under K.A.R. 82-1-225. Alternatively, the Commission will permit individual KIC members to request permission to intervene and these requests will be ruled on separately.⁴

7. The KCC further stated in its ORDER Granting Intervention dated July 30, 2008:

On July 18, 2008, the Commission denied KIC's petition and found that it could not determine whether KIC's petition should be granted without identification of the interests represented by KIC. **The Commission found that it has an interest in knowing the explicit identity of interests an intervening party represents and concluded that KIC is required to identify the parties it represents for the rationale underlying K.A.R. 2006 Supp. 82-1-204(i)(2).** In its Order the Commission allowed KIC 10 days to amend its petition to identify its membership and those members entitled to intervention in this proceeding under K.A.R. 82-1-225.⁵

8. WHEREFORE KIC respectfully requests that the COMMISSION deny the Petition of the DCC, but provide a period of 10 days for the DCC to identify its current members that are

³ ORDER DENYING PETITION TO INTERVENE FOR THE KANSAS INDUSTRIAL CONSUMERS GROUP, INC., AND GRANTING INTERVENTION FOR PROTECTIONONE, INC. AND CESSNA AIRCRAFT COMPANY AS PART OF THE KANSAS INDUSTRIAL CONSUMERS GROUP, INC.; KCC Docket No. 08-WSEE-1041-RTS, ¶ 9. <https://estar.kcc.ks.gov/estar/ViewFile.aspx/20080718104807.pdf?Id=89ea76af-2ea9-487c-9a91-0dfe12a777a9>

⁴ *Id.* at ¶ 10.

⁵ Order Granting KIC Intervention, KCC Docket No. 08-WSEE-1041-RTS, ¶ 4, <https://estar.kcc.ks.gov/estar/ViewFile.aspx/20080730145633.pdf?Id=68e437a0-71aa-4b73-b0a9-15483772e302> (emphasis added).

customers of Evergy, and to identify those members that are in discussions with Evergy to locate a data center in Kansas.

Respectfully submitted,

/s/ James P. Zakoura

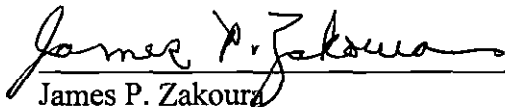
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VERIFICATION

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 *Motion to Deny the Petition to Intervene of the Data Center Coalition*, 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 4th day of March 2025.


Notary Public

My Appointment Expires:



CERTIFICATE OF SERVICE

I hereby certify that on this 4th day of March 2025, the above and foregoing was electronically filed with the Kansas Corporation Commission and that one copy was delivered electronically to all parties on the service list and by U.S. Mail as follows:

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