

BEFORE THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS

In the Matter of the Investigation Into the)
Agreement Between Evergy and Elliott) Docket No. 20-EKME-514-GIE
Management to Consider a Modified)
Standalone Plan or Merger Transaction.)

**PETITION OF KANSAS ELECTRIC POWER
COOPERATIVE, INC. TO INTERVENE**

COMES NOW Kansas Electric Power Cooperative, Inc. (“KEPCo”) and, pursuant to K.S.A. 77-521 and K.A.R. 82-1-225, respectfully petitions the State Corporation Commission of the State of Kansas (“Commission”) for an order permitting it to intervene in the above-captioned docket. In support of its petition, KEPCo states as follows:

1. KEPCo is a corporation duly organized and existing under the laws of the State of Kansas, with its registered office and principal place of business at 600 SW Corporate View, Topeka, Kansas, 66615.

2. KEPCo is engaged in the business of a generation and transmission cooperative electric supplier providing power and energy to 18 member distribution cooperatives (“Members”) in the state of Kansas pursuant to all-requirements wholesale electric power agreements. KEPCo’s Members serve more than 125,000 retail meters in the eastern two-thirds of Kansas, which equates to approximately 300,000 Kansans.

3. On June 11, 2020, Commission Staff (“Staff”) filed a Petition for Order Initiating Investigation (“Petition”) into Evergy’s¹ agreement with its investor Elliott Management (“Elliott”) to consider either a sale/merger of the company or a restructuring to operate on a

¹ Collective reference to Evergy Kansas Metro, Inc. (“Evergy Metro”), Evergy Kansas Central, Inc. (Evergy Central”), and Evergy Kansas South, Inc. (“Evergy South”).

standalone basis for the purpose of cutting operating and maintenance expenses and increasing capital expenditures. See Petition, June 11, 2020, ¶ 5. In its Report and Recommendation (“Report”) attached to its Petition, Staff stated “[it] is very concerned that Elliott’s focus on increasing shareholder value will place Evergy’s customers at a risk of paying higher rates or receiving lower quality service in order to support an increase in shareholder value.” See Attached Report to Petition, p. 2. Staff also expressed concern that the focus on increased shareholder value could prove to circumvent the merger conditions agreed to by Evergy in Docket No. 18-KCPE-095-MER (“18-095 Docket”). See id.

4. On June 18, 2020, the Commission issued its Order Opening General Investigation (“Order”) in response to Staff’s Petition. The Commission agreed with Staff that either a standalone plan or a sale/merger “could affect Evergy’s ability to provide reasonably efficient and sufficient service at just and reasonable rates,” thus, “it is crucial to have a transparent process as Evergy works through its analysis and decision.” See Order, ¶ 4. To that end, the Commission granted Staff’s request to open an investigatory docket “to enable the Commission, stakeholders, and customers to be fully informed of the analysis and rationale behind Evergy’s decision.” See id.

5. KEPCo was granted full intervenor status in the 18-095 Docket, which sets out the merger conditions on which any future sale/merger transaction or internal restructuring must adhere. Additionally, KEPCo is a co-owner of the Wolf Creek Generating Station with Evergy Metro (f/k/a Kansas City Power & Light Company) and Evergy South (f/k/a Kansas Gas and Electric Company d/b/a Westar Energy). KEPCo also is a co-owner of Iatan Generating Station Unit 2 with Evergy Metro. In addition to its co-ownership of generation with Evergy Metro and Evergy South, a significant amount of KEPCo’s power supply is dependent upon Evergy South’s

and Evergy Central's generation fleet through a long-term power supply contract. Further, KEPCo is dependent upon the Evergy companies' transmission systems. As such, any consideration of Evergy's corporate plans (such as a sale, merger, or restructuring), rates, resources, quality and adequacy of service, compliance with prior agreements (such as the 18-095 Docket merger conditions), or any process related to the review thereof, necessarily impacts KEPCo and its Members.

6. For the above reasons, KEPCo has a direct interest in the issues to be addressed in this docket and such interest cannot be adequately represented by any other party. Further, KEPCo may or will be substantially affected by any Commission order or activity in this proceeding. K.A.R. 82-1-225(a)(2). Finally, the interests of justice and the orderly and prompt conduct of this proceeding will not be impaired by allowing KEPCo to intervene. K.A.R. 82-1-225(a)(3).

7. Because KEPCo will or may be bound by any Commission order or activity in this proceeding and may be adversely affected thereby, and because KEPCo's interest herein may not be adequately represented by any other party, KEPCo respectfully requests its petition to intervene be granted without limitation.

8. In addition to the undersigned counsel, service of all pleadings, testimony, briefs, orders, correspondence, and other communication relating to this docket should be sent to the following named individuals:

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WHEREFORE, for the above and foregoing reasons, KEPCo respectfully requests that the Commission grant its petition to intervene without limitation and for such other relief as the Commission deems just and proper.

Respectfully submitted,

/s/ Susan B. Cunningham

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VERIFICATION
(K.S.A. 53-601)

STATE OF KANSAS)
) ss.
COUNTY OF SHAWNEE)

I, Susan B. Cunningham, verify under penalty of perjury that I have caused the foregoing Petition of Kansas Electric Power Cooperative, Inc. to Intervene to be prepared on behalf of Kansas Electric Power Cooperative, Inc.; that I have read and reviewed the Petition; and that the contents thereof are true and correct to the best of my information, knowledge, and belief.

/s/ Susan B. Cunningham

Susan B. Cunningham

Executed on this 29th day of June, 2020.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing Petition of Kansas Electric Power Cooperative, Inc. to Intervene was electronically served on this 29th day of June, 2020, to the following named persons appearing on the Commission's service list as last modified on June 25, 2020.

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As a courtesy, a true and correct copy of the above and foregoing Petition of Kansas Electric Power Cooperative, Inc. to Intervene was also electronically served on June 29, 2020, on the following named individuals:

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/s/ Susan B. Cunningham

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