



charging patterns.<sup>4</sup> Evergy's Application was supported by Direct Testimony from Kimberly H. Winslow, its Senior Director, Energy Solutions.<sup>5</sup>

2. On October 15, 2024, the Commission issued a Suspension Order, giving it 240 days (until May 28, 2025) to issue its Final Order.<sup>6</sup>

3. On January 23, 2025, Lana Ellis filed Direct Testimony on behalf of Commission Staff (Staff), and Josh Frantz filed Direct Testimony on behalf of the Citizens' Utility Ratepayers Board (CURB).<sup>7</sup>

4. Staff has two policy issues concerns with the FAS Program: (1) potential principal-agent conflicts of interests; and (2) potential market distortion.<sup>8</sup> Staff has concerns with Evergy acting as an advisor to the customer fleets while simultaneously acting as its own agent, aiming to minimize the cost to the grid.<sup>9</sup> Regarding market-distortion concerns, Staff worries that (1) third-party advisors could be crowded out of the developing fleet services market and (2) subsidized participants could have a competitive advantage over customers who pay third-party advisors for those same services.<sup>10</sup> Additionally, Staff expressed concerns with modeling, program design, and reporting.<sup>11</sup> Staff is concerned the uncertainty in the projected participation and claimed benefits calls into question whether actual program benefits will outweigh costs.<sup>12</sup> Staff also expressed concerns with the feasibility of implementing the program with the proposed tier structure and the lack of a planned Evaluation, Measurement, and Verification (EM&V).<sup>13</sup> To address Staff's

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<sup>4</sup> *Id.*

<sup>5</sup> *Id.*, p. 1.

<sup>6</sup> Suspension Order, Oct. 15, 2024.

<sup>7</sup> CURB was granted intervention on November 5, 2024.

<sup>8</sup> Public Direct Testimony of Lana J. Ellis, Ph.D., Jan. 23, 2025, p. 53.

<sup>9</sup> *Id.*, p. 54.

<sup>10</sup> *Id.*, p. 58.

<sup>11</sup> *Id.*, pp. 38, 49-50.

<sup>12</sup> *Id.*, pp. 38-48.

<sup>13</sup> *Id.*, p. 50.

concerns with the FAS Program, Ellis recommends requiring Evergy to: (1) offer the FAS Program as a pilot with detailed EM&V; (2) provide stand-alone program levels with clear on-ramps and off-ramps; (3) limit its rightsizing of charging advice to small private and public entities; (4) provide grid-friendly advice to all fleet customers; and (5) provide a list of third-party advisors to all fleet customers.<sup>14</sup>

5. Like the FAS program, Staff expressed modeling, program design, and reporting concerns with the RMC Pilot. To address these concerns, Ellis recommends requiring Evergy to: (1) increase the number of charging days to five days each month as a condition of receiving the monthly incentive;<sup>15</sup> (2) develop a detailed communications plan; (3) file a detailed EM&V methodology plan, and then work collaboratively to develop an implementation plan for the methodology; and (4) collaborate with stakeholders to create a more detailed research methodology plan and instrumentation.<sup>16</sup>

6. Frantz recommends approval of the both the FAS Program and RMC Pilot Program as proposed by Evergy.<sup>17</sup> He believes the FAS Program is designed to provide an efficient and sufficient level of educational/advisory service to customers interested in electrifying their vehicle fleets.<sup>18</sup> Frantz believes the proposed RMC Pilot will encourage off-peak home EV charging, producing lower costs and lower emission generation.<sup>19</sup>

7. On February 20, 2025, Julie Dietrich, Tim Nelson, and Wendy Marine filed Rebuttal Testimony on behalf of Evergy. Dietrich, Evergy's Lead Program Manager – Fleet Electrification, finds Staff's recommendation to provide grid-friendly advice to all fleet customers

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<sup>14</sup> *Id.*, p. 3.

<sup>15</sup> *Id.*, p. 18.

<sup>16</sup> *Id.*, pp. 2-3.

