

**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) Docket No. 22-EKME-254-TAR
of its Demand-Side Management Portfolio)
Pursuant to the Kansas Energy Efficiency)
Investment Act (“KEEIA”), K.S.A. 66-1283.)

**REVISIONS TO EVERGY’S
MOTION FOR A STAY OF DOCKET**

Evergy Kansas Metro, Inc., Evergy Kansas South, Inc. and Evergy Kansas Central, Inc.
 (“Evergy”) hereby revise their Motion for a Stay of Docket filed in this case on August 23, 2022,
 (“Initial Motion”) for the reasons set forth below:

1. The motivating factor behind Evergy’s request to stay this docket is so that the parties can come together again and continue discussions on how disputed issues might be resolved to allow Evergy’s proposal to offer DSM programs in Kansas to be implemented. Upon the filing of the Initial Motion, Evergy was advised of Staff’s objections to certain comments contained therein.

2. It was not Evergy’s intent to advance arguments in support of its litigation position in this proceeding or to influence the Commission in any manner as to the merits of this proceeding. The Initial Motion was drafted so as to explain to the Commission in sufficient detail, from Evergy’s perspective, the reason for the request to stay so that the Commission would have a full understanding of the rationale underlying the motion and to ensure the record accurately reflects that reason.

3. Consistent with Evergy's desire to continue negotiations to further evaluate options moving forward that can create the needed enthusiasm and support from all for the successful implementation of DSM programs in Kansas, Evergy has agreed to modify its Initial Motion to remove or amend certain portions Staff found procedurally objectionable. The revised motion is included with this pleading as **Attachment A**. Evergy respectfully requests the Initial Motion be withdrawn and replaced with the revised motion in Attachment A.

Respectfully submitted,

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ATTORNEYS FOR EVERGY

ATTACHMENT A

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) Docket No. 22-EKME-254-TAR
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EVERGY’S REVISED MOTION FOR A STAY OF DOCKET

COMES NOW Evergy Kansas Metro, Inc., Evergy Kansas South, Inc. and Evergy Kansas Central, Inc. (“Evergy”), and hereby request the State Corporation Commission of the State of Kansas (“Commission”) issue an order staying this docket until further notice for the reasons set forth below.

1. Evergy filed this Application on December 17, 2021. For six months prior to filing, Evergy held more than three workshops with other demand-side management (“DSM”) stakeholders¹ and gathered sixteen community partners and low-income advocates² to share information, take input, explain proposals and discuss any other issues related to DSM that a party wanted to raise. By the time Evergy filed its Application, substantial time and effort had gone into collaborations between Evergy and DSM stakeholders in Kansas to help ensure the programs

¹ Stakeholders included: Atmos Energy, Black Hills, Climate Action KC, the Citizens’ Utility Ratepayer Board (“CURB”), the Staff of the Kansas Corporation Commission (“Staff”), Climate + Energy Project (“CEP”), Natural Resources Defense Council (“NRDC”), Sierra Club (“Sierra Club”), and Kansas Appleseed Center for Law and Justice, Inc. (“Kansas Appleseed”), Kansas Gas, Kansas Housing Resource Center, Kansas Industrial Consumers (“KIC”), Midwest Energy Efficiency Alliance, and National Housing Trust.

² Community partners and advocates included: Black Hills, Catholic Charities, CURB, CEP, Doorstep, First Call for Help (Hutchinson, KS), Johnson County Aging and Human Services (Olathe Outreach), KCC Staff, KGS, Kansas Housing and Kansas Weatherization Assistance Program, Midwest Energy Efficiency Alliance, Mid-Kansas Community Action Program, National Housing Trust, NEK-CAP, Sierra Club (Kansas), Sterling Strategies and Salvation Army (Manhattan and Emporia, KS).

ultimately included in the Application reflected the goals of parties and the recommendations of DSM industry experts. These meetings included explanation and discussion of the financial recovery mechanism being contemplated by Evergy and how it was developed under the parameters of K.S.A. 66-1283 (“KEEIA”). After filing the Application, Evergy conducted four technical/discovery conferences with the parties over a five-week period in January and February of this year.

