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 Apply to the Recovery in Rates of the Cost to be Incurred for Certain Electric Generation Facilities Under K.S.A. 66-1239.	)))))))	Docket No. 25-EKCE-207-PRE

POST-HEARING BRIEF OF THE COUNCIL FOR THE NEW ENERGY ECONOMICS

PUBLIC VERSION

May 28, 2025

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SUMMARY OF RECOMMENDATIONS

Given the flaws in the analysis underlying Evergy's[1] Application as discussed herein, NEE recommends the Commission adopt one of the following reasonable solutions with regard to the McNew plant:

1. The Commission should grant predetermination and authorize Evergy to construct and own a smaller share in the McNew plant, more aligned with the need identified in its IRP. Then, the Commission should instruct Evergy that it may put forth a proposal to supplement the reduced capacity through an alternative resource;
2. The Commission should decline predetermination for the McNew plant; or
3. If the Commission approves Evergy's plan with regard to the McNew plant as set forth in the Non-Unanimous Natural Gas Settlement Agreement, it should implement a more meaningful opportunity to review the reasonableness of McNew prior to groundbreaking.

[1] Acronyms and defined terms used in this Summary of Recommendations are defined in the body of this Post-Hearing Brief.

COMES NOW and pursuant to the Kansas Corporation Commission's ("Commission") December 19, 2024, *Order Amending the Procedural Schedule*,[2] the Council for the New Energy Economics ("NEE") hereby submits this Post-Hearing Brief in the *Petition of Evergy Kansas Central, Inc., Evergy Kansas South, Inc., and Evergy Metro, Inc.* (collectively, "Evergy") *for Determination of the Ratemaking Principles and Treatment that Will Apply to the Recovery in Rates of the Cost to be Incurred for Certain Electric Generation Facilities Under K.S.A. 66-1239* ("Application").

There is no dispute that Evergy's Application will have a significant and long-term impact on both customer rates and the overall makeup of its resource portfolio.[3] This reality necessitates a careful analysis under the framework prescribed by the Predetermination Statute[4]—that is, whether Evergy's proposal is consistent with its Integrated Resource Plan ("IRP"), and whether its proposal is reasonable, reliable, and efficient. In evaluating Evergy's Application under these criteria, the record demonstrates that there remains material risk associated with the proposed natural gas projects; that Evergy's justifications for the projects don't necessarily entail a justification for the exact plan that Evergy has put forward; and that there are opportunities to minimize risks and increase benefits to Kansas ratepayers through altering those plans.[5]

The structure and timing of Evergy's proposal provides the Commission with a unique opportunity to strike the balance between the need to act now to meet short-term capacity needs and the need to ensure that such large-scale investments are truly in the best interest of Evergy's

[2] Kansas Corporation Commission ("KCC") Docket No. 25-EKCE-207-PRE, *Order Amending Procedural Schedule*, ¶ 5 (Dec. 19, 2024).
[3] *See, e.g.*, KCC Docket No. 25-EKCE-207-PRE, *Ordering Granting KIC's Motion to File the 2025 Annual Update Integrated Resource Plan as an Exhibit*, ¶ 6 (May 15, 2025) ("This proceeding is momentous from the standpoint of future reliability, affordability, and the appropriate resource mix for Evergy's customers").
[4] *See* KAN. STAT. ANN. § 66-1239.
[5] *See* Transcript ("Tr.") Vol. 3, p. 639 (Apr. 23, 2025).

customers. This conclusion is not "extreme"[6] or ungrounded in reality,[7] but rather lends appropriate weight to record evidence casting significant doubt on the reasonableness and efficiency of Evergy's precise proposal. Accordingly, NEE respectfully requests that the Commission adopt one of the following solutions with regard to the McNew plant: 1) grant predetermination but authorize Evergy to acquire a smaller share in the McNew plant, and instruct Evergy that it may put forth a proposal to supplement the reduced capacity through an alternative resource; 2) decline to grant predetermination for the McNew plant in its entirety; or 3) approve the plan for McNew as set forth in the Non-Unanimous Natural Gas Settlement Agreement ("Non-Unanimous Settlement"), but implement a more meaningful review process with regard to the McNew plant.

I. LEGAL STANDARDS

Under K.S.A. § 66-1239 (the "Predetermination Statute"), a utility seeking predetermination of ratemaking principles for a proposed resource must demonstrate that its proposal aligns with the utility's most recent IRP.[8] In tying predetermination requests to the IRP process, the Predetermination Statute reflects legislative intent to ensure that major resource decisions are grounded in comprehensive and forward-looking planning. To this end, the Predetermination Statute authorizes the Commission to evaluate whether the utility's proposed plan is reasonable, reliable, and efficient.[9]

To approve a non-unanimous settlement agreement, the Commission must make an independent finding, supported by substantial evidence in the record as a whole, that the settlement

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[6] KCC Docket No. 25-EKCE-207-PRE, *Initial Post-Hearing Brief of Evergy Kansas Central, Inc., and Evergy Kansas South, Inc., in Support of Joint Motion for Approval of Nonunanimous Partial Settlement Agreement Regarding Natural Gas Facilities and Joint Motion for Approval of Unanimous Partial Settlement Agreement Regarding Solar Facility*, p. 4 (May 14, 2025).
[7] *See* Tr. Vol. 1, p. 48:15-19 (Apr. 21, 2025).
[8] KAN. STAT. ANN. § 66-1239(c)(2).
[9] KAN. STAT. ANN. § 66-1239(c)(3).

will establish just and reasonable rates.[10] In evaluating non-unanimous settlement agreements, the Commission generally considers the following five factors:[11]

1) There was an opportunity for the parties in opposition to the settlement agreement to be heard on their reasons for opposing the agreement;

2) The agreement is supported by substantial competent evidence;

3) The agreement conforms with applicable law;

4) The agreement results in just and reasonable rates; and

5) The results are in the public interest, including the interest of the customers represented by the party not consenting to the agreement.

