

**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.)

**JOINT MOTION FOR APPROVAL OF
UNANIMOUS PARTIAL SETTLEMENT AGREEMENT REGARDING SOLAR
FACILITY**

The Staff of the State Corporation Commission of the State of Kansas (“Staff” and “Commission,” respectively); Evergy Kansas Central, Inc. and Evergy Kansas South, Inc. (collectively referred to as “Evergy Kansas Central” or “EKC”) and Evergy Metro, Inc. (“Evergy Kansas Metro” or “EKM”) (together with Evergy Kansas Central referred to as “Evergy”); the Citizens’ Utility Ratepayers Board (“CURB”); KPP Energy, a Municipal Energy Agency (“KPP Energy”), Wichita Regional Chamber of Commerce (“Wichita Chamber”); Climate + Energy Project (“CEP”); Natural Resources Defense Council (“NRDC”); the United States Department of Defense (“DOD”); Kansas Industrial Consumers Group (“KIC”); Spirit AeroSystems, Inc. (“Spirit”), Occidental Chemical Corporation (“Occidental”), Goodyear Tire & Rubber Company (“Goodyear”), and Associated Purchasing Services Corporation (“Associated Purchasing”) (collectively referred to as “KIC Participating Members”); Unified School District #259 Sedgwick County, Kansas (“USD 259”); USD 233 Olathe School District, USD 512 Shawnee Mission School District, and USD 232 DeSoto School District (collectively, the “Johnson County School

Districts") and USD 229 - the Blue Valley School District ("USD 229")¹; The Kansas Grain and Feed Association, The Kansas Agribusiness Retailers Association, and Renew Kansas Biofuels Association (collectively referred to as ("Kansas Agriculture Association Members"); Cargill ("Cargill"); Midwest Energy, Inc. ("Midwest Energy"); Kansas Chamber of Commerce & Industry, Inc. ("Kansas Chamber"); The Board of County Commissioners of Johnson County, Kansas ("Johnson County"); City of Lawrence, Kansas ("Lawrence"); Atmos Energy Corporation ("Atmos Energy"); HF Sinclair El Dorado Refining LLC ("HF Sinclair"); Renew Missouri Advocates ("Renew Missouri"); CCPS Transportation, LLC ("CCPS"); Walmart Inc., ("Walmart"); New Energy Economics ("NEE"); Kansas Municipal Energy Agency (KMEA); and Kansas Gas Service, a division of ONE Gas, Inc. ("Kansas Gas Service"), all such parties referred to collectively herein as the "Joint Movants", hereby respectfully move the Commission for an Order approving the Unanimous Partial Settlement Agreement ("Unanimous Partial Settlement" or "Unanimous Partial Settlement Agreement") attached as **Attachment 1**, and incorporated herein by reference.^{2 3} In support of this Motion, Joint Movants state the following:

1. On November 6, 2024, Evergy filed a Petition with the State Corporation Commission of the State of Kansas ("Commission" or "KCC") requesting a determination of the ratemaking principles and treatment that will apply to the recovery in rates of the costs to be incurred in constructing and acquiring a stake in two new combined cycle gas-fired generating facilities and one solar facility.

¹ USD 259, USD 233, USD 512, USD 232, and USD 229 sign subject to approval by their Boards of Education. Counsel for these parties will file a letter with the Commission confirming approval by their Boards of Education when received.

² Lawrence Paper Company is not a signatory to this Agreement.

³ City of Overland Park, Kansas does not oppose this Agreement

2. On November 14, 2024, the Commission issued an *Order Setting Procedural Schedule* (“Procedural Order”) setting forth, *inter alia*, the dates for responsive testimonies, settlement discussions, a prehearing conference, and an evidentiary hearing.

3. Consistent with the Procedural Order, on March 14, 2025, Commission Staff, Lawrence, Johnson County, KIC, USD 259, CURB, Wichita Chamber, HF Sinclair, Atmos, KGS, NRDC and NEE filed Direct Testimony. On March 21, 2025, Commission Staff, CEP, NEE, and KIC filed Cross-Answering Testimony. EKC filed its Rebuttal Testimony on April 4, 2025.

4. Consistent with that Procedural Order, the parties met at the Commission’s offices on April 9, 2025 to discuss possible resolution of the issues, with negotiations carrying over for several days. As a result of this extensive collaboration, the Parties were able to reach unanimous agreement on the issues related to EKC’s proposal to construct the Kansas Sky Solar Generating Facility and its request for ratemaking determinations related to that project.

5. Joint Movants believe approval of the Unanimous Partial Settlement Agreement will result in just and reasonable rates, and that the Unanimous Partial Settlement Agreement is in the public interest. Pursuant to the Procedural Schedule, testimony in support of the Unanimous Partial Settlement Agreement will be filed April 17, 2025.