<sup>17</sup> Direct Testimony of Josh Frantz, Jan. 23, 2025, pp. 6, 9.

<sup>18</sup> *Id.*, p. 5.

<sup>19</sup> *Id.*, p. 9.

to be consistent with Evergy's proposed design.<sup>20</sup> Evergy believes its FAS program effectively incorporates Staff's recommendations for stand-alone levels of service, with clear on-ramps and off-ramps for participation.<sup>21</sup> Evergy opposes limiting access to right-sizing charging advice to public entities and small private businesses, or being required to provide and manage a list of third-party advisors.<sup>22</sup> Evergy concurs with Staff's recommendations to create an educational and outreach plan and a communications plan for the Pilot.<sup>23</sup> Nelson, Evergy's Senior Manager, Analytics, believes Staff's concerns that Evergy may not have a large enough sample size to estimate the causal impact of Active Managed Charging (AMC) can be mitigated with an EM&V plan and communication plan.<sup>24</sup> Marine, Lead Product Manager, Energy Solutions for Evergy, opposes Staff's recommendation to increase the minimum number of charging days from one day to five days per month to be eligible for the AMC program's ongoing participation incentive as unnecessary and possibly counterproductive.<sup>25</sup>

8. On February 28, 2025, Evergy, Staff, and CURB filed a Joint Motion for Approval of Unanimous Settlement Agreement, advising the Commission that they reached a unanimous settlement on all disputed issues.<sup>26</sup> The Unanimous Settlement Agreement is attached as Attachment A.

9. On March 3, 2025, Testimony in Support of the Unanimous Settlement Agreement was filed by Winslow on behalf of Evergy, Ellis on behalf of Staff, and Frantz on behalf of CURB. Winslow explains the Unanimous Settlement Agreement adopts Staff's recommendations, including: (1) raising the minimum charging events to qualify for the incentive payment under the

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<sup>20</sup> Rebuttal Testimony of Julie Dietrich, Feb. 20, 2025, pp. 2-3.

<sup>21</sup> *Id.*, p. 4.

<sup>22</sup> *Id.*, p. 5.

<sup>23</sup> *Id.*, p. 6.

<sup>24</sup> Rebuttal Testimony of Timothy M. Nelson, Feb. 20, 2025, pp. 2, 5-6.

<sup>25</sup> Rebuttal Testimony of Wendy A. Marine, Feb. 20, 2025, pp. 2, 4.

<sup>26</sup> Joint Motion for Approval of Unanimous Settlement Agreement, Feb. 28, 2025, ¶ 3.

RMC program from one day per month to two days per month, (2) limiting rightsizing of charging advice in the FAS program to small private and public entities and providing a specific definition for “small private” entities, and (3) developing a request for proposal (RFP) form for fleet customers to access third-party advisors offering fleet advisory services.<sup>27</sup>

10. The law generally favors compromise and settlement of disputes between parties when they enter into an agreement knowingly and in good faith to settle the dispute.<sup>28</sup> When approving a settlement, the Commission must make an independent finding that the settlement is supported by substantial competent evidence in the record as a whole, establishes just and reasonable rates, and is in the public interest.<sup>29</sup>

11. The Settlement Agreement is a unanimous settlement agreement as defined by K.A.R. 82-1-230a, therefore, there is no need to apply the five-factor test.<sup>30</sup> Instead, the Commission examines whether the settlement: (1) is supported by substantial competent evidence in the record as a whole; (2) will result in just and reasonable rates; and (3) if it is in the public interest.

12. Substantial competent evidence possesses something of substance and relevant consequence, which furnishes a substantial basis of fact to reasonably resolve the issues.<sup>31</sup> Whether another trier of fact could have reached a different conclusion given the same facts is irrelevant; a court can only find that a Commission decision is not supported by substantial competent evidence when the evidence shows “the [Commission’s] decision is so wide of the mark

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<sup>27</sup> Testimony in Support of Unanimous Settlement Agreement of Kimberly H. Winslow (Winslow Settlement Testimony), March 3, 2025, p. 7.

