

THE STATE CORPORATION COMMISSION  
OF THE STATE OF KANSAS

Before Commissioners:                     Andrew J. French, Chairperson  
   Dwight D. Keen  
   Annie Kuether

In the Matter of the Application of Evergy    )  
Kansas South, Inc. for Approval of the Energy    )  
Supply Agreement Between Evergy Kansas    ) Docket No. 24-EKSE-249-CON  
South, Inc. and Occidental Chemical    )  
Corporation   )

**ORDER ACKNOWLEDGING EXTENSION OF TIME**

This matter comes before the State Corporation Commission of the State of Kansas (“Commission”). Having reviewed its files and records, the Commission makes the following findings:

1.       On September 12, 2023, Evergy Kansas South, Inc. (“Evergy”) and Occidental Chemical Corporation (“Occidental”) (together, “Joint Applicants”) filed a Joint Application in which they presented an Energy Supply Agreement (“ESA”) for approval by the Commission.<sup>1</sup>
2.       Occidental currently takes service from Evergy under an ESA that was approved by the Commission in Docket No. 18-KG&E-303-CON and was set to expire on December 31, 2023.<sup>2</sup>
3.       On May 10, 2023, in Docket No. 23-EKCE-802-CON, Joint Applicants filed a request with the Commission to extend the terms of that ESA by six months to allow the Joint Applicants to complete negotiations on a new agreement.<sup>3</sup> Prior to a Commission ruling on the request in Docket 23-EKCE-802-CON, the Joint Applicants completed their negotiations and filed

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<sup>1</sup> Application for Evergy Kansas South, Inc. (Sep. 12, 2023) (“Joint Application”).

<sup>2</sup> *Id.*, p. 1.

<sup>3</sup> *Id.*

the ESA for approval in the instant docket. In that filing, the Joint Applicants again asked the Commission to grant the extension request in Docket No. 23-EKCE-802-CON and issue its decision on the ESA in Docket No. 24-EKSE-249-CON prior to June 30, 2024.

4. In Joint Applicants' request for extension in Docket No. 23-EKCE-802-CON, they state finalization of the ESA as the reason for the extension request. In the instant docket, the Joint Applicants reiterated their request for extension, stating a decision prior to June 30, 2024 will avoid interruption of the billing process under the Agreement.<sup>4</sup>

5. The request to extend the timeline for decision on the ESA was not opposed by either Commission Staff or CURB.

6. The Commission is empowered to grant extensions, at its discretion, for good cause shown.<sup>5</sup> The Commission concludes the purpose of finalizing the ESA as well as avoidance of billing interruptions, absent objection from Commission Staff or CURB, warrants good cause to grant the extension.

7. On September 26, 2023, the Commission issued a Suspension Order, suspending the deadline for a Commission order to May 9, 2024. The parties have formally waived the 240-day statutory deadline for the Commission to issue a final order, as evidenced as their request to further extend the deadline to June 30, 2024 and communications amongst counsel.<sup>6</sup> Therefore, the Commission finds the Suspension Order is superseded by Joint Applicants' request for extension.

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<sup>4</sup> See *id.*, p. 3.

<sup>5</sup> See K.A.R. 82-1-217(b).

<sup>6</sup> See K.S.A. 66-117(c). Electronic communication amongst counsels available upon request.

**THEREFORE, THE COMMISSION ORDERS:**


A. Joint Applicants' request for extension is granted. A Commission Order is due June 30, 2024.

B. This Order is procedural and constitutes non-final agency action.<sup>7</sup>

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

French, Chairperson; Keen, Commissioner; Kuether, Commissioner.

Dated: 11/16/2023

  
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Lynn M. Retz  
Executive Director

CRM

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<sup>7</sup> K.S.A. 77-607(b)(2).

## CERTIFICATE OF SERVICE

24-EKSE-249-CON

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of electronic service on 11/16/2023.

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**CERTIFICATE OF SERVICE**

24-EKSE-249-CON

/S/ KCC Docket Room  
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