2. Settlement negotiations were held on July 26-28, 2022, resulting in two separate partial, non-unanimous settlement agreements – one on programs (“Program S&A”) and one addressing financial recovery terms (“Financial Recovery S&A”). Compromises were made by all parties in both S&As; nobody got their ideal outcome, but the common signatories to both S&As³ (“Common Signatories”) explained in pre-filed testimony and at hearing why both agreements constitute a fair and reasonable first step in getting DSM started in Kansas.

3. Only the Gas Utilities⁴, opposed the Program S&A. The only parties to the docket who opposed the Financial Recovery S&A are Staff and KIC.⁵

4. The Common Signatories moved forward on the Financial Recovery S&A without Staff because these parties believed that Kansas ratepayers would benefit by the implementation of cost-effective energy efficiency in Kansas.

5. The parties differed on the fundamentals of what should be done in the Financial Recovery S&A to accomplish the goals of this docket but respected each other’s right to stand by the positions they believed were necessary. In furtherance of that mutual respect, it was determined

³ The common signatories are Evergy, CURB, CEP, NRDC, Sierra Club, and Kansas Appleseed.

⁴ The Gas Utilities are made up of Kansas Gas Service, Atmos Energy, and Black Hills Energy.

⁵ KIC is made up of its members Associated Purchasing Services (“APS”), Spirit AeroSystems, Inc. (“Spirit”), Occidental Chemical Corporation (“Oxy-Chem”), and The Goodyear Tire & Rubber Company (“Goodyear”) (collectively “KIC”).

the best approach was to present the case to the Commission in the form of two partial non-unanimous settlement agreements. This would allow the Commission to consider the full resolution proposed by the Common Signatories while still allowing Staff to present its arguments in opposition.

6. The Signatories to the Financial Recovery S&A believe it to be a fair and reasonable resolution of the financial piece of the DSM portfolio. However, after two days of testimony, cross-examination and feedback from the bench at hearing, Everygy believes that submission of the case as it currently stands may no longer be a path that will benefit from needed enthusiasm and support from all. Rather, the continued diversity of thought on the appropriate path forward for DSM in Kansas lends itself to a continuation of the dialog between stakeholders to consider options moving forward.

7. Therefore, Everygy respectfully requests the Commission issue an order staying this docket to allow the parties an opportunity to continue working together to see if some other approach to the matter can be developed. For efficiency and to enable the parties to come back to the Commission if or when they are able to revise their positions and reach a broader resolution, the parties would like to preserve the docket with a stay. Starting all over again in a new docket a year or more from now would be wasteful and could cause Kansas to continue to lose out on what has been proven to be the clear benefits of DSM. With a stay, perhaps this proceeding, and all the work that has gone into it by the Common Signatories, can be preserved and a favorable outcome on the Application can still be obtained.

8. If this motion is granted, the parties will present to the Commission no later than September 15, 2022, either a modified settlement agreement for consideration or file an update informing the Commission as to the status of the discussions and potential for resolution. This

filing will present a recommended procedure to complete the docket. Upon a grant of this Motion to Stay by the Commission, Evergy waives the 240-day timeline of K.S.A. 66-117.

9. CURB, Sierra Club, Kansas Appleseed, CEP and NRDC have stated that they support a request for a stay and desire further discourse in this docket with all parties. Staff, KIC and the Gas Utilities do not object to the request in this motion for a stay, although they do not concur in the other recitations of fact or law set forth herein.

WHEREFORE Evergy respectfully requests the Commission issue an Order staying the procedural schedule in this docket in the manner and for the reasons set forth above.

Respectfully submitted,

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ATTORNEYS FOR EVERGY

STATE OF KANSAS)
) ss:
COUNTY OF SHAWNEE)

VERIFICATION

I, Glenda Cafer, verify under penalty of perjury that I have caused the foregoing pleading to be prepared; that I have read and reviewed the same; and that the contents thereof are true and correct to the best of my information, knowledge, and belief.

/s/ Glenda Cafer

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and correct copy of the foregoing pleading was electronically served this 26th day of August, 2022 to:

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