In the instant proceeding, the Non-Unanimous Settlement proposes the approval of the main substantive portions of Evergy's Application with regard to construction and ownership of the Viola and McNew generating facilities.[12] As a result, if Evergy's underlying Application is not fully justified or consistent with the Predetermination Statute, then the related settlement agreement cannot meet settlement factors two through five listed above. As discussed herein, Evergy has failed to demonstrate that the exact plan it has proposed is the most reasonable and efficient option as compared to realistic alternatives. Accordingly, the Commission should not approve the Non-Unanimous Settlement as submitted.

II. EVERGY HAS NOT DEMONSTRATED THAT A FIFTY-PERCENT SHARE IN THE MCNEW PLANT IS REASONABLE AND EFFICIENT.

Evergy's Application and the Non-Unanimous Settlement propose that Evergy construct and own a fifty percent share of two combined cycle natural gas turbine ("CCGT") plants, at a

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[10] *Citizens' Util. Ratepayer Bd. v. State Corp. Comm'n.*, 28 Kan. App. 2d 313, 316 (2000).
[11] KCC Docket No. 08-ATMG-280-RTS, *Order Approving Contested Settlement Agreement*, ¶ 11 (May 12, 2008).
[12] *See* KCC Docket No. 25-EKCE-207-PRE, *Joint Motion for Approval of Non-Unanimous Partial Settlement Agreement Regarding Natural Gas Facilities*, Attachment 1 (Apr. 16, 2025).

total of 710 megawatts ("MW").[13] The proposed timeline for these plants is staggered, with the Viola Generating Station planned to come online first on January 1, 2029.[14] Evergy proposes that the McNew Generating Station come online the following year, by January 1, 2030.[15]

The analysis surrounding the need for and justification of this specific plan is based in Evergy's 2024 Triennial IRP, which called for the addition of 325 MW of thermal generation in 2029 and 325 MW of thermal generation in 2030.[16] Notably, while the 2024 IRP called for the addition of 650 MW over this timeframe, the instant Application requests approval of a combined 710 MW.[17] Evergy performed an updated IRP analysis to support this Application, but importantly, that analysis utilized the same assumptions as the 2024 IRP and solely updated the cost, heat rate, and installed size characteristics specific to the Viola and McNew plants.[18] Thus, broader critiques of the methodologies and assumptions utilized in the 2024 IRP analysis are also applicable to the updated analysis underlying this Application.

Together, the 2024 IRP and updated analysis contain significant flaws with regard to Evergy's natural gas fuel price forecasting and its modeling of alternative resource plans. To compound on these issues, Evergy's Application lacks critical information as to the specific risk mitigation strategies it plans to employ and fails to fully demonstrate the impact of its proposal on customer rates. These deficiencies indicate that Evergy has likely understated the risk associated with its Application while simultaneously failing to fully consider alternative plans that could meet

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[13] Non-Unanimous Settlement at Attachment 1, ¶ 5; KCC Docket No. 25-EKCE-207-PRE, *Petition of Evergy Kansas Central, Inc., Evergy Kansas South, Inc., and Evergy Metro, Inc. for Determination of Ratemaking Principles and Treatment*, ¶ 6 (Nov. 6, 2024).
[14] KCC Docket No. 25-EKCE-207-PRE, *Direct Testimony of Darrin Ives on Behalf of Evergy Metro, Inc., Evergy Kansas Central, Inc. and Evergy Kansas South, Inc.*, p. 11:6-7 (Nov. 6, 2024).
[15] *Id*. at 11:7-8.
[16] *See generally,* KCC Docket No. 25-EKCE-207-PRE, *Direct Testimony of Cody VandeVelde on Behalf of Evergy Metro, Inc., Evergy Kansas Central, Inc. and Evergy Kansas South, Inc.*, p. 16:7-8, 16:11-12 (Nov. 6, 2024); *see also* Tr. Vol. 2, p. 364:2-5 (Apr. 22, 2025).
[17] *See id*. at 373:10-21.
[18] *Id*. at 364:15-23.

its capacity needs while better mitigating risk for customers. Put another way, Evergy has not demonstrated that its specific plan is the most reasonable and efficient path forward.

To balance Evergy's demonstrated short-term capacity need with its failure to adequately justify its proposed plan, the Commission should consider flexible solutions associated with the McNew plant. As the McNew plant is scheduled for a later groundbreaking date and later in-service date than the Viola plant, the Commission can implement conditions on its approval without necessarily causing delays or undue obstacles for the project. As discussed herein, a reasonable solution supported by the record would entail the Commission authorizing Evergy to own a smaller share in the McNew plant and instructing Evergy that it may submit an application to supplement the reduction in proposed capacity through an alternative resource type. Alternatively, the Commission should decline predetermination for McNew, as Evergy has failed to demonstrate that its plan is reasonable and efficient.

A. Evergy's Analysis Does Not Adequately Capture the Impact of or Risk Associated with Natural Gas Prices and Does Not Provide Evidence as to Sufficient Efforts for Risk Mitigation.

The fuel requirements associated with natural gas plants are a significant factor in the long-term costs associated with these resources and how they should reasonably be evaluated in selecting a resource plan. Indeed, fuel and related costs are generally the largest operational costs for baseload power plants, making them consequential in determining the ultimate cost of the energy produced.[19] Evaluating the sufficiency of the natural gas price forecasting underlying Evergy's Application, its plan for risk mitigation, and the overall projected impact of fuel costs on

[19] KCC Docket No. 25-EKCE-207-PRE, *Direct Testimony of William "Nick" Jones on Behalf of the Council for the New Energy Economics*, p. 8:17-19 (Mar. 14, 2025).

retail rates is therefore imperative in determining the reasonableness and efficiency of Evergy's preferred plan against alternative portfolios with varying fuel requirements.[20]

Crucially, Evergy's natural gas price forecasting suffers from methodological deficiencies, and Evergy has failed to put forward detailed evidence as to its proposed fuel supply plan or the ultimate impact projected fuel costs will have on customer rates. This means that there is detailed evidence in the record indicating that Evergy may be underestimating the risks associated with natural gas prices, with very little evidence upon which the Commission can thoroughly evaluate whether those risks will be unreasonably passed on to ratepayers and at what magnitude.

