

BEFORE THE STATE CORPORATION COMMISSION  
OF THE STATE OF KANSAS

In the Matter of Evergy Kansas Central, Inc. and            )  
Evergy Kansas South, Inc. Seek Approval from            )     22-EKCE-020-TAR  
the Commission of the Evergy Energy Efficiency            )  
Rider 2021 Filing    )

**JOINT MOTION TO APPROVE STIPULATION AND AGREEMENT**

The Staff of the State Corporation Commission of the State of Kansas (“Staff”), Citizens’ Utility Ratepayer Board (“CURB”), Evergy Kansas Central, Inc. and Evergy Kansas South, Inc. (together as “Evergy” or “Evergy Kansas Central”) (referred to collectively as the “Parties”), by and through their respective counsel, file this Joint Motion requesting the Commission issue an Order Approving the Unanimous Stipulation and Agreement, attached hereto. In support of their Motion, the Parties state as follows:

1. On July 15, 2021, Evergy filed its Application with the Commission requesting approval of its Energy Efficiency Rider (“EER”). Evergy files an updated EER annually, in order to recover “actual program costs deferred for Commission approved Energy Efficiency programs deferred over a 12-month period ending in June of each year plus any true up amount from the prior period.”<sup>1</sup>

2. Evergy’s Application sought recovery of costs incurred in relation to Commission-approved demand response and energy efficiency programs in the amount of \$4,379,725. This amount included unrecovered expenses of \$4,277,148 incurred from the period of July 1, 2020, through June 30, 2021, and under-recovered costs of \$102,577 incurred from the prior period.

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<sup>1</sup> Evergy Kansas Central EER Tariff, sheet 2.

3. Staff reviewed Evergy's filing and filed its Report and Recommendation on October 1, 2021. In its R&R, Staff indicated that it found no errors in Evergy's calculations or the requested amounts. Staff did, however, recommend that an adjustment be made to the true-up portion of the EER. Staff argued that Evergy recovered a small percentage of its EER costs through its transmission formula rate ("TFR") from 2010 to 2019 and that the true-up for this EER period should be utilized to correct for the amount of EER costs Evergy recovered through its TFR during that time period (a total amount of \$1,277,601).

4. On October 8, 2021, CURB filed a Response to Staff's R&R indicating that it agreed with Staff's findings and recommendations.

5. On October 11, 2021, Evergy filed a Response to Staff's R&R indicating that it disagreed with Staff's recommendation to adjust the true-up amount because Evergy believes that recommendation was inconsistent with the language of the EER Tariff.

6. On October 21, 2021, Staff filed a Reply in support of its R&R, arguing that its proposed adjustment was appropriate.

7. The Parties have worked to address the issues in this docket and have reached agreement on all issues in the docket, and are filing the attached Unanimous Stipulation and Agreement ("Stipulation") with the Commission for approval. The Parties believe the Stipulation is reasonable and is in the public interest, and respectfully request that it be approved.

WHEREFORE, the Parties respectfully request the Commission grant this Joint Motion to Approve Unanimous Stipulation and Agreement and for any further relief the Commission deems just and proper.

Respectfully submitted,

*/s/ Carly R. Masenthin*

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Attorney for Commission Staff

*/s/ Todd E. Love*

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Attorneys for Citizens' Utility Ratepayer Board

*/s/ Cathryn J. Dinges*

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Attorney for Evergy Kansas Central, Inc. and Evergy  
Kansas South, Inc.

**VERIFICATION**

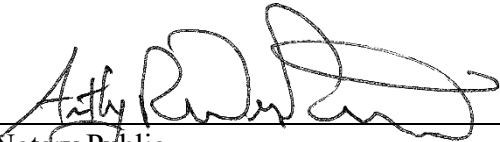
STATE OF MISSOURI     )  
  ) ss.  
COUNTY OF JACKSON    )

The undersigned, Darrin R. Ives, upon oath first duly sworn, states that he is Vice President of Regulatory Affairs for Evergy, Inc., that he has reviewed the foregoing pleading, that he is familiar with the contents thereof, and that the statements contained therein are true and correct to the best of his knowledge and belief.

Evergy, Inc.

By:   
Darrin R. Ives

The foregoing was subscribed and sworn to before me this 10<sup>th</sup> day of November 2021.

  
Notary Public

My Commission Expires:

4/26/2025



**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that a true and correct copy of the above was electronically served, hand-delivered or mailed, postage prepaid, this 10<sup>th</sup> day of November 2021

to:

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*1st Cathryn J. Dinges*

Cathryn J. Dinges

BEFORE THE STATE CORPORATION COMMISSION  
OF THE STATE OF KANSAS

In the Matter of Evergy Kansas Central, Inc. and            )  
Evergy Kansas South, Inc. Seek Approval from            )     Docket No. 22-EKCE-020-TAR  
the Commission of the Evergy Energy Efficiency            )  
Rider 2021 Filing    )

**UNANIMOUS STIPULATION AND AGREEMENT**

As a result of discussions between Evergy Kansas Central, Inc. and Evergy Kansas South, Inc. (together as “Evergy” or “Evergy Kansas Central”), the Staff of the Kansas Corporation Commission (“Staff”), and the Citizens' Utility Ratepayer Board (“CURB”) (collectively, “the Parties”), the Parties hereto submit to the Kansas Corporation Commission (Commission) for its consideration and approval, the following Unanimous Stipulation and Agreement (“Agreement”):

