

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

In the Matter of the Capital Plan Compliance                     )  
Docket for Kansas City Power & Light                             )         Docket No. 19-KCPE-096-CPL  
Company and Westar Energy, Inc. Pursuant to                     )  
The Commission's Order in 18-KCPE-095-MER.                     )

**SIERRA CLUB'S PETITION FOR RECONSIDERATION**

Pursuant to K.S.A. 66-118(b), K.S.A. 77-529(a)(1), and K.A.R. 82-1-235, Sierra Club respectfully requests reconsideration of the State Corporation Commission of the State of Kansas's ("Commission") February 6, 2020 Order ("Order") in the above-captioned docket. In support of its petition, Sierra Club asserts the following:

**STANDARD OF REVIEW**

1. Petitions for reconsideration of Commission orders are governed by K.S.A. 66- 118(b), K.S.A. 77-529, and K.A.R. 82-1-235. K.S.A. 66-118(b) provides that petitions for reconsideration of Commission orders must be filed in accordance with the provisions of K.S.A. 77-529. K.S.A. 77-529, in turn, provides that any party, within 15 days after service of a final order, may file a petition for reconsideration, stating the specific grounds upon which relief is requested.<sup>1</sup> Commission Rule 235 provides that any aggrieved party may file a petition for reconsideration.<sup>2</sup>

2. A petition for reconsideration serves to inform the Commission and other parties of mistakes of law and fact in a Commission order.<sup>3</sup>

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<sup>1</sup> K.S.A. 77-529(a)(1).

<sup>2</sup> K.A.R. 82-1-235(a).

<sup>3</sup> *Citizens' Util. Ratepayer Bd. v. State Corp. Comm'n of the State of Kan.*, 24 Kan. App. 2d 222, 228, 943 P.2d 494, 500-01 (1997), *aff'd in part, rev'd in part on other grounds* *Citizens' Util. Ratepayer Bd. v. State Corp. Comm'n of the State of Kan.*, 264 Kan. 363 (1998).

## RELEVANT BACKGROUND

3. On May 24, 2018, the Commission issued an Order Approving Merger Application of Westar Energy, Inc. (“Westar”) and Kansas Gas and Electric Company, Great Plains Energy Incorporated, and Kansas City Power & Light Company (“KCP&L”) to form Evergy, Inc. in Docket No. 18-KCPE-095-MER. In paragraph 94 of its Merger Order, the Commission required that the Citizens’ Utility Ratepayer Board (“CURB”), Commission Staff (“Staff”), Westar, KCP&L, and other utilities develop and submit to the Commission a reporting format for an Integrated Resource Plan (IRP) process.<sup>4</sup> Sierra Club requested the opportunity to participate in the development of the IRP process;<sup>5</sup> however, the Commission denied Sierra Club’s request,<sup>6</sup> instead finding that Sierra Club could comment on the proposal.<sup>7</sup>

4. On September 4, 2018, CURB, Staff, KCP&L, and Westar submitted their Joint Filing Regarding Capital Plan and Integrated Resource Plan Reporting Format.<sup>8</sup> Under the proposal, the IRP reporting will begin with a filing in April 2021 and will be updated every three years by April 30. The IRP will utilize a 10-year forecast of the Westar and KCP&L preferred generating resource plans.

5. On March 1, 2019, CURB, Staff, KCP&L, and Westar submitted a Notice of Compliance Filing (“Compliance Filing”), outlining their proposed Capital Plan Reporting and IRP Process framework.<sup>9</sup>

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<sup>4</sup> Order Approving Merger Application, Docket No. 18-KCPE-095-MER, May 24, 2018, ¶ 94.

<sup>5</sup> Sierra Club’s Petition for Limited Clarification and Reconsideration, Docket No. 18-KCPE-095-MER, June 7, 2018, ¶¶ 7-11.

<sup>6</sup> Order Denying Petitions for Reconsideration from the Sierra Club and Kansas Industrial Consumers, 18-KCPE-095-MER, June 28, 2018, ¶ 22.

<sup>7</sup> *Id.* ¶ 23.

<sup>8</sup> Joint Filing Regarding Capital Plan and Integrated Resource Plan Reporting Format, Sept. 4, 2018.

<sup>9</sup> Notice of Compliance Filing, March 1, 2019.

6. On May 24, 2019, Sierra Club submitted comments on the Compliance Filing, urging the Commission to incorporate IRP best practices established in the 33 states across the country already utilizing IRP processes.<sup>10</sup>

7. On June 18, 2019, CURB, Staff, KCP&L, and Westar held a Work-Study meeting, whereby the parties discussed in further detail aspects of the Compliance Filing.