1. Evergy's Mid-Case Natural Gas Forecast is Biased Towards Underestimating Fuel Costs.

The analysis set forth in Evergy's Application is based on the mid-case natural gas fuel price forecast presented in its 2024 IRP,[21] which contains several methodological deficiencies described in more depth below. Inadequate or flawed fuel price forecasting poses several material risks relevant to the Commission's consideration of the instant Application. First, faulty forecasting could lead to an understating of the probable net-present-value revenue requirement ("NPVRR") impact of new natural gas plants and therefore an over-selection of natural gas plants in preferred portfolios.[22] Second, inadequate forecasting would misstate the fuel costs associated with a given plan, thus hindering the Commission's ability to accurately evaluate its efficiency.[23] Finally, an inaccurate forecast can undercut the utility's efforts to measure and manage risk by underappreciating the range of potential outcomes.[24]

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[20] *Id*. at 4:12-14.
[21] *Id*. at 6:17 (citing Exhibit WJ-2, Evergy response to discovery request ("DR") NEE-1).
[22] *Id*. at 8:14-17.
[23] *Id*. at 4:14-15.
[24] *Id*. at 4:16-17.

Evergy's historical realized natural gas costs provide an important data point by which the Commission should evaluate the reasonableness of the fuel price forecasting underlying the Application. A backwards look comparing Evergy's previous forecasts to actual historical prices and its actual historical costs indicates that Evergy's forecasting suffers from a tendency to ***materially*** underestimate fuel prices.[25]

Evergy utilized the same methodology to develop its mid-case natural gas price forecast between its 2021 and 2024 Triennial IRPs.[26] As a result, proven deficiencies in Evergy's 2021-2024 forecasting are indicative of flaws that will materialize with regard to the forecasting underlying the Application. To put historical discrepancies into context, public data shows that from 2021 to 2024, Henry Hub prices averaged approximately 40% above Evergy's annualized mid-case scenario.[27] During that same period, delivered costs per MMbtu averaged approximately 90% above Evergy's annualized mid-case.[28] Ultimately, Evergy's natural gas supply during these years cost approximately $168 million more than the value of the fuel forecast in its 2021 IRP.[29]

Evergy's bias towards underestimating fuel prices can be attributed to two primary methodological flaws in its forecasting process. First, Evergy bases its forecasting on the Henry Hub national price benchmark, which fails to adequately account for specific regional market dynamics that can inflate the price of delivered fuel.[30] Second, Evergy forecasts prices on a monthly cadence, which discounts the potential for short-term fluctuations that raise costs during periods of peak demand.[31]

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[25] *Id*. at 6:21-22, 7:1.
[26] *Id*. at 7:4-9.
[27] *Id*. at 7:12-13.
[28] *Id*. at 7:13-14.
[29] *Id*. at 7:14-16.
[30] *Id*. at 6:1-3.
[31] *Id*. at 6:8-10.

Staff attempts to dismiss these critiques, arguing that Evergy adequately forecasted local prices because Evergy adjusted the Henry Hub benchmark by the Panhandle Eastern basis differential.[32] However, this adjustment is simply insufficient to fully capture the regional market dynamics that have historically impacted Evergy's fuel costs. To properly forecast at a local level, Evergy would need to account for events in which local prices disconnect from national markets, such as "blow outs" that have occurred periodically during winter months in Kansas, and to forecast how these dynamics may change in the future.[33] Evergy's forecasting, even with the basis differential adjustment, captures neither of these factors.[34]

In addition, Staff and Evergy contend that Mr. Jones' comparison between Evergy's historical fuel costs and Evergy's forecast is erroneous in that it conflates commodity prices with delivered costs.[35] This assertion is incorrect. Put simply, the difference between delivered costs and realized commodity prices is the inclusion of transportation costs.[36] While transportation costs account for some of the discrepancy between Evergy's historical fuel costs and its forecasts, these costs can only explain a minority share.[37] The full gap between these values is due to either 1) Evergy paying a local commodity price higher than the Henry Hub price or 2) monthly costs that have been inflated by the need to purchase more gas during periods of high prices.[38] A review of Evergy's historical fuel costs at Hawthorn, even when adjustments are made for transportation

[32] KCC Docket No. 25-EKCE-207-PRE, *Cross-Answering Testimony of Justin Grady*, p. 4:11-19 (Mar. 21, 2025).
[33] KCC Docket No. 25-EKCE-207-PRE, *Cross-Answering Testimony of William "Nick" Jones on Behalf of the Council for the New Energy Economics*, p. 3:13-17 (Mar. 21, 2025).
[34] *Id*. at 3:17-18.
[35] KCC Docket No. 25-EKCE-207-PRE, *Direct Testimony of Justin Grady*, p. 67:14-16 (Mar. 14, 2025); *see also* VandeVelde Direct at 11:16-22 (restating the arguments set forth in Mr. Grady's Direct Testimony).
[36] Jones Cross Answering Testimony at 5:7-10.
[37] *Id*. at 5:10-11.
[38] *Id*. at 5:11-14.

costs, confirms Mr. Jones' assertion that Evergy's fuel supply during peak demand periods is subject to local dynamics that depart from a normal basis spread.[39]

Evergy's historical tendency to underestimate fuel costs represents a material risk associated with its proposed plan – that is, that the cost of fuel associated with the Viola and McNew plants will cost ratepayers more than Evergy has represented in its Application. As fuel costs will make up a majority of the ongoing costs associated with these plants, the likelihood that costs will be greater than those upon which Evergy bases its Application should be a material consideration in the Commission's evaluation of whether the proposed plan is reasonable and efficient.