<sup>28</sup> *Krantz v. Univ. of Kansas*, 271 Kan. 234, 241-242 (2001).

<sup>29</sup> *Citizens’ Util. Ratepayer Bd. v. Kansas Corp. Comm’n.*, 28 Kan.App.2d 313, 316 (2000), rev. denied March 20, 2001.

<sup>30</sup> See Docket No. 15-KCPE-116-RTS, Order on KCP&L’s Application for Rate Change, Sept. 10, 2015, ¶ 16.

<sup>31</sup> *Farmland Indus., Inc. v. Kansas Corp. Comm’n.*, 25 Kan.App.2d 849, 852 (1999).

as to be outside of the realm of fair debate.”<sup>32</sup> Evergy, Staff, and CURB all agree the Unanimous Settlement Agreement is supported by substantial competent evidence.<sup>33</sup> As Ellis explains, Evergy’s Application, direct and rebuttal Testimony, plus the direct testimony of other witnesses offering diverse and often conflicting perspectives about the issues constitute substantial, competent evidence in support of the Unanimous Settlement Agreement.<sup>34</sup> Furthermore, Evergy, Staff, and CURB all filed testimony in support of the Unanimous Settlement Agreement. Having reviewed the record as a whole, the Commission finds the Unanimous Settlement Agreement is supported by substantial competent evidence.

13. An examination of just and reasonable rates has limited applicability to the Unanimous Settlement Agreement in this Docket, primarily because the Unanimous Settlement Agreement does not directly change rates.<sup>35</sup> However, Frantz believes the Agreement will result in just and reasonable rates through reasonable program budgets and incentive structures.<sup>36</sup> Similarly, Ellis believes the settlement terms help ensure that: (1) the ratepayer benefit-cost test will be positive given the market uncertainties associated with the FAS Pilot; and (2) the Pilot research value and grid-impact value warrant the cost of the RMC Pilot.<sup>37</sup> Accordingly, the Commission finds the Unanimous Settlement Agreement will result in just and reasonable rates.

14. The Commission finds the approval of the Unanimous Settlement Agreement is in the public interest. The public interest is served when customers are protected from unnecessarily high prices, discriminatory prices, and/or unreliable service.<sup>38</sup> Winslow testifies the Unanimous

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<sup>32</sup> *See id.* at 851.

<sup>33</sup> Winslow Settlement Testimony, p. 8; Testimony in Support of Unanimous Settlement Agreement of Lana J. Ellis, PhD. (Ellis Settlement Testimony), March 3, 2025, pp. 8-9; Testimony in Support of Settlement Agreement of John Frantz (Frantz Settlement Testimony), March 3, 2025, p. 5.

<sup>34</sup> Ellis Settlement Testimony, p. 9.

<sup>35</sup> *Id.*

<sup>36</sup> Frantz Settlement Testimony, p. 5.

<sup>37</sup> Ellis Settlement Testimony, p. 9.

<sup>38</sup> *Id.*

Settlement Agreement is in the public interest because it lays the groundwork for shaping how EVs interact with the electrical grid, producing both near-term and lasting benefits for all customers.<sup>39</sup> Ellis opines the Unanimous Settlement Agreement is in the public interest because it: (1) accounts for uncertainty in the underlying assumptions in the participation forecasts and projected benefits by converting the FAS Program to a pilot and by ensuring sufficient data is collected for the RMC Pilot; (2) can be used to design stronger post-pilot programs by creating detailed communication plans at the outset; (3) facilitates implementation by structuring the FAS levels as independent modules with clear on-ramps and off-ramps; (4) protects the competitive fleet advisory services market in Kansas by limiting Evergy's Level 2 and 3 service offerings to public entities and small businesses, allowing third-party competitors to continue providing fleet advisory services with minimal market interference; and (5) allows important information to be collected and analyzed through annual reporting and EM&V on both the FAS Pilot and the RMC Pilot. This data can be used to further inform Evergy's grid management and the development of future programs that will continue to incent the movement towards off-peak utilization of the electric grid.<sup>40</sup> Lastly, by reaching a unanimous settlement, the parties have limited administrative expenses which otherwise would be paid by Evergy ratepayers.<sup>41</sup> Frantz believes the Unanimous Settlement Agreement is in the public interest because educating customers on efficient charging behaviors allows Evergy to avoid or delay capacity upgrades, potentially reducing emissions.<sup>42</sup> He adds that increased EV usage has the potential to reduce emissions, bettering public health and safety through improved air quality.<sup>43</sup>

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<sup>39</sup> Winslow Settlement Testimony, p. 8.