8. On July 18, 2019, Sierra Club submitted additional comments on the Compliance Filing and Work-Study. Again, Sierra Club urged the Commission to require best practices and clear standards to ensure that IRPs advance the public interest.<sup>11</sup>

9. However, on February 6, 2020, the Commission issued an Order Adopting Integrated Resource Plan and Capital Plan Framework without requiring specific standards for development of an IRP.

10. The Commission should reconsider its February 6 Order because the Order contains factual findings that are not supported by substantial evidence when viewed in light of the record as a whole and is otherwise unreasonable, arbitrary, and capricious.<sup>12</sup> More specifically, as detailed below, the Commission erred by finding: that “the revised Compliance Filing . . . adequately resolves the concerns the Sierra Club . . . raised in [its] comments[;]”<sup>13</sup> that “20-year IRP forecasts [are] uninformative[.]”<sup>14</sup> and that the approved IRP process “offers significant stakeholder involvement[.]”<sup>15</sup> Additionally, the Commission erred by failing to resolve an issue requiring resolution, including whether the approved IRP process must include a clear and concise statement of purpose and a competitive, all-source “Request for Proposals.”<sup>16</sup>

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<sup>10</sup> Sierra Club’s Comments on the Joint Parties’ March 1, 2019 Compliance Filing.

<sup>11</sup> Sierra Club’s Comments on the Joint Parties’ March 1 Compliance Filing and June 18 Work-Study.

<sup>12</sup> K.S.A. 77-621(c)(7), (8).

<sup>13</sup> Order Adopting Integrated Resource Plan and Capital Plan Framework, ¶ 23

<sup>14</sup> *Id.* ¶ 12.

<sup>15</sup> *Id.* ¶ 18.

<sup>16</sup> K.S.A. § 77-621(c)(3).

## **SIERRA CLUB'S DEMONSTRATED INTEREST IN THE IRP PROCESS**

11. Sierra Club has demonstrated a strong interest in the adoption of an effective IRP process in Kansas, as evidenced by Sierra Club's IRP-related advocacy over the past several years.

12. In 2015, Sierra Club actively participated in Westar, KCP&L, and Great Plains Energy's first attempted merger. Sierra Club also actively participated in the 2017 merger application ("2017 Merger Docket"). In both proceedings, Sierra Club encouraged the Commission to require an IRP before approving the proposed merger. In approving the merger in 2018, the Commission required that signatories to the non-unanimous settlement in that proceeding "develop a reporting format for an IRP process" and submit it to the Commission for review.<sup>17</sup> Since that time, Sierra Club has advocated for the creation of a transparent and unbiased IRP process in the current docket by filing two sets of comments, after the Commission denied Sierra Club's request to participate directly in the development of the IRP process.<sup>18</sup>

13. Moreover, Sierra Club has a long history of engaging with IRPs in dozens of states across the country in order to advocate for its organizational and members' interests. Sierra Club has approximately 5,400 members in Kansas who have a direct interest in ensuring that utilities provide "efficient and sufficient service" at "just and reasonable rates."<sup>19</sup>

## **THE IRP PROCESS APPROVED BY THE COMMISSION LACKS KEY ELEMENTS CRITICAL TO ENSURING THAT RESOURCE PLANNING ADVANCES THE PUBLIC INTEREST**

14. The Commission concluded "that the revised Compliance Filing . . . adequately resolves the concerns the Sierra Club . . . raised in [its] comments."<sup>20</sup> However, the approved IRP process lacks multiple elements that Sierra Club has found critical in its participation in utility dockets

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<sup>17</sup> Order Approving Merger Application, Docket No. 18-KCPE-095-MER, May 24, 2018, p. 44.

<sup>18</sup> Order Denying Petitions for Reconsideration from the Sierra Club and Kansas Industrial Consumers, 18-KCPE-095-MER, June 28, 2018, ¶ 22.

<sup>19</sup> Kan. Stat. § 66-101b.

<sup>20</sup> Order Adopting Integrated Resource Plan and Capital Plan Framework, ¶ 23.

across the United States. Although Sierra Club requested that these elements be included in the current IRP process, the Commission's Order did not meaningfully address Sierra Club's requests.

