

BEFORE THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS

In the Matter of the Complaint Against)
Evergy Metro, Inc. by Scott Worthey) Docket No. 21-EKME-081-COM

**RESPONSE OF EVERGY KANSAS CENTRAL, INC. TO STAFF REPORT AND
RECOMMENDATION**

Evergy Metro, Inc. (“Evergy Kansas Metro”) submits the following Response to the Report and Recommendation filed by Staff in the above-captioned docket:

1. On or about August 7, 2020, Mr. Worthey filed his Complaint in this matter, seeking recovery of damages he contended were caused by an outage that was caused by a cracked crossarm on a pole on a 34.5 kV line. Evergy Kansas Metro filed its Motion to Dismiss on October 5, 2020, explaining that its tariff exempts it from liability for any failure of its facilities unless such damage is the result of willful misconduct or gross negligence.

2. On July 30, 2021, Staff filed its Report and Recommendation. Staff agreed with Evergy Kansas Metro’s interpretation of the tariff and concluded that Evergy Kansas Metro had not acted willfully or with gross negligence and the Complaint should therefore be dismissed. However, Staff did recommend that the Commission order Evergy Kansas Metro and its sister utility, Evergy Kansas Central, Inc. (“Evergy Kansas Central”), to inspect all 34.5 kV double circuit lines for potential failure of the pole/crossarm/braces within six months of the Commission Order.

3. Evergy Kansas Metro accepts Staff’s recommendation that it should visually inspect its 34.5 kV double circuit lines, as discussed below; however, disagrees with the suggestion that the recommendation should be applied to Evergy Kansas Central, an entity that is not a party to this docket and was not the subject of the Complaint.

4. It would be entirely inappropriate for the Commission's order in this docket to require Evergy Kansas Central – a separate corporate entity with a separate service territory – to take specific steps when Evergy Kansas Central was not a party to the docket and the Complaint was filed against Evergy Kansas Metro.

5. Additionally, Evergy Kansas Central has spent approximately \$114 million on its 34.5 kV transmission system between 2016-2020 and plans to spend approximately \$190 million on its 34.5 kV transmission system from 2021-2025.¹ There is no basis – in this docket or otherwise – to require additional inspections for the Evergy Kansas Central system.

6. As indicated above, Evergy Kansas Metro will agree to Staff's recommendation that it visually inspect its 34.5 kV double circuit lines for potential failure of the pole/crossarm/braces within six months of the Commission Order and Evergy Kansas Metro will resolve any emergent issues discovered during that inspection.

7. However, Evergy Kansas Metro does want to make the Commission aware that it has planned investment of approximately \$20.8 million in its 34.5 kV system over the next five years. In response to input from Staff and other stakeholders gathered through the Sustainability Transformation Plan ("STP") process, Evergy Kansas Metro increased its planned investment in Evergy Kansas Metro's distribution system by \$50 million while decreasing Evergy Kansas Central's planned transmission investment by that amount. That shift in funding enabled Evergy Kansas Metro to focus on several projects for its 34.5 kV system.

8. Therefore, Evergy Kansas Metro requests that the Commission issue an order dismissing the Complaint, as recommended by Staff, and requiring Evergy Kansas Metro to visually inspect the 34.5 kV double circuit lines on its system for potential failure of the

¹ For Evergy Kansas Central, 34.5 kV lines are considered part of the transmission system; however, for Evergy Kansas Metro, 34.5 kV lines are considered distribution.

pole/crossarm/braces within six months of the Commission Order, but not approving any requirement for Evergy Kansas Central in this docket.

Respectfully submitted,

EVERGY KANSAS CENTRAL, INC.

/s/ Cathryn J. Dinges

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VERIFICATION

STATE OF KANSAS)
) ss
COUNTY OF SHAWNEE)

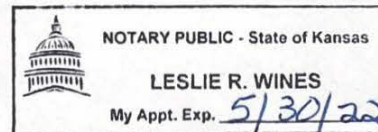
The undersigned, Cathryn Dinges, upon oath first duly sworn, states that she is Corporate Counsel for Evergy Kansas Central, Inc., that she has reviewed the foregoing pleading, that she is familiar with the contents thereof, and that the statements contained therein are true and correct to the best of her knowledge and belief.

Cathryn Dinges
Cathryn Dinges

Subscribed and sworn to before me this 30th day of August 2021.

Leslie R. Wines
Notary Public

My appointment expires May 30, 2022



CERTIFICATE OF SERVICE

I hereby certify that on this 30th day of August, 2021, the foregoing Response was electronically served on the following parties of record:

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