<sup>40</sup> Ellis Settlement Testimony, pp. 10-11.

<sup>41</sup> *Id.*, p. 11.

<sup>42</sup> Frantz Settlement Testimony, p. 7.

<sup>43</sup> *Id.*

15. After reviewing the evidentiary record, the Commission finds the Unanimous Settlement Agreement is supported by substantial competent evidence in the record as a whole, results in just and reasonable rates, and is in the public interest. Thus, the Commission approves the Unanimous Settlement Agreement in its entirety.

**THEREFORE, THE COMMISSION ORDERS:**

A. The Joint Motion for Approval of Unanimous Settlement Agreement is granted. The Unanimous Settlement Agreement is approved in its entirety. The terms of the attached Unanimous Settlement Agreement are incorporated into this Order.

B. Any party may file a petition for reconsideration pursuant to the requirements and time limits established by K.S.A. 77-529(a)(1).<sup>44</sup>

**BY THE COMMISSION IT IS SO ORDERED.**

French, Chairperson; Keen, Commissioner; Kuether, Commissioner

Dated: 03/18/2025



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Abigail D. Emery  
Acting Secretary to the Commission

BGF

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<sup>44</sup> K.S.A. 77-503(c); K.S.A. 77-531(b).



**ATTACHMENT A**

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

In the Matter of the Application of Evergy     )  
Metro, Inc., Evergy Kansas Central, Inc., and     )     Docket No. 25-EKCE-169-TAR  
Evergy Kansas South, Inc. for Approval of its     )  
Phase 2 Transportation Electrification Portfolio.     )

**UNANIMOUS SETTLEMENT AGREEMENT**

After conducting discovery and engaging in a series of settlement discussions, Evergy Kansas Central, Inc. and Evergy Kansas South, Inc. (together as “Evergy Kansas Central”) and Evergy Metro, Inc. (“Evergy Kansas Metro”) (collectively as “Evergy” or “Company”); the Staff of the State Corporation Commission of the State of Kansas (“Staff”); and the Citizens’ Utility Ratepayer Board (“CURB”) (all Parties referred to collectively as “Signatories”), the Signatories enter into this Unanimous Settlement Agreement (“Settlement Agreement”) intending to resolve all matters in this docket and agreeing to present this Settlement Agreement to the Commission for approval.

**Background**

1. On September 30, 2024, Evergy filed with the Commission an Application requesting approval to implement its Phase 2 Transportation Electrification Portfolio (“Phase 2 Portfolio”),<sup>1</sup> which is comprised of a Fleet Advisory Services (“FAS”) Program and a Residential Managed Charging (“RMC”) Pilot.

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<sup>1</sup> Evergy Application (Sept. 30, 2024).

2. Concurrently with its Application, Evergy is also filing supporting testimony from Company witness Kimberly H. Winslow.<sup>2</sup>

3. CURB was granted intervention on November 5, 2024.<sup>3</sup> No other parties petitioned to intervene in this docket.

4. On December 3, 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.<sup>4</sup>

5. On January 23, 2025, CURB and Staff each filed direct testimony in this docket. Josh Frantz, testifying on behalf of CURB, recommended the Commission approve the Phase 2 Portfolio as proposed in Evergy’s direct filing.<sup>5</sup> Lana Ellis, testifying on behalf of Staff, recommended the Commission approve the Phase 2 Portfolio as proposed in Evergy’s direct filing with certain suggested modifications. Staff’s suggested modifications were addressed during settlement discussions and are fully resolved by the terms of this Agreement, as set forth below.