2. Market Developments and Recent Data Indicate That Evergy's Fuel Price Forecasts Are Outdated.

Beyond methodological deficiencies, several additional factors indicate that Evergy's natural gas price forecast is outdated when considering current market developments and therefore understates future prices. This conclusion is reinforced by the recent Energy Information Administration ("EIA") 2025 Annual Energy Outlook ("AEO"), as well as a Kansas City Federal Reserve Bank survey of energy production executives.

First, it is important to note that Evergy's 2024 IRP was prepared before Evergy began to fully appreciate the potential scale of load growth from AI and related data centers.[40] The anticipation of this new load has led to a national surge in the development of new natural gas plants.[41] Increased demand for natural gas generation is slated to inflate prices and create longer

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[39] *Id*. at 6:5-21, 7:1-2, Figure 1.
[40] Jones Direct at 9:14-16.
[41] *Id*. at 9:17-18; *see also* Grady Direct at 68:10-12 ("As of February 19, 2025, there were 157 new natural gas fired generating facilities being planned for construction in the United States, representing 79.1 GW of new capacity").

lead times for CCGT equipment,[42] and as a result, is likely to have an equivalent upward impact on fuel prices.[43]

Further, recent national regulatory changes have encouraged greater development of Liquified Natural Gas ("LNG") export facilities while slowing the development of other resources such as wind power.[44] The United States' growth in capacity for exports through new LNG terminals means that international markets are increasingly drawing supply from the US, exposing domestic gas buyers to higher prices.[45] The impact of high-margin LNG exporters will having a continuous growing influence on natural gas prices, lending to more common short-term price spikes.[46]

While Evergy's fuel price analysis fails to capture these factors, 2025 AEO reflects higher forecasted prices when adequately considering the additional risks posed by increased development and load growth due to AI and data centers, as well as increased LNG exports.[47] Notably, the AEO forecast is now significantly above the mid-case forecast supporting this Application in the 2030s as reflected in the table below.[48]

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[42] Jones Direct at 9:18-19, 10:1; *see also* Tr. Vol. 2 at 601:3-8.
[43] Jones Direct at 10:1-4.
[44] *Id*. at 10:5-9.
[45] *Id*. at 13:8-12.
[46] *Id*. at 18:1-8.
[47] Tr. Vol. 3 at 645:15-22.
[48] *Id*.

Table 1:[49] Comparison of 2025 AEO Base Case and Evergy Mid-Case Forecasts During Period Relevant to Viola and McNew Plants.

Year	2025 AEO Reference Case	Evergy Mid-Case
2029	3.16	3.79
2030	3.43	3.83
2031	3.67	3.93
2032	4.30	4.10
2033	4.87	4.32
2034	5.26	4.46
2035	5.49	4.83
2036	5.60	4.95
2037	5.64	5.25
2038	5.68	5.48
2039	5.71	5.25
2040	5.86	6.04
2041	6.09	6.45
2042	6.43	6.66
2043	6.67	6.93

Evergy attempts to downplay the degree to which its mid-case forecast deviates from the 2025 AEO reference case forecast,[50] but Table 1 makes clear that Evergy's forecast through the 2030s departs from the AEO to a material degree. Years reflecting discrepancies are indicated in gray above, with the most egregious differences occurring in 2034, 2035, and 2036.

Equally important yet unacknowledged by Evergy, the updated AEO reflects far more upside risk than Evergy's forecast. As reflected in Table 2 below, the AEO's "Low Gas Supply Case," which Evergy has used in previous years to help set its high-case gas forecast, now surpasses \$10 per MMbtu in 2036.[51] That is 29% higher than Evergy's high-case forecast for that year. This demonstrates that reputable market analysts not only expect that natural gas prices will surpass Evergy's mid-case forecast under the most probable scenario, but that they also believe that certain market conditions could plausibly cause prices to surpass Evergy's high-case scenario

[49] Derived from Staff, NEE, and Evergy Stipulated Post-Hearing Exhibit 1. Note that as used in this context, "Reference Case" is equivalent to "Base Case."
[50] Evergy Initial Post-Hearing Brief at 36.
[51] *See* Staff, NEE, and Evergy Stipulated Post-Hearing Exhibit 1.

to an even greater degree. The divergence between the AEO analysis and Evergy's high-case forecast reinforces doubt that Evergy's analysis of fuel prices and fuel market risk is a sufficient basis upon which the Commission may determine the reasonableness of its plan.

Table 2:[52] Comparison of 2025 AEO Low Gas Supply Case and Evergy High-Case Forecasts During Period Relevant to Viola and McNew Plants.

Year	2025 AEO Low Gas Supply Case	Evergy High-Case
2029	5.41	6.73
2030	6.56	6.64
2031	7.44	6.75
2032	8.38	7.00
2033	8.93	7.18
2034	9.34	7.28
2035	9.72	7.74
2036	10.26	7.98
2037	10.53	8.37
2038	10.62	8.47
2039	11.04	8.87
2040	11.30	9.18
2041	11.62	9.51
2042	11.82	9.71
2043	11.90	10.03

Finally, the Kansas City Federal Reserve Bank recently published a survey of executives at leading energy producers in the Mid-Continent region, which include states expected to supply gas to the Viola and McNew plants.[53] This survey found that the average expectation of these executives is that natural gas will be close to $5 five years from now, with the maximum expected value near $10[54] Importantly, that survey reflected the conclusion that for these energy producers

[52] Derived from Staff, NEE, and Evergy Stipulated Post-Hearing Exhibit 1.
[53] Tr. Vol. 3 at 645:24-25, 646:1-4; *see also*, KCC Docket No. 25-EKCE-207-PRE, *Notice of Late Filed Hearing Exhibit and Motion to Admit*, Hearing Exhibit NEE-03 (May 5, 2025).
[54] Tr. Vol. 3 at 646:4-9; Hearing Exhibit NEE-03 at 2, 3.

to profitably and sustainably expand production to meet the increasing demand, gas prices would need to surpass $5.[55]

With these data points in mind, it is reasonable to conclude that the methodological flaws in Evergy's forecasting and the outdated nature of its 2024 IRP forecast have led Evergy to understate the fuel costs projected to impact the Viola and McNew plants and the potential market risk to which these costs will be exposed.