WHEREFORE, Joint Movants respectfully request the Commission issue an order granting this Motion, thereby approving the attached Unanimous Partial Settlement Agreement, and for any such further relief the Commission deems just and reasonable.

Respectfully submitted,

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--ATTACHMENT 1--

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**UNANIMOUS PARTIAL SETTLEMENT AGREEMENT REGARDING SOLAR
FACILITY**

As a result of discussions among all parties to this docket, the Staff of the State Corporation Commission of the State of Kansas (“Staff” and “Commission,” respectively); Evergy Kansas Central, Inc. and Evergy Kansas South, Inc. (collectively referred to as “Evergy Kansas Central” or “EKC”) and Evergy Metro, Inc. (“Evergy Kansas Metro” or “EKM”) (together with Evergy Kansas Central referred to as “Evergy”); the Citizens’ Utility Ratepayers Board (“CURB”); KPP Energy, a Municipal Energy Agency (“KPP Energy”), Wichita Regional Chamber of Commerce (“Wichita Chamber”); Climate + Energy Project (“CEP”); Natural Resources Defense Council (“NRDC”); the United States Department of Defense (“DOD”); Kansas Industrial Consumers Group (“KIC”); Spirit AeroSystems, Inc. (“Spirit”), Occidental Chemical Corporation (“Occidental”), Goodyear Tire & Rubber Company (“Goodyear”), and Associated Purchasing Services Corporation (“Associated Purchasing”) (collectively referred to as “KIC Participating Members”); Unified School District #259 Sedgwick County, Kansas (“USD 259”); USD 233 Olathe School District, USD 512 Shawnee Mission School District, and USD 232 DeSoto School District (collectively, the “Johnson County School Districts”) and USD 229 - the Blue Valley

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I. EVERGY’S PETITION

1. On November 6, 2024, Evergy filed a Petition with the State Corporation Commission of the State of Kansas (“Commission” or “KCC”) requesting a determination of the ratemaking principles and treatment that will apply to the recovery in rates of the costs to be incurred in constructing and acquiring a stake in two new combined cycle gas-fired generating facilities and one solar facility.

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4. Consistent with that Procedural Order, the parties met at the Commission’s offices on April 9, 2025 to discuss possible resolution of the issues, with negotiations carrying over for several days. As a result of this extensive collaboration, the Parties were able to reach unanimous agreement on the issues related to EKC’s proposal to construct the Kansas Sky Solar Generating Facility and its request for ratemaking determinations related to that project.

II. TERMS OF UNANIMOUS PARTIAL SETTLEMENT AGREEMENT

5. With respect to EKC’s proposal to add the 159 MW Kansas Sky Solar Generating Facility to its generating fleet, the Commission should find:

- a. That EKC’s proposal to construct and own 159 MW of solar generation, as described in the Petition, is prudent;
- b. That EKC is authorized to take all steps necessary to effectuate the transfer of the generating assets to EKC;
- c. That EKC’s construction and ownership of the Kansas Sky solar facility proposed in this Petition is consistent with EKC’s most recent preferred plan and resource acquisition strategy;

- d. That the definitive cost estimate for the Kansas Sky solar facility should be established as **[REDACTED]** (excluding AFUDC);
- e. That, in lieu of including the solar generating facility in rate base, a levelized revenue requirement of the solar facility with an amount of **[REDACTED]** be included in EKC's total revenue requirement in the Company's next general rate case following the date the solar generating facility is placed in service, consistent with the provisions of (i)-(k) below. This levelized revenue requirement for the Kansas Sky generating plant to be fixed for the first thirty years of the life of the generation site, at the end of which, the levelized revenue requirement will be reevaluated;
- f. That if EKC wishes to recover any maintenance capital expenditures, EKC shall identify and support those investments via written testimony in a future rate case;
- g. That EKC be permitted to defer and recover as a regulatory asset over the remaining life of the Kansas Sky generating plant the pretax rate of return, depreciation expense, and actual operating and maintenance expense, offset by the value of the production tax credits, incurred between the time the Kansas Sky plant is placed in service and the effective date of rates that include the levelized revenue requirement. Recovery of the regulatory asset to begin with the general rate case that coincides with the inclusion of the levelized revenue requirement in rates and recovered over the life of the plant. To the extent the regulatory asset needs trued-up, the updated balance will be addressed in the following general rate case;
- h. That, in the event of changes in law or regulations, or the occurrence of events outside the control of EKC that result in a material adverse impact to EKC with

respect to recovery of the Kansas Sky revenue requirement, EKC, as applicable, be permitted to file an application with the Commission proposing methods to address the impact of the events. The other Signatory Parties shall have the right to contest any such application, including whether the impact of the change or event is material to EKC, and whether the proposed remedy in the application is reasonable;