15. While the Commission has wisely required Evergy to undergo its first IRP process, an IRP is only as effective as the processes employed. Sierra Club respectfully requests reconsideration of the following elements of the approved IRP process:

**A. The Approved IRP Process Fails to Establish a Proper Purpose**

16. In both Sierra Club's May 24<sup>21</sup> and July 18<sup>22</sup> comments, Sierra Club urged the Commission to adopt a clear and concise statement of purpose for the IRP process. To reiterate Sierra Club's prior comments, an "IRP is a tool used by a utility to evaluate objectively a wide range of resources suitable for meeting its demand. Done properly, an IRP contains no pre-conceived biases and, instead, determines an optimal resource portfolio by evaluating and analyzing existing and new supply and demand-side resources, taking into consideration factors such as capital and operating cost, risks, environmental impacts, ranges of commodity prices, economic conditions, and resource operating performance attributes."<sup>23</sup>

17. In contrast to the thorough and transparent evaluation of multiple potential resource portfolios that an IRP should provide, the Compliance Filing states that "[t]he purpose of the IRP process is to present the utility's preferred portfolio of resources to customers and the Commission."<sup>24</sup> This approach enables a utility to present an IRP with a pre-determined outcome, subject to only minor modifications reflecting post hoc Commission and stakeholder

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<sup>21</sup> Sierra Club's Comments on the Joint Parties' March 1, 2019 Compliance Filing at 3-4. Sierra Club incorporates these comments by reference.

<sup>22</sup> Sierra Club's Comments on the Joint Parties' March 1 Compliance Filing and June 18 Work-Study at 2-3. Sierra Club incorporates these comments by reference.

<sup>23</sup> Sierra Club's Post-Hearing Brief, Docket No. 18-KCPE-095-MER, at 4; *See also* Rábago Direct Testimony, Docket No. 18-KCPE-095-MER at 30:2-6.

<sup>24</sup> Notice of Compliance Filing, March 1, 2019.

input. Having an IRP simply present a pre-determined outcome is, of course, directly at odds with the robust and objective evaluation of a wide range of options for meeting future energy and capacity demand that is at the heart of an effective IRP process.

18. A clear statement of purpose accurately reflecting the true purpose of an IRP would help to ensure that a utility creates a long-term resource plan that seeks the least-cost and least-risk solution for customers, that the near-term actions of the utility align with its long-term plans, and that the utility engages regulators and the public in prudent planning.

19. The Commission's Order does not address whether the IRP process should include a clear statement of purpose or whether the Compliance Filing articulated a proper purpose. Sierra Club urges the Commission to establish a statement of purpose here in order to ensure that the IRP process will be a transparent one that advances state policies and the public interest by identifying and evaluating resource plans that would be least-cost and least-risk for utility customers.

**B. Without a Clear and Concise Statement of Purpose or other Specific Standards, the Approved IRP Process will not Ensure that all Methods of Meeting Future Load Requirements are Fully Analyzed**

20. The Commission approved the IRP process finding that “[r]ather than directing Evergy to acquire specific resources, the Commission prefers an IRP process where it can direct Evergy to adhere to specific standards in formulating an IRP to be submitted for Commission review.”<sup>25</sup> However, the approved IRP process contains neither specific standards nor an overarching statement of purpose. As a result, the IRP is unlikely to fully and impartially evaluate all methods of meeting future load requirements in order to determine the most cost-effective solution that will achieve state policy objectives.

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<sup>25</sup> Order Adopting Integrated Resource Plan and Capital Plan Framework, ¶ 15

21. The extremely narrow set of portfolio alternatives presented in the 2017 Merger Docket demonstrates this point. Despite submitting sixteen alternative plans, variation between the plans was minute.<sup>26</sup> The Combined IRP “largely just estimat[ed] the costs of the Applicants preferred resource plan and a few minor tweaks to that plan.”<sup>27</sup>

22. In addition to a proper statement of purpose, the approved IRP process should include specific standards, such as requiring a competitive, all-source Request for Proposal (RFP) for capacity and energy, including wind, solar, storage, and demand-side resources such as energy efficiency and demand respond. As noted in Sierra Club’s report *Kansas Pays the Price*, when utilities issue all-source RFPs, the results often challenge perceived assumptions and result in fundamentally changed planning processes.<sup>28</sup>

23. Sierra Club specifically urged the Commission to “require the utility to evaluate all potential new sources of energy and capacity, without regard to ownership or contractual structures” through a competitive, all-source RFP.<sup>29</sup> However, the Commission’s Order Adopting Integrated Resource Plan and Capital Plan Framework did not address whether an RFP would be appropriate. The Commission should reconsider its decision not to require an all-source RFP, as the process will ensure that utilities account for the procurement of all technologically reasonable sources of new energy, capacity, or other critical grid services, including demand-side resources.