3. Evergy Has Not Demonstrated that It Will Adequately Mitigate the Risk Associated with Fuel Cost Volatility.

A utility's fuel supply plan presents an opportunity to manage risks and minimize unforeseen costs.[56] To this end, the fuel supply plan is crucial to determining whether exposure to market risks can be kept at a reasonable level.[57] Despite the importance of the fuel supply plan to determining whether its plan is reasonable and efficient, Evergy has not put forward a definitive fuel supply plan in this proceeding.[58] As a result, the only metric by which the Commission can assess whether Evergy will adequately manage risk is by considering the vague and unfinalized description Evergy has provided and the practices it has recently employed at similar facilities.[59]

In testimony, Evergy indicated that it plans to purchase natural gas in a similar manner to how it currently purchases coal.[60] The Commission should regard this stated intention as insufficient to demonstrate that Evergy will protect customers against short-term volatility and the potential for long-term increases in fuel costs.[61] This is because natural gas prices are definitively

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[55] Tr. Vol. 3 at 647:7-17; Hearing Exhibit NEE-03 at 3.
[56] Jones Direct at 12:7-10.
[57] *Id*. at 12:9-10.
[58] *Id*. at 23:17-20.
[59] *Id*. at 23:20-21, 24:1.
[60] *Id*. at 12:17-19.
[61] *Id*. at 12:14-19.

more volatile than coal, and therefore a reasonable supply plan for natural gas inherently requires more robust risk management strategies.[62]

In discovery, Evergy provided additional detail as to the fuel procurement strategies under consideration, which indicate that it does not plan to employ sufficient strategies for risk mitigation. **[redacted]**[65]

As with evaluating the sufficiency of Evergy's fuel price forecasting, actual historical data is informative in understanding whether Evergy has adequately managed risk in the past. Evergy's historical natural gas procurement at the comparable Hawthorn plant demonstrate that it has not.[66] From 2022 to 2024, Evergy's average delivered cost of natural gas at Hawthorn was approximately 40% above its mid-case forecast and 15% above its high-case price forecasts for that time.[67] During short-term price spikes caused by winter storms in December of 2022 and January of 2024, fuel costs at Hawthorn averaged a staggering $11.13 per MMbtu and $10 per MMbtu, respectively.[68] Further, historical data indicates that the average unit cost of Evergy's fleet-wide spot purchases

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[62] *Id*. at 13:13-16.
[63] *Id*. at 21:8-13 (citing Exhibit WJ-2, Evergy response to DR NEE-3).
[64] *Id*. at 21:14-18 (citing Exhibit WJ-2, Evergy response to DR NEE-3); Jones Cross-Answering Testimony at 10:3-5.
[65] *Id*. at 21:18-20, 22:1-3.
[66] *Id*. at 15:9-10.
[67] *Id*. at 15:18-20, 16:1-2.
[68] *Id*. at 17:2-5, Figure 1.

from 2021-2024 was approximately double the average annual prices forecasted for the same timeframe under Evergy's mid-case scenario in their 2021 IRP.[69]

Ultimately, Evergy's failure to put forward specific details as to its anticipated fuel supply plan prevent the Commission from conclusively determining that Evergy will mitigate the risks of gas price volatility described above. Whether these risks can be kept at a reasonable level is key to the Commission's determination as to the reasonableness and efficiency of Evergy's plan, meaning that Evergy has failed to demonstrate a crucial element underlying approval of its Application.

4. Evergy's Rate Impact Analysis Does Not Fully Depict the Impact of its Application on Customer Bills.

Fuel costs, which are recovered through the Retail Energy Cost Adjustment ("RECA") mechanism, will contribute significantly to the impact Evergy's proposed plan will have on customer bills.[70] Accordingly, it is imperative that the Commission consider the impact fuel costs will have on customer rates in evaluating the larger question of whether Evergy's proposed plan is reasonable and cost-efficient.

As part of its Application, Evergy prepared a rate impact analysis ("RIA") intended to provide insight as to the impact its proposed investment will have on customer rates.[71] **[redacted]**[73]

[69] *Id.* at 19:15-19.
[70] *Id.* at 24:9-11.
[71] KCC Docket No. 25-EKCE-207-PRE, *Direct Testimony of Ronald Klote on Behalf of Evergy Metro, Inc., Evergy Kansas Central, Inc. and Evergy Kansas South, Inc.*, pp. 4-8 (Nov. 6, 2024).
[72] Jones Direct at 24:14-16.
[73] *Id.* at 29:16-18.

In testimony, NEE witness Jones provided an analysis of the predicted impact of fuel costs on customer rates under Evergy's mid- and high-case natural gas price forecast scenarios. **[redacted]**[77] This analysis is summarized in Table 3 below.

[redacted]

While Evergy contends that it is not realistic for it to provide an analysis of the impact of fuel costs on customer rates,[78] it is nonsensical to suggest that the Commission evaluate Evergy's Application without considering the full impact it will have on retail rates. Evergy does not provide any substantive rebuttal as to the merits of Mr. Jones' analysis, and as a result, the only evidence

[74] *Id.* at 26:7-8.
[75] *Id.* at 26:7-11.
[76] *Id.* at 26:20-22.
[77] *Id.* at 26:22, 27:1-2.
[78] KCC Docket No. 25-EKCE-207-PRE, *Rebuttal Testimony of Ronald Klote on Behalf of Evergy Metro, Inc., Evergy Kansas Central, Inc. and Evergy Kansas South, Inc.*, p. 4:8-13 (Apr. 4, 2025).

in the record as to the total projected retail rate impact is that set forth in Mr. Jones' Direct Testimony.