6. On February 20, 2025, Evergy filed rebuttal testimony from three witnesses: Julie Dietrich, Tim Nelson, and Wendy Marine.<sup>6</sup>

### **Terms of Settlement Agreement**

The Signatories hereby agree that Evergy’s Phase 2 Portfolio shall be consistent with the Phase 2 Portfolio proposed in the Company’s direct filing with the following modifications:

#### **I. Fleet Advisory Services (“FAS”) Program**

##### **a. Program Levels and Design**

1. The Program Description shall be as follows: This program meets the diverse needs of customers electrifying their fleets with a multi-level service offering. As shown

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<sup>2</sup> Direct Testimony of Kimberly H. Winslow (filed September 30, 2024).

<sup>3</sup> Order Granting CURB’s Petition to Intervene; Protective and Discovery Order (Nov. 5, 2024).

<sup>4</sup> Order Setting Procedural Schedule (Dec. 3, 2024).

<sup>5</sup> Direct Testimony of Josh Frantz on Behalf of CURB and Direct Testimony of Lana Ellis on Behalf of the KCC (filed January 23, 2025).

<sup>6</sup> Rebuttal Testimony of Julie Dietrich on Behalf of Evergy, Rebuttal Testimony of Tim Nelson on Behalf of Evergy, and Rebuttal Testimony of Wendy Marine on Behalf of Evergy (filed Feb. 20, 2025).

in the table below, Level 1 offers one-on-one advisory assistance and leverages Evergy's Online Tool. Levels 2 and 3 include the offerings from Level 1, plus customized analysis and calls with an advisor when more support is needed.

FAS PROGRAM OFFERINGS	LEVEL 1	LEVEL 2	LEVEL 3
<b>Customer Readiness</b>			
Application Review and Acceptance	✓	✓	✓
Fleet Advisory Introductory Call	✓	✓	✓
Fleet Advisory Data Summary Review Call	✓	✓	✓
Total Cost of Ownership (TCO) Data Input Call	✓	✓	✓
<b>Data Analysis &amp; Fleet Assessment</b>			
High-Level TCO with Evergy Online Tool (Includes General Incentives Info and Rate Education)	✓		
Customized TCO Analysis (Evaluate Vehicle Types, Routes, and Usage Patterns)		✓	✓
Detailed TCO Review Session		✓	✓
Conceptual Site Designs			✓
Preliminary Construction Cost Estimates			✓
Supplemental Fleet Advisory Call(s) (As-Needed)		✓	✓
<b>Final Report Delivery</b>			
Preparation of Summary Report	✓	✓	✓
<b>Custom Fleet Assessment Report</b>			
Custom TCO (Includes Charger and Rate Recommendation)		✓	✓
Charger Utilization and Load Management		✓	✓
Available Incentives		✓	✓
Fleet Advisory Project Walkthrough Call		✓	✓
Supplemental Fleet Advisory Call(s) (As-Needed)		✓	✓
Project Close-Out Call	✓	✓	✓

- b. Each level provides increasing support, allowing customers to start at any level and advance as needed. Evergy will build on previous work, avoid unnecessary rework, and incorporate the results from tasks already completed by the customer. Evergy will use the first fleet advisory call as the entry point (on-ramp) to the program. During this call, Evergy will:
- Assess program eligibility and suitability based on project scope, required effort, and alignment with program objectives using a standardized scoring

matrix (to be developed) during the first advisory call as an entry point to the program

- Determine the off-ramp based on customer qualifications, completed work at the time of application, and specific needs within the program offering.

c. Rightsizing of Charging Advice

1. Evergy will modify eligibility as follows:

- Level 1: Grid optimization education for all customers.
- Levels 2-3: Public entities and small private entities will qualify for this level of service (includes “rightsizing”).