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<sup>26</sup> Rábago Direct Testimony, Docket No. 18-KCPE-095-MER 32:18-21 – 33:1-11.

<sup>27</sup> *Id.* at 33:2-3.

<sup>28</sup> Sierra Club Report Regarding Evergy’s Coal-Fired Power Plants, Exhibit A, Docket No. 19-KCPE-096-CPL. For example, as highlighted in *Kansas Pays the Price*, in 2017, when Xcel Colorado issued an all-source RFP, the utility determined that it needed to shift its entire planning process, acquiring a substantial amount of new renewables and proposing a rapid fleet transition schedule. *Id.* at 8.

<sup>29</sup> Sierra Club’s Comments on the Joint Parties’ March 1, 2019 Compliance Filing, p. 10.

### **C. The Approved IRP Process does not Provide for Sufficient Stakeholder Engagement**

24. As Sierra Club has urged throughout the IRP planning process, an effective IRP must include significant stakeholder and Commission engagement. “Done properly, early and transparent stakeholder engagement provides benefits to all parties: the utilities because it lessens uncertainty, reduces costs, and accelerates the regulatory approval process; stakeholders because they are provided an opportunity to understand and have confidence in the utility’s proposed plan; and the Commission because it allows for better informed interveners and reduces the number of contested issues that must be resolved, thereby reducing workload through the review and approval process.”<sup>30</sup>

25. The Commission concluded that “[t]he process described by McClanahan and Ives, at the Work Study, offers significant stakeholder involvement in reviewing Evergy’s preferred resource plan.”<sup>31</sup> The Commission was satisfied that Evergy will “host an informational meeting for stakeholders within 30 days of making its IRP compliance filing,”<sup>32</sup> and that the comment period on the IRP filing will be open for 150 days.<sup>33</sup>

26. Sierra Club recommends that meetings between utilities and stakeholders should occur at least four times during the development of an IRP in order to collaborate on the planning approach, priorities, and evaluation criteria; discuss model input assumptions and analysis structure; discuss the results and draw conclusions; and present findings and the resulting actions. A single informational meeting and a public comment period only after the IRP has been fully developed does not provide sufficient opportunity for stakeholder engagement. Instead, by allowing for public engagement only after Evergy has developed and submitted its plan, the IRP

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<sup>30</sup> *Id.* at p. 4.

<sup>31</sup> Order Adopting Integrated Resource Plan and Capital Plan Framework, ¶ 14.

<sup>32</sup> *Id.* ¶ 18

<sup>33</sup> *Id.* ¶ 19



process approved by the Commission improperly focuses on blessing a pre-determined outcome rather than ensuring the robust and objective evaluation of a wide range of options for meeting future energy and capacity demand that is at the heart of an effective IRP process.

27. The Commission expressed concern that “[i]nvolvement by stakeholders and the Commission during the development phase of the resource plan will create uncertainty on the part of Evergy as to whether or not prudence of a resource plan has been established during the resource planning process itself.”<sup>34</sup> However, any confusion may be easily remedied through clear direction from the Commission instructing Evergy that stakeholder and Commission involvement in the development phase does not establish prudence of the chosen resource plan. Moreover, IRP dockets that include early stakeholder engagement are held in numerous states across the country without causing any confusion as to prudence.<sup>35</sup>

28. Consistent and regular stakeholder engagement is more likely to result in a satisfactory outcome for all parties, including the utility. However, the Commission deemphasized ongoing engagement, finding instead that “all stakeholders and the Commission will have an opportunity to determine the prudence of Evergy’s resource planning in any rate case in which the investments are to be included in rates.”<sup>36</sup> Rate case prudence challenges are extremely resource intensive efforts that, while sometimes necessary, can often be avoided if a utility is required to have robust, objective, and transparent planning processes. Not only are resources wasted on unnecessary litigation when a rate case challenge is the only option, but opportunities to make better resource investment decisions may also be lost. Rate cases force both stakeholders and the

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<sup>34</sup> *Id.* ¶ 15

<sup>35</sup> Synapse Energy Economics, Inc. *Best Practices in Electric Utility Integrated Resource Planning: Examples of State Regulations and Recent Utility Plans* (June 2013), at p. 18, available at <https://www.raponline.org/wp-content/uploads/2016/05/rapsynapse-wilsonbiewald-bestpracticesinirp-2013-jun-21.pdf> (praising the Arizona Public Service’s 2012 IRP for the “comprehensive stakeholder process, which included workshops cover most, if not all, of the topic areas that are vital to comprehensive integrated resource plans.”).