B. Evergy Did Not Adequately Consider Feasible Alternative Plans; There Are Likely Alternative Resource Plans That Are More Reasonable and Efficient.

In addition to evaluating the sufficiency of the fuel price analysis underlying the Application, it is also important that the Commission determine whether Evergy sufficiently evaluated alternative resource plans to select the most reasonable and efficient option. In the instant proceeding, methodological flaws in Evergy's IRP modeling process caused Evergy to undervalue the benefits associated with the resource type providing the clearest alternative to natural gas – that is, battery storage.

In testimony, NEE witness Jones offered a detailed analysis to demonstrate that with these methodological deficiencies corrected, it is very likely that there are alternative plans that would mitigate risk for customers and offer system benefits associated with resource diversification. NEE provided this analysis not to suggest that the Commission order Evergy to construct a battery storage resource in this proceeding, but rather, to illustrate that due to the larger methodological issues with Evergy's IRP modeling, its analysis fails to demonstrate that its proposed plan is the most reasonable and efficient as compared to realistic alternatives.

1. Evergy's Resource Modeling Understates the Benefits of Battery Storage.

In evaluating Evergy's 2024 IRP analysis, it is clear that Evergy's specific modeling practices biased the resulting resource models toward understating the benefits of battery storage resources.[79] This is material in determining whether Evergy's Application is reasonable and efficient, as battery storage is one clear alternative to natural gas resources that could help meet

[79] Jones Direct at 33:13-15.

capacity need during peak demand periods without increasing ratepayer exposure to risk in the natural gas market.[80]

There are two key factors that prevented Evergy from fully capturing the value of storage in its modeling analysis. First, Evergy only modeled scenarios in which it was allocated a 50% or 100% share of McNew and did not model a lower percentage of ownership based on its specific capacity need.[81] In doing so, Evergy constrained the ability of its resource model to select more flexible plans including smaller incremental battery resources that could be built concurrently with the proposed natural gas plants to maximize efficiencies.

It is important to note that Evergy's decision to limit its modeling to 50% or 100% ownership blocks was its own arbitrary decision. Indeed, Evergy admits that ownership shares in power plants are not limited to 50% or 100% shares.[82] Lower ownership shares are not uncommon, as illustrated by the Missouri Public Service Commission's approval of Evergy's request to acquire a 22.2% share in the Dogwood CCGT plant just last year.[83] Finally, there is no practical constraint within Evergy's resource model software that would prevent Evergy from inputting any specific ownership share.[84]

Second, Evergy failed to model battery storage in a way that fully accounts for the efficiencies associated with the specific resource type. In particular, Evergy did not model storage paired with other new resources,[85] or siting storage at sites with existing interconnection rights.[86] This is critical, as market data clearly indicates that there are significant cost efficiencies to co-

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[80] *Id*. at 31:1-3.
[81] Tr. Vol. 2 at 371:18-25, 372:2-9.
[82] *Id*. at 372:15-18.
[83] *Id*. at 372:19-23.
[84] *Id*. at 373:6-9.
[85] *Id*. at 365:23-25, 366:1.
[86] *Id*. at 366:15-20.

locating storage with complementary resources,[87] and some of these cost efficiencies include the opportunity to reduce or eliminate interconnection costs.[88]

By failing to optimize its model to fully account for the value of battery storage, Evergy biased its resource model towards selection of natural gas generation. This underlying bias casts doubt as to whether Evergy's proposed plan would be selected as the most reasonable and efficient option if alternatives were adequately considered. As discussed below, Mr. Jones' illustrative analysis demonstrates that with these deficiencies corrected, there are likely alternative plans that better meet Evergy's needs.

2. NEE's Illustrative Analysis Indicates That by Adjusting Evergy's Proposal, there are Opportunities to Maximize Benefits to Customers.

Mr. Jones' illustrative analysis demonstrates that there are realistic alternative plans, which Evergy has not considered, that could meet Evergy's capacity needs while simultaneously providing benefits to customers and the system by mitigating risk exposure and delivering the reliability benefits of a more diversified portfolio.[89] Under Mr. Jones' illustrative alternative plan, Evergy would acquire a 32% share in the McNew plant, representing 227 MW.[90] Under this alternative scenario, Evergy would concurrently invest in a 150 MW battery storage resource.[91]

Mr. Jones' analysis indicates that there are opportunities to achieve material savings related to fuel costs by pursuing alternative plans. For example, based on the average projected cost of charging a battery storage resource in the SPP as compared to Evergy's projected average direct fuel costs in 2030 under its mid- and high-case scenarios, Mr. Jones calculated an average net savings under the alternative plan between ** [redacted] **Assuming that the

[87] *Id.* at 369:20-25, 370:1-3; *see also* Hearing Exhibit NEE-02.
[88] Tr. Vol. 2 at 508:14-17.
[89] Jones Direct at 40:3-12.
[90] *Id.* at 34:6-8.
[91] *Id.* at 34:8-9.
[92] *Id.* at 35:19-23, 36:1-8.

battery storage system maintains a capacity factor of 10% and dispatches 131,400 MW per year, this translates to up to **[redacted]** in 2030 net savings at Evergy's high-case forecasted natural gas price.[93]

Importantly, while this illustrative plan reduces fuel price risk exposure for customers, it also would allow Evergy to meet its capacity need and maintain a reasonable buffer above minimum SPP requirements. **[redacted]**[96]

No party has rebutted the credibility of this analysis. In fact, Staff witness Justin Grady specifically acknowledges the merits of Mr. Jones' analysis, finding it "impressive" and noting that he found no errors in the argument put forward.[97] While Mr. Grady and Evergy argue that this plan should not be adopted outside of the IRP process,[98] this conclusion aligns with NEE's intention in providing this alternative plan. In other words, Mr. Jones' analysis simply demonstrates that Evergy failed to adequately consider more reasonable alternatives, which warrants either modification of its proposed plan through further consideration of alternative resource options or rejection of the portions of the plan allowing for more flexibility.

