

**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 COMBINED RESPONSE IN OPPOSITION TO KANSAS INDUSTRIAL
CONSUMERS GROUP, INC.’S MOTION TO FILE SUPPLEMENTAL TESTIMONY
AND REQUEST TO STRIKE PROPOSED SUPPLEMENTAL TESTIMONY AND
EXHIBITS**

COME NOW Evergy Kansas Central, Inc. and Evergy Kansas South, Inc. (together as “EKC”) and Evergy Metro, Inc. (“EKM”) (collectively “Petitioners”) the Staff of the Kansas Corporation Commission (“Staff”), and Midwest Energy, Inc. (“MWE”), hereby jointly object to the Motion to File Supplemental Testimony submitted by Kansas Industrial Consumers Group, Inc. (“KIC”). For the reasons stated below, Petitioners, Staff and MWE request that the Commission deny KIC’s motion and strike the proposed supplemental testimony and exhibits attached to the motion.

Background

1. On November 6, 2024, Petitioners 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 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. KIC, along with various other parties representing diverse interests, participated in this docket and were afforded the opportunity to engage in discovery and present their positions through prefiled direct testimony, cross-answering testimony, and settlement testimony. Consistent with the Commission’s Order Amending the Procedural Schedule (“Amended Procedural Order”),² Michael P. Gorman filed on behalf of KIC direct testimony on March 14, 2025, and cross-answering testimony on March 21, 2025.³

3. On April 9, 2025, consistent with the Amended Procedural Order, the Commission hosted a settlement conference, where the parties discussed possible resolution of the issues, with negotiations carrying over for several days. The negotiations yielded two settlements: (1) the *Gas Settlement* and (2) the *Solar Settlement*. The *Gas Settlement* is a nonunanimous partial settlement resolving all matters and issues related to the Viola Facility and the McNew Facility as between a significant number of parties. The *Solar Settlement* is unanimous partial settlement resolving all matters and issues related to the Kansas Sky Facility as between all parties.

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).

² Order Amending the Procedural Order (Dec. 19, 2024).

³ Direct Testimony of Michael P. Gorman (March 14, 2025) and Cross-Answering Testimony of Michael P. Gorman (March 21, 2025).

4. Joint motions requesting approval of the two settlements were filed with the Commission on April 16, 2025,⁴ and all parties were afforded an opportunity to file testimony in support of or in opposition to the settlements. On April 17, 2025, consistent with the Amended Procedural Schedule, settlement testimony was filed by Petitioners, the Staff of the Kansas Corporation Commission (“Staff”), The Citizens’ Utility Ratepayer Board (“CURB”), the Council for New Energy Economics (“NEE”), and Climate + Energy Project (“CEP”).⁵ KIC elected not to file settlement testimony.

5. A three-day evidentiary hearing was held April 21-23, 2025. During the hearing, questions concerning long-term natural gas pricing arose, and two public documents probative of that issue were identified. They were:

- The 2025 Annual Energy Outlook (AEO) published by the United States Energy Information Administration (EIA) on April 15, 2025; and
- An energy survey published by the Federal Reserve Bank on April 11, 2025.

6. The Commission, at the close of the evidentiary hearing, ordered that the EIA and Federal Reserve Bank documents be submitted as late-filed exhibits and advised that “additional documents, analyses, information” related to “long-term gas supplier transportation” would be allowed as late-filed exhibits as well. Additionally, the Commission informed the parties:

⁴ Joint Motion for Approval of Non-Unanimous Partial Settlement Agreement Regarding Natural Gas Facilities (Apr. 16, 2025) and Joint Motion to Approve Unanimous Partial Settlement Solar Facility (Apr. 16, 2025).

⁵ Darrin Ives Testimony in Support of Natural Gas and Solar Settlement (April 17, 2025); Jason Humphrey Testimony in Support of Natural Gas and Solar Settlement (April 17, 2025); Grady Testimony in Support of Natural Gas and Solar Settlement Agreements (April 17, 2025); Testimony in Opposition of Natural Gas Settlement Agreement of William ‘Nick’ Jones on Behalf of the Council for the New Energy Economics (April 17, 2025); Testimony in Support of Unanimous Partial Settlement on Solar Facility and Testimony in Opposition to Non-Unanimous Partial Settlement on Natural Gas Facilities of Lucy Metz on Behalf of CURB (April 17, 2025); Testimony in Opposition of Non-Unanimous Partial Settlement Agreement Regarding Gas Facilities but in Support of Unanimous Partial Settlement Agreement Regarding Solar Facility of Dorothy Barnett on Behalf of Climate + Energy Project (April 17, 2025)

“If you feel that it’s necessary to supplement the record with additional testimony or positions on that information, I think I’m open to that. We would want that to be very brief. We wouldn’t want it to be exhaustive. We’re not gonna have another hearing. It would just be to add some perspective around that information.”⁶

7. The Commission ordered that the EIA document, the Federal Reserve Bank document, and additional documents related to the long-term outlook for gas supplier transportation were to be filed by May 5, 2025. The Commission also instructed that “if the parties wish to propose any additional supplemental comments or testimony,” they should do so by motion.⁷

8. The EIA and Federal Reserve Bank documents were timely filed on May 5, 2025.⁸ KIC’s Motion to File Supplemental Testimony was also filed on May 5, 2025, along with proposed supplemental testimony and four exhibits prepared by KIC witness Michael P. Gorman.⁹

9. Mr. Gorman’s proposed supplemental testimony is comprised of seven pages and addresses a range of topics, from the importance of having firm delivery infrastructure to the relationship between coal and gas on a kWh basis from 2020 to 2024. The four exhibits attached to Mr. Gorman’s proposed supplemental testimony also cover a range of topics. The first exhibit, labeled **Exhibit KIC-11**, is comprised of 14 pages of Evergy annual report summaries for fiscal years 2019 through 2024. The second exhibit, labeled **Exhibit KIC-12**, is comprised of six pages of a 153-page report, titled “Future Energy & Resource Needs Study

⁶ Hearing Tr., pp. 667-68, a copy of which is attached hereto as **Exhibit A**.

⁷ *Id.*

⁸ KCC Staff, NEE and Evergy Stipulated Post-Hearing Exhibit (May 5, 2025) and NEE Notice of Late Filed Hearing Exhibit and Motion to Admit (May 5, 2025).

⁹ KIC Motion to File Supplemental Testimony (May 5, 2025).

(FERNS),” prepared by Brattle in February 2025 