- i. That amounts spent in excess of the definitive cost estimate(s) will be subject to prudence review. EKC should bear the burden of proof to show that any amount it incurs in excess of these DCEs, for instance, impacts from legislative or executive actions including tariffs on project costs, is prudently incurred and is just and reasonable to recover from ratepayers;
 - j. That EKC shall update the Kansas Sky Solar levelized cost amount in the first rate case after the facility goes into service, to account for necessary updates once they are known, subject to the revised DCE of **[REDACTED]**, or a prudency evaluation for costs incurred in excess of the DCE;
 - k. That EKC should be required to make a compliance filing with the Commission justifying the economics and prudency of continuing forward with the Kansas Sky Solar facility, or informing the Commission that it will abandon the project and addressing resolution of customer impacts of the costs of abandonment if provisions of the IRA applicable to Kansas Sky are substantially revised or repealed prior to the start of construction on the Kansas Sky Solar facility.
6. EKC will work with Staff to provide the reporting information required under K.S.A. 66-128f and to develop recurrent monthly project status reporting including impacts from

legislative or executive actions including tariffs and any other cost and project milestone updates. Such reports will be filed in the compliance docket referenced above.

IV. MISCELLANEOUS PROVISIONS

A. The Commission's Rights

7. Nothing in this Partial Settlement Agreement is intended to impinge or restrict, in any manner, the exercise by the Commission of any statutory right, including the right of access to information, and any statutory obligation, including the obligation to ensure Evergy is providing efficient and sufficient service at just and reasonable rates.

B. Waiver of Cross-Examination

8. In the event the Commission conducts a hearing, the Signatory Parties agree all prefiled direct, cross-answering and rebuttal testimony can be accepted into the record of the docket without the witnesses taking the stand. The Parties waive cross-examination on all testimony filed prior to the filing of this Partial Settlement Agreement with respect to issues related to EKC's construction of the Kansas Sky Solar Facility and requested ratemaking treatment for that facility.

C. Negotiated Settlement

9. This Partial Settlement Agreement represents a negotiated settlement that fully resolves the issues raised in this proceeding regarding the Kansas Sky Solar Facility and related ratemaking treatment. The Signatory Parties represent that the terms of this Partial Settlement Agreement constitute a fair and reasonable resolution of the issues addressed herein. Except as specified herein, the Signatory Parties shall not be prejudiced, bound by, or in any way affected by the terms of this Partial Settlement Agreement (a) in any future proceeding; (b) in any proceeding currently pending under a separate docket; and/or (c) in this proceeding should the

Commission decide to not approve this Partial Settlement Agreement in the instant proceeding. If the Commission accepts this Partial Settlement Agreement in its entirety and incorporates the same into a formal order without material modification, the Signatory Parties shall be bound by its terms and the Commission's order incorporating its terms as to all issues addressed herein and in accordance with the terms hereof, and will not appeal the Commission's order on these issues.

D. Interdependent Provisions

10. The provisions of this Partial Settlement Agreement have resulted from negotiations among the Signatory Parties and are interdependent. In the event the Commission does not approve and adopt the terms of this Partial Settlement Agreement in total or materially changes the Settlement terms, the Partial Settlement Agreement shall be voidable and no Signatory Party hereto shall be bound, prejudiced, or in any way affected by any of the agreements or provisions hereof. Further, in the event the Commission does not approve and adopt the terms of this Partial Settlement Agreement in total and without material modifications, this Partial Settlement Agreement shall be considered privileged and not admissible in evidence or made a part of the record in any proceeding. In the event of a termination pursuant to this Section, the Partial Settlement Agreement shall be null and void and of no further effect, with all rights, duties, and obligations of the Signatory Parties thereafter restored as if this Partial Settlement Agreement had never been executed; provided, that the Signatory Parties may, in the sole discretion of each Party, agree to attempt to modify the Partial Settlement Agreement in a manner that would resolve the adverse effect of the material change of condition.

IN WITNESS THEREOF, the Signatory Parties have executed and approved this Unanimous Partial Settlement Agreement, effective as of the 16th day of April 2025, by subscribing their signatures below.

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COUNTY OF SHAWNEE)

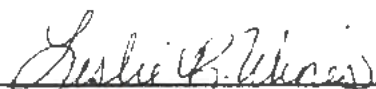
VERIFICATION

The undersigned, Cathryn Dinges, upon oath first duly sworn, states that she is Senior Director and Regulatory Affairs Counsel for Evergy Kansas Central, Inc. and Evergy Kansas South, Inc., that she has reviewed the foregoing Motion, that she is familiar with the contents thereof, and that the statements contained therein are true and correct to the best of her knowledge and belief.



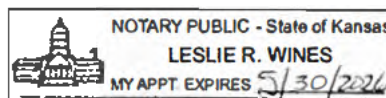
Cathryn J. Dinges

Subscribed and sworn to before me this 16th day of April, 2025.



Notary Public

My Appointment Expires *May 30, 2026*



CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of the foregoing document has been emailed, this 16th day of April 2025, to all parties of record as listed below:

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/s/ Cathy J Dinges

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