

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

**JOINT RESPONSE IN OPPOSITION TO KANSAS INDUSTRIAL CONSUMERS
GROUP, INC.'S MOTION TO FILE AS AN EXHIBIT IN THIS DOCKET, THE
ANNUAL UPDATE TO THE INTEGRATED RESOURCE PLAN OF EVERGY
KANSAS CENTRAL**

COME NOW Evergy Kansas Central, Inc. and Evergy Kansas South, Inc. (together as “EKC”) and the Staff of the Kansas Corporation Commission (“Staff”), hereby jointly object to the Motion to File as an Exhibit in this Docket, the Annual Update to the Integrated Resource Plan of Evergy Kansas Central (“the Motion”) filed by Kansas Industrial Consumers Group, Inc. (“KIC”). For the reasons stated below, Petitioners, and Staff request that the Commission deny the Motion.

Background

1. On November 6, 2024, EKC filed a Petition with the Commission, pursuant to K.S.A. 2024 Supp. 66-1239(c), requesting a predetermination of the ratemaking principles and treatment applicable to the recovery in rates of the costs to be incurred in constructing and acquiring a 50% stake in two 710 MW combined cycle gas turbine (“CCGT”) generating facilities and a 100% stake in a 200 MW_{DC} (159 MW_{AC}) single-axis tracking photovoltaic solar facility.¹

¹ Petition of Evergy Kansas Central, Inc., Evergy Kansas South, Inc., and Evergy Metro, Inc. for Determination of Ratemaking Principles and Treatment (Nov. 6, 2024).

The projected date of commercial operation for the first CCGT facility, known as the “Viola Facility,” is January 1, 2029; the projected date of commercial operation for the second CCGT facility, known as the “McNew Facility,” is January 1, 2030; and the projected date of commercial operation for the solar facility, known as the “Kansas Sky Facility,” is December 31, 2026.

2. In the Petition, EKC discussed the IRP process, identifying its most recent IRP submitted to the Commission as the preferred plan included in the May 17, 2024 triennial IRP filing (“2024 IRP”), and discussing in specific detail how the generation additions identified in the Petition are consistent with the 2024 IRP.²

3. EKC’s discussion of the 2024 IRP, and the proposed plan’s consistency with the 2024 IRP, is an element required by statute. Specifically, K.S.A. 66-1239(c)(2) expressly requires that “[a]ny utility seeking a determination of rate-making principles and treatment . . . *shall as a part of its filing* describe how the public utility’s stake in the generating facility is consistent with the public utility’s most recent preferred plan and resource acquisition strategy submitted to the commission.” (emphasis added).

4. The express statutory language, therefore, requires EKC, in its initial filing and at the time of its initial filing, to describe how its proposed generation additions are consistent with the utility’s most recent preferred plan at that time.

5. At the time of filing of the Petition herein, the most recent IRP filed by EKC with the Commission was the 2024 IRP. In addition, at the time of filing of the Petition herein in November of 2024, the 2025 IRP did not exist and had not been filed with the Commission.

² Petition of Evergy Kansas Central, Inc., Evergy Kansas South, Inc. and Evergy Metro, Inc. for Determination of Ratemaking Principles and Treatment, Nov. 6, 2024, at ¶¶ 40–48.

6. Contrary to this statutory language, KIC in its Motion requests that EKC be required to file the 2025 IRP in this docket, arguing that the 2025 IRP should now be deemed the “most recent preferred plan and resource acquisition strategy submitted to the commission” for the purposes of the predetermination statute.

7. KIC’s position ignores the fact that the relevant statutory language describes what is to be included in the Petition at the time of filing. Therefore, the relevant time for determining which plan is the most recent preferred plan and resource acquisition strategy is at the time of filing of the Petition.

8. Stating the obvious, EKC could not have incorporated a discussion of the 2025 IRP, a document and plan that did not exist at the time, into its Petition filed in this docket November 6, 2024.

9. Although the 2025 IRP continues to support the addition of the generation assets identified in the Petition and at issue in this docket, that is not the relevant inquiry under the clear and express language of the statute. The pertinent question is whether the generation additions are consistent with the most recent preferred plan submitted to the Commission at the time of filing of the Petition, the 2024 IRP. The record in this docket includes hundreds of pages of testimony and evidence, and hours of live testimony addressing that particular relevant issue, and this docket must be determined based upon that relevant evidence.

10. As with KIC’s recent Motion to Submit Supplemental Testimony filed on May 5, 2025, due process and fairness of the current proceedings dictate that KIC’s Motion should be denied. In the interest of due process and fair play, the Commission should not allow continued submission of testimony and evidence after the completion of the evidentiary hearing in this matter.

11. KIC's Motion also invites additional proceedings in this docket, which would likely be required to allow EKC, Staff and other parties to comment on and be fully heard regarding the 2025 IRP. Additional proceedings side-tracking these proceedings, however, are completely unnecessary because, as demonstrated above, the 2025 IRP is not directly relevant to this proceeding. This can all easily be avoided by simply denying KIC's Motion to submit irrelevant materials into the current record.

12. Under the filed procedural schedule, the parties are currently working on post-hearing briefing, and the Commission Order in this docket is due July 7, 2025. KIC's Motion directly and unacceptably threatens this schedule, which has been in place in this docket since November of 2024. If granted, KIC's motion may require completely revamping post-hearing briefing schedule and may require additional unnecessary delays in the final resolution of this docket.

13. This is particularly unwarranted here because, under the clear language of the statute, the 2025 IRP is not directly relevant to these proceedings. KIC's Motion threatens to confuse and obscure relevant inquiries and issues in this docket, and instead inject irrelevant and unnecessary issues and analyses that would unduly obstruct and interfere with the orderly completion of these proceedings.

14. As discussed above, the relevant inquiry is the consistency of EKC's Petition with the most recent IRP at the time of filing of the Petition, which is the 2024 IRP. That issue has been confirmed and established throughout the record in this docket, and superfluous and irrelevant examination of the 2025 IRP is unwarranted and could only serve to undermine the orderly completion this docket at this point.

Based on the foregoing, and for the reasons stated, EKC and Staff respectfully request that the Commission deny KIC's Motion.

Respectfully submitted,

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I hereby certify that a copy of the above and foregoing was electronically filed with the Kansas Corporation Commission on May 12, 2025, and that one copy was delivered electronically to all parties on the service list as follows:

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