2. Small private entities’ eligibility criteria are < 500 employees. These eligibility criteria will be based on the Kansas Small Business Profile published by the U.S. Small Business Administration’s Office of Advocacy.<sup>7</sup>

d. Third-Party Advisors

1. Within 60 days following Commission approval, Evergy will collaborate with Staff and CURB to develop a Request for Proposal (“RFP”) template and a process for customers seeking third-party fleet advisory services.

e. Communications Plan

1. Within 90 days following Commission approval, Evergy will develop and present to the intervenors for stakeholder review and collaboration a Communications Plan for the FAS program. The plan will include the following:

- Details on messaging
- Design
- Delivery channels
- Frequency of communications directed at participants for each level
- Key performance indicators

f. Pilot Program with EM&V

1. Evergy will offer the program as a 5-year pilot.

2. Evergy will fulfill the following tasks within the proposed scope and budget:

- Annual report:
  - Marketing and outreach activities completed
  - Number of participants
  - Projected charging loads
  - Budget expenditure
- Final evaluation:
  - Customer surveys to gather process feedback and assess program influence

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<sup>7</sup> The 2023 edition of this document is available at <https://advocacy.sba.gov/wp-content/uploads/2023/11/2023-Small-Business-Economic-Profile-KS.pdf>

- Data collection and benefit-cost analysis with a focus on program impact derived from planned electric vehicles and charging plans
- 3. Evergy will collaborate with Staff and CURB to establish any additional EM&V requirements, if needed, and determine the necessary budget adjustments to accommodate additional scope, if required within 12 months following Commission approval.

## II. Residential Managed Charging (“RMC”) Pilot

### a. RMC Pilot Parameters

1. Evergy will increase the number of charging days each month from one (1) day to two (2) days as a condition of receiving the program’s monthly participation incentive to achieve the objective of data adequacy.
2. After twelve (12) months of Active Managed Charging data becomes available, the parties agree to consider increasing the required number of charging events if the median charging days are actually less than five (5).

### b. Communications Plan

1. Within six months following Commission approval, Evergy will develop, and present to the intervenors for stakeholder review and collaboration, a detailed Communications Plan for the RMC Pilot. The plan will include the following:
  - details on messaging
  - design
  - delivery channels
  - frequency of communication directed at participants in each group (except the control group)
  - key performance indicators

### c. EM&V/Research Methodology

1. Evergy will develop a draft EM&V Plan within three (3) months of Commission approval of the RMC Pilot. The EM&V Plan will include the EM&V Methodology Plan, EM&V Methodology Implementation Plan, and Detailed Customer Research Methodology Plan excluding use of pre-pilot focus groups. Evergy will work collaboratively with Staff and interested stakeholders over the following month to refine the EM&V Plan. Evergy, Staff, and interested stakeholders will then jointly file the EM&V plan in this docket.

## III. Miscellaneous Terms of General Applicability

- a. Unless otherwise specifically provided for herein, the Signatories agree that the budget and participation parameters proposed in Evergy’s direct filing will not be affected by the terms of this Settlement Agreement.
- b. The Signatories agree that each party has the right to file testimony in support of this Settlement Agreement per the Procedural Schedule established for this docket.

- c. The Signatories waive cross-examination on all testimony filed contemporaneously with or prior to the filing of this Settlement Agreement.
- d. The Signatories stipulate that this Settlement Agreement is a negotiated settlement that fully resolves all matters in this docket and constitutes a fair and reasonable resolution of this docket.

IN WITNESS THEREOF, the Signatories have executed and approved this Settlement Agreement by subscribing their signatures below.