**I. BACKGROUND**

1. On July 15, 2021, Evergy filed its Application with the Commission requesting approval of its Energy Efficiency Rider (“EER”). Evergy files an updated EER annually, in order to recover “actual program costs deferred for Commission approved Energy Efficiency programs deferred over a 12-month period ending in June of each year plus any true up amount from the prior period.”<sup>1</sup>

2. Evergy’s Application sought recovery of costs incurred in relation to Commission-approved demand response and energy efficiency programs in the amount of \$4,379,725. This amount included unrecovered expenses of \$4,277,148 incurred from the period of July 1, 2020, through June 30, 2021, and under-recovered costs of \$102,577 incurred from the prior period.

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4. On October 8, 2021, CURB filed a Response to Staff's R&R indicating that it agreed with Staff's findings and recommendations.

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6. On October 21, 2021, Staff filed a Reply in support of its R&R, arguing that its proposed adjustment was appropriate.

7. Subsequent to these filings, the Parties held informal settlement discussions in an attempt to resolve the disputed issues before the Commission in this docket and avoid the expense and time that would have been involved with further litigation. The Parties were able to resolve the disputed issues and reached an agreement, as outlined below.

## **II. TERMS OF STIPULATION AND AGREEMENT**

8. The Parties agree that Evergy will return to customers through the true-up component of the EER rider that is to be effective through October 31, 2022, an amount of \$479,779.85 in addition to the true-up calculation proposed by Evergy in its initial filing, to address Staff's

recommendation regarding recovery of energy efficiency costs through Evergy's TFR. The EER rate for the rate period through October 31, 2022, updated to include this settlement, is reflected in Exhibit A, attached hereto.

9. The Parties agree that Evergy's willingness to enter into this settlement does not impact in any way Evergy's ability to maintain its position in the future that there should not be an open-ended retroactive look back option for adjustment mechanisms and that adjustment mechanisms should be administered in a manner that allows for finality of rate matters before the Commission.

10. Furthermore, the Parties understand, acknowledge, and agree that in entering into this Agreement, they are not admitting or acknowledging the merit or lack of merit of any of the issues raised by or against any of them, but instead, they are entering into this Agreement to avoid future litigation costs and risks and to resolve all outstanding issues among them as to the calculation of the true-up for the EER in the above-captioned docket.

11. Nothing in this Stipulation and Agreement is intended to impinge or restrict, in any manner, the exercise by the Commission of any statutory right, including the right of access to information, and any statutory obligation.

12. The Parties will jointly request the Commission issue an Order approving this Agreement.

13. This Agreement represents a negotiated settlement that fully resolves all of the issues in this docket among the Parties. The Parties represent that the terms of this Agreement constitute a fair and reasonable resolution of the issues addressed herein. Except as specified herein, the Parties shall not be prejudiced, bound by, or in any way affected by the terms of this Agreement (a)



in any future proceeding; (b) in any proceeding currently pending under a separate docket; and/or (c) in this proceeding should the Commission decide not to approve this Agreement in the instant proceeding. If the Commission accepts this Agreement in its entirety and incorporates the same into a final order without material modification, the Parties shall be bound by its terms and the Commission's Order incorporating its terms as to all issues addressed herein and in accordance with the terms thereof, and will not appeal the Commission's Order on these issues.

14. The provisions of this Agreement have resulted from negotiations among the Parties and are interdependent. In the event that the Commission does not approve and adopt the terms of this Agreement in total, the Agreement shall be voidable and no party hereto shall be bound, prejudiced, or in any way affected by any of the agreements or provisions hereof. Further, in such event, this Agreement shall be considered privileged and not admissible in evidence or made a part of the record in any proceeding.

IN WITNESS WHEREOF, the Parties have executed and approved this Unanimous Stipulation and Agreement, effective as of the 10<sup>th</sup> day of November 2021, by subscribing their signatures below.

*1s/ Carly R. Masenthin*

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Attorney for Commission Staff

*1s/ Todd E. Love*

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Attorneys for Citizens' Utility Ratepayer Board

*1s/ Cathryn J. Dinges*

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Attorney for Evergy Kansas Central, Inc. and Evergy Kansas South, Inc.

**Nov-21**  
**Evergy Kansas Central**  
**Energy Efficiency and Demand Response Expenditures**  
**Applicable Energy Sales used for Development of Billing Rate**  
**SETTLEMENT**

	For the period Dec 2021 through Oct 2022
Total retail energy sales (kWh)	18,005,211,922
Less Lighting energy sales	<u>101,717,670</u>
Total retail less lighting	<u><u>17,903,494,252</u></u>

	Expenses July 2020 to June 2021
(Over) /Under recovery	\$ 102,577
Settlement from Previous Years	\$ (479,780)
Program expenses	\$ 4,277,148
Total EER amount	<u><u>\$ 3,899,945</u></u>

Charge per kWh	<u><u>\$ 0.000218</u></u>
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