<sup>36</sup> Order Adopting Integrated Resource Plan and Capital Plan Framework, ¶ 15.

Commission into a reactive role because, in many instances, investments and commitments have already been made when the rate case is heard. Additionally, as the rate study prepared by London Economics and commissioned by the Kansas Legislature (“London Economics Study”) noted, because “rate cases are filed in specific circumstances, for instance, when the life-cycle of the previous rate case has run its course; if consumers file a complaint; or following certain events such as a merger or change of control of a utility . . . different utilities may be filing rate cases that are years apart, leading to differences in cost estimates, demand forecasts, renewable targets or other assumptions that would impact the rate case.”<sup>37</sup>

**D. An IRP Process Should Utilize a Long-Term Planning Horizon of at least Twenty Years**

29. The Commission rejected the “traditional 20-year IRP forecast[]” in favor of a 10-year forecast because “20-year IRP forecasts are too far out into the future to contain useful information. . .” and “are also so voluminous, that they are unwieldy and overwhelming.”<sup>38</sup>

30. Nearly all states utilizing an IRP process assess a planning period of between fifteen and twenty years, with twenty years being the most common.<sup>39</sup> Yet the Commission has provided no explanation for why the benefits found in other states from using such long-term planning horizons somehow do not apply in Kansas.

31. Most states have settled upon a twenty-year planning period because it is often necessary for utilities to evaluate investments over this length of time. As discussed in Sierra Club’s July 18 comments, when a utility decides whether to update and retrofit existing energy sources or invest in new ones, the utility often assumes that whatever energy source is selected will operate

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<sup>37</sup> Notice of Filing of Rate Study, Docket No. 20-GIME-068-GIE, *Study of Retail Rates of Kansas Electric Public Utilities* at p. 134.

<sup>38</sup> Order Adopting Integrated Resource Plan and Capital Plan Framework, ¶ 12

<sup>39</sup> Synapse Energy Economics, Inc. *Best Practices in Electric Utility Integrated Resource Planning: Examples of State Regulations and Recent Utility Plans* (June 2013), at p. 6, available at <https://www.raonline.org/wp-content/uploads/2016/05/rapsynapse-wilsonbiewald-bestpracticesinirp-2013-jun-21.pdf>

for the next twenty to thirty years.<sup>40</sup> An IRP that fails to account for the useful life of an energy source misses critical long-term planning. In other words, a ten-year outlook is short sighted.

32. Similarly, the London Economics Study strongly urged the adoption of a required IRP process, and noted that a “typical[] feature” is “a long-term planning horizon.”<sup>41</sup>

33. Ultimately, neither short-term nor long-term planning alone is sufficient. Utilities must plan with an eye on both decades-long trends and rapidly evolving market and regulatory conditions. To account for both of these realities, the Commission should require that the utility submit a twenty-year IRP as well as a five-year action plan;<sup>42</sup> the combination of these planning tools would allow the utility to forecast commitments over a realistic timeframe while also remaining nimble enough to respond to short-term changes.

**E. The IRP Elements Identified Above are Necessary for the Commission to Determine whether Evergy’s Proposed Resource Plan will meet State Objectives**

34. An IRP with a clear and concise statement of purpose, meaningful stakeholder engagement, and a long-term planning horizon will benefit all Kansans by ensuring that utilities engage in an open, transparent, and objective planning process that robustly evaluates both existing resources and the full range of potential new resources. Without these elements and other best practices gleaned from states that currently utilize IRPs,<sup>43</sup> the Commission and interested stakeholders will be unable to determine whether Evergy, or any other utility, is truly providing the least-cost, most reliable service to customers, minimizing adverse socioeconomic

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<sup>40</sup> Sierra Club’s Comments on the Joint Parties’ March 1 Compliance Filing and June 18 Work-Study, pp. 6-7.

<sup>41</sup> Notice of Filing of Rate Study, Docket No. 20-GIME-068-GIE, *Study of Retail Rates of Kansas Electric Public Utilities* at p. 132.

<sup>42</sup> See Sierra Club’s Comments on the Joint Parties’ March 1, 2019 Compliance Filing, p. 14; Sierra Club’s Comments on the Joint Parties’ March 1 Compliance Filing and June 18 Work-Study, pp. 4-5.