[93] *Id*. at 36:9-11.
[94] *Id*. at 34:14-17.
[95] *Id*. at 34:17-18.
[96] *Id*. at 34:19-22.
[97] Tr. Vol. 2 (Confidential Portion), p. 10:7-25, 11:1-7 (Apr 22, 2025). Note that while this discussion is encompassed within the confidential portion of the hearing transcript, nothing within this specific portion of Mr. Grady's answer implicates confidential information.
[98] *Id*.; KCC Docket No. 25-EKCE-207-PRE, *Rebuttal Testimony of Cody VandeVelde on Behalf of Evergy Metro, Inc., Evergy Kansas Central, Inc. and Evergy Kansas South, Inc.*, p. 12:20-23, 13:1-5 (Apr. 4, 2025).

C. The Commission Should Authorize a Smaller Ownership Share in the McNew Plant, or in the Alternative, Decline Predetermination for McNew.

The flaws in Evergy's fuel price analyses and resource modeling processes provide a strong indication that the exact plan Evergy has proposed is likely not the most reasonable or cost-efficient option available. The Commission can instead strike the appropriate balance between allowing Evergy to act quickly to meet its short-term capacity need and adequately managing risk for customers by downsizing the ownership share it authorizes in McNew and instructing Evergy that it may submit an application to supplement the reduction in capacity from that proposed in this Application through an alternative resource type.

In determining the appropriate reduced ownership share for McNew, the Commission should look to the record to adopt a solution reasonably tailored to accommodate the interests described above. Mr. Jones' analysis demonstrates that with a 32% share in McNew and supplemented capacity through an alternative resource, Evergy can meet its capacity needs, reduce risk for customers, and gain reliability benefits. While this approach is supported by uncontested analysis in this proceeding, it would also be reasonable for the Commission to align the reduced ownership share more closely with the need Evergy identified in its IRP. Under this approach, Evergy would acquire a 41.5% share in McNew, translating to 295 MW. Coupled with a 50% share in Viola, this approach would authorize Evergy to acquire 650 MW as set forth in its 2024 IRP. [99]

Regardless of whether the Commission determines that a specific 32% or 41.5% share is appropriate, downsizing Evergy's share in McNew is grounded in the thorough analysis set forth by Mr. Jones and is well-suited to mitigate the risks of inaction raised by Evergy and Staff. Indeed, this recommendation allows Evergy to proceed as scheduled with both the Viola and McNew plants, which, as noted by Staff, have value in their established position in the interconnection

[99] Calculated as (710 MW * 50%) + (710 MW * 41.5%) = 650 MW.

queue. Notably, no party rebutted the assertion that Evergy should be readily able to find a joint venture partner to purchase the outstanding equity created by a reduction in its net-ownership of McNew.[100] Thus, the Commission can leverage the 18 months to possible two years anticipated between its decision in this proceeding and groundbreaking at McNew[101] to provide sufficient opportunity to execute this adjustment.

In addition, by providing Evergy with express direction that it may apply to supplement the reduced capacity through an alternative resource type, the Commission will address some of the significant risks associated with ratepayer exposure to fuel price volatility discussed in this proceeding. This is because the more diversity that there is in Evergy's expansion plans, the less it will be exposed to any particular risk, including the risks associated with high gas prices.[102] As demonstrated by Mr. Jones' alternative plan analysis, Evergy has ample opportunity to procure the capacity needed and meet resource adequacy requirements through the addition of supplemental alternative resources. Lastly, this approach solves for concerns that Evergy did not adequately consider feasible alternatives by encouraging evaluation of a range of options, such as storage, demand side management, grid-enhancing technologies, or investments in improved transmission, that may prove to pair well with the addition of natural gas resources to effectively meet Evergy's needs.[103]

Should the Commission decline to adopt this recommendation, then based on the significant evidence in the record indicating that Evergy's precise plan is not the most reasonable and cost-efficient option, the Commission should simply decline predetermination for the McNew plant.

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[100] *See* Jones Direct at 35:1-3.
[101] *See* Tr. Vol. 2 at 599:9-15.
[102] Tr. Vol. 3 at 651:15-19.
[103] Tr. Vol. 2 at 651:8-22, 640:5-14.

D. The Additional Buildout of Natural Gas Resources Reflected in the 2025 IRP Reinforces That Resource Additions Must be Carefully Considered.

Evergy submitted its 2025 IRP Annual Update on May 1, 2025, which was subsequently admitted into the record on May 15, 2025.[104] The 2025 IRP Annual Update was admitted after the conclusion of the evidentiary hearing in this proceeding, and therefore it is inappropriate[105] and impossible at this point to thoroughly evaluate whether Evergy's Application is justified based on this updated IRP analysis. Notwithstanding, it is important to note that while the 2025 IRP Annual Update calls for a significant increase in natural gas buildout as compared to the 2024 Triennial IRP,[106] this fact should not be regarded as a justification to move forward with Evergy's plan for McNew despite the critical risks and uncertainties described herein. Rather, the massive scale of natural gas investments contemplated over the next twenty years indicates that the Commission must carefully scrutinize the merits of the modeling underlying Evergy's Application to ensure that Evergy is balancing affordability, efficiency, and reliability to the greatest degree possible.

III. IF THE COMMISSION APPROVES EVERGY'S PLAN FOR THE MCNEW PLANT, IT SHOULD ORDER AN ECONOMIC REVIEW OF THE MCNEW PLANT PRIOR TO GROUNDBREAKING.