Cathryn J. Dinges (#20848)  
Senior Director and Regulatory Affairs Counsel  
818 South Kansas Avenue  
Topeka, Kansas 66612  
(785) 575-8344  
[Cathy.Dinges@evergy.com](mailto:Cathy.Dinges@evergy.com)

/s/ Will Wohlford

Glenda Cafer (#13342)  
Trevor C. Wohlford (#19443)  
Will B. Wohlford (#21773)  
Morris Laing Law Firm  
800 SW Jackson, Ste 1310  
Topeka, Kansas 66612  
Phone: (785) 430-2003  
[gcafer@morrislaing.com](mailto:gcafer@morrislaing.com)  
[twohlford@morrislaing.com](mailto:twohlford@morrislaing.com)  
[wwohlford@morrislaing.com](mailto:wwohlford@morrislaing.com)  
**ATTORNEYS FOR EVERGY**

/s/ Carly Masenthin

Carly Masenthin  
Senior Litigation Counsel  
Kansas Corporation Commission  
1500 SW Arrowhead Rd  
Topeka, KS 66604  
**Attorney for KCC Staff**

/s/ Joseph R. Astrab

Joseph R. Astrab, #26414  
Consumer Counsel  
1500 SW Arrowhead Road  
Topeka, KS 66604  
**Attorneys for Citizens' Utility Ratepayer Board**

## **CERTIFICATE OF SERVICE**

25-EKCE-169-TAR

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of electronic service on 03/18/2025.

JOSEPH R. ASTRAB, CONSUMER COUNSEL  
CITIZENS' UTILITY RATEPAYER BOARD  
1500 SW ARROWHEAD RD  
TOPEKA, KS 66604  
joseph.astrab@ks.gov

GLEND A CAFER, ATTORNEY  
MORRIS LAING EVANS BROCK & KENNEDY  
800 SW JACKSON  
SUITE 1310  
TOPEKA, KS 66612-1216  
gcafer@morrislaing.com

CATHRYN J. DINGES, SR DIRECTOR & REGULATORY  
AFFAIRS COUNSEL  
EVERGY KANSAS CENTRAL, INC  
818 S KANSAS AVE  
PO BOX 889  
TOPEKA, KS 66601-0889  
cathy.dinges@evergy.com

BRIAN G. FEDOTIN, GENERAL COUNSEL  
KANSAS CORPORATION COMMISSION  
1500 SW ARROWHEAD RD  
TOPEKA, KS 66604  
brian.fedotin@ks.gov

DARRIN IVES, VP - REGULATORY AFFAIRS  
EVERGY METRO, INC  
D/B/A EVERGY KANSAS METRO  
One Kansas City Place  
1200 Main St., 19th Floor  
Kansas City, MO 64105  
darrin.ives@evergy.com

TODD E. LOVE, ATTORNEY  
CITIZENS' UTILITY RATEPAYER BOARD  
1500 SW ARROWHEAD RD  
TOPEKA, KS 66604  
todd.love@ks.gov

CARLY MASENTHIN, LITIGATION COUNSEL  
KANSAS CORPORATION COMMISSION  
1500 SW ARROWHEAD RD  
TOPEKA, KS 66604  
carly.masenthin@ks.gov

SHONDA RABB  
CITIZENS' UTILITY RATEPAYER BOARD  
1500 SW ARROWHEAD RD  
TOPEKA, KS 66604  
shonda.rabb@ks.gov

DELLA SMITH  
CITIZENS' UTILITY RATEPAYER BOARD  
1500 SW ARROWHEAD RD  
TOPEKA, KS 66604  
della.smith@ks.gov

LESLIE R WINES, SR EXECUTIVE ADMIN ASSISTANT  
EVERGY METRO, INC  
D/B/A EVERGY KANSAS METRO  
One Kansas City Place  
1200 Main St., 19th Floor  
Kansas City, MO 64105  
leslie.wines@evergy.com

**CERTIFICATE OF SERVICE**

25-EKCE-169-TAR

TREVOR WOHLFORD, ATTORNEY  
MORRIS LAING EVANS BROCK & KENNEDY  
800 SW JACKSON  
SUITE 1310  
TOPEKA, KS 66612-1216  
twohlford@morrislaing.com

WILL B. WOHLFORD, ATTORNEY  
MORRIS LAING EVANS BROCK & KENNEDY CHTD  
300 N MEAD STE 200  
WICHITA, KS 67202-2745  
wwohlford@morrislaing.com

/S/ KCC Docket Room  
KCC Docket Room

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