<sup>43</sup> For other best practices, see, e.g., Synapse Energy Economics, Inc. *Best Practices in Electric Utility Integrated Resource Planning: Examples of State Regulations and Recent Utility Plans* (June 2013), available at <https://www.raonline.org/wp-content/uploads/2016/05/rapsynapse-wilsonbiewald-bestpracticesinirp-2013-jun-21.pdf>

and environmental effects, enhancing the utility's ability to respond to financial, social, and technological changes affecting its operations, ensuring compliance with applicable state and federal environmental and energy laws and regulations, and limiting the risk of adverse effects on the utility and its customers from factors outside the utility's control.

35. When Westar and KCP&L sought to merge in 2015, the Commission rightly denied the merger application, citing the lack of an IRP as a key evidentiary deficiency.<sup>44</sup> The Commission found that without an IRP it was “unable to determine what if any effect the proposed transaction [would] have on the environment[,]”<sup>45</sup> that is “lack[ed] sufficient information to evaluate potential job losses[,]”<sup>46</sup> and that it could not “determine whether the transaction would maximize the use of Kansas’ energy resources or reduce the likelihood of economic waste.”<sup>47</sup>

36. When the Commission approved the merger in 2018, it still found that a proper IRP was lacking and, accordingly, ordered that an IRP be prepared so that Commission could ensure that the merger will “maximize[] the use of Kansas energy resources”<sup>48</sup> and otherwise achieve state policies.

37. Authorizing an IRP process without ensuring that the key elements identified above will be implemented creates an unnecessary risk that both the Commission and stakeholders will be unable to fully determine, as in 2017 and 2018, whether Evergy’s resource planning will meet state objectives.

38. At this critical juncture, the Commission has the unique opportunity to incorporate successful practices from around the country to ensure that, in Kansas, resource planning is

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<sup>44</sup> Order, Docket No. 16-KCPE-593-ACQ, April 19, 2017, ¶ 81 (“Again, the Commission emphasizes the Joint Applicants’ failure to submit IRPs.”)

<sup>45</sup> *Id.* at ¶ 72.

<sup>46</sup> *Id.* at ¶ 81.

<sup>47</sup> *Id.* at ¶ 86.

<sup>48</sup> Order Approving Merger Application, Docket No. 18-KCPE-095-MER, May 24, 2018, ¶ 75.

comprehensive, transparent, and objective. Incorporation of these standards is not meddling in a utility's business affairs; rather, clear and thorough guidance from the Commission is a critical aspect of ensuring that the plans pursued by the utility are least-cost and least-risk for its customers, which will help ensure that utilities provide efficient and sufficient service at just and reasonable rates.

WHEREFORE, Sierra Club respectfully requests that the Kansas Corporation Commission grant its Petition for Reconsideration, thereby (a) adopting a clear and concise IRP process statement of purpose; (b) establishing clear IRP standards, including requiring an all-resource RFP; (c) increasing stakeholder and Commission engagement in the IRP process; and (d) adopting a 20-year IRP planning horizon.



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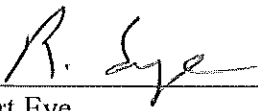
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February 21, 2020

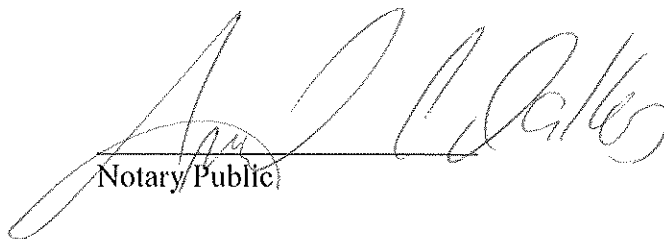
VERIFICATION

STATE OF KANSAS                    )  
  ) ss  
COUNTY OF DOUGLAS            )

I, Robert Eye, of lawful age and being duly sworn, state and affirm the following: that I am counsel for Sierra Club; I have read and reviewed the above and foregoing Sierra Club's Petition for Reconsideration and the contents thereof are true and correct to the best of my information, knowledge, and belief.

  
\_\_\_\_\_  
Robert Eye

SUBSCRIBED AND SWORN before me on this 21st day of February, 2020.

  
\_\_\_\_\_  
Notary Public

My commission expires:



## CERTIFICATE OF SERVICE

I, the undersigned, do hereby certify that on this 21st day of February, 2020, a true and correct copy of the above and foregoing **Sierra Club's Petition for Reconsideration** was electronically delivered to the following individuals, who constitute the service list for Docket No. 19-KCPE-096-CPL:

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