If the Commission determines that it is reasonable to authorize Evergy's plan for a 50% share in McNew, it is imperative that the Commission implement stronger protections than those currently proposed. The Non-Unanimous Natural Gas Settlement Agreement provides that Evergy should be required to make a compliance filing with the Commission justifying the economics and prudence of continuing forward with the Viola or McNew plants should it reasonably believe that actual project costs will exceed 115% of the definitive cost estimate for the project.[107] While this

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[104] *See* Order Admitting 2025 IRP Update at ¶ 6.
[105] *See id*. (noting that under the Predetermination Statute, Evergy's 2024 IRP is the metric by which the Commission should evaluate this Application).
[106] *See* 2025 IRP Annual Update at p. 5, Table 3.
[107] Non-Unanimous Settlement at Attachment 1, ¶ 5(k).

provision is a step in the right direction, a contingent review mechanism is not sufficient to ensure that the projects remain the most reasonable and economically efficient option.[108]

The risk associated with the contingent review process outlined in the Non-Unanimous Settlement is twofold. First, if costs are projected to meet the 115% threshold, it is likely to become apparent only after the project is significantly advanced and already under construction.[109] At that point, it is likely that Evergy would have already committed a significant amount of the project budget, which would skew comparison of the go-forward costs of McNew as compared to alternatives that could have produced savings if evaluated sooner.[110] Moreover, if such a review is triggered too close to the plant's scheduled in-service date, Evergy may not have sufficient time to pursue an alternative without risking reliability.[111] Such a scenario would greatly impact the Commission's ability to meaningfully remedy the concerns this review process was presumably designed to address. Second, even if costs do not meet the 115% threshold, there may still be more economically efficient alternatives that arise in the time period before groundbreaking at McNew.[112] This scenario would fail to trigger the review process set forth in the Non-Unanimous Settlement and would ultimately leave opportunities for reduced costs or other benefits on the table.[113]

Rather than basing its economic review on a trigger threshold of the definitive cost estimates, the Commission should require Evergy to submit the information needed to conduct an economic review of the McNew plant prior to its scheduled groundbreaking.[114] In implementing

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[108] KCC Docket No. 25-EKCE-207-PRE, *Testimony in Opposition of Natural Gas Settlement Agreement of William "Nick" Jones on Behalf of the Council for the New Energy Economics*, p. 4:7-9 (Apr. 17, 2024).
[109] *Id*. at 4:14-16.
[110] *Id*. at 4:22-23, 5:1-4.
[111] *Id*. at 5:5-10.
[112] *Id*. at 4:17-21.
[113] *Id*. at 5:11-15.
[114] *Id*. at 5:18-22, 6:1-4.

this review process, the Commission should compare the go-forward cost estimate for McNew against multiple realistic alternatives.[115] To ensure the greatest degree of efficacy in this review, alternatives must be compared against McNew on an NPVRR basis with fuel costs included across high-, mid-, and low-case natural gas price scenarios.[116] Finally, it is imperative that this review include an analysis of the reliability implications of various alternatives as compared to McNew.[117]

This approach is advantageous from both a practical and timing standpoint. First, an automatic economic review of McNew provides the only *certain* opportunity for the Commission to evaluate the actual impact of many of the uncertain factors existing today on the economics of the project.[118] In addition, by the time of this review, Evergy will have closed and evaluated bids from its 2025 all-source RFP, allowing for the evaluation of real-world data regarding the availability and cost of alternative resources.[119] Further, should the Commission approve Section 6(f) of the Non-Unanimous Settlement, Evergy will have corrected deficiencies in its IRP modeling allowing for a more reasonable comparison of battery storage prior to this review process.[120]

Finally, a certain and scheduled review process will not impact project timelines to any greater degree than the proposed contingent review. From Evergy's perspective, the contingent review process adequately accounts for the risks of total inaction.[121] To this end, a scheduled economic review of the McNew plant achieves this same balance while ensuring that there is a meaningful opportunity to consider the updated economics of McNew before Evergy has completed too much of the project to realistically pivot its plans.

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[115] *Id*. at 6:5-8.
[116] *Id*. at 6:8-10.
[117] *Id*. at 6:16-17.
[118] *Id*. at 7:9-21, 8:1-20, 9:1-8.
[119] *Id*. at 9:3-8.
[120] *See* Non-Unanimous Settlement at Attachment 1, ¶ 6(f); *see* Tr. Vol. 2 at 368:1-9.
[121] Evergy Initial Post-Hearing Brief at 31.

IV. CONCLUSION

For the reasons discussed herein, NEE respectfully requests that the Commission either 1) authorize Evergy to acquire a smaller share in the McNew plant, and instruct Evergy that it may put forth a proposal to supplement the reduction in capacity through an alternative resource; 2) decline to grant predetermination for the McNew plant in its entirety; or 3) approve the plan set forth in the natural gas settlement agreement, but implement a more meaningful review process with regard to the McNew plant. Should the Commission authorize any natural gas plant in this proceeding, it should protect customers by ordering Evergy to purchase advanced supply contracts or hedges to meet initial fuel needs.

Respectfully submitted,

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VERIFICATION

STATE OF KANSAS)
) ss:
COUNTY OF JOHNSON)

I, Alissa Greenwald, being first duly sworn upon my oath state that I am an attorney for the Council for the New Energy Economics; that I have read and am familiar with the foregoing document and attest that the statements therein are true and correct to the best of my knowledge, information, and belief under the penalties of perjury.

Alissa Greenwald

SUBSCRIBED AND SWORN to before me on this 28th day of May, 2025.

COLEMAN BRENT SWITZER
Notary Public - State of Kansas
My Commission Expires 05 12, 2029

Notary Public

My Commission expires: 05/12/2029

<u>CERTIFICATE OF SERVICE</u>
25-EKCE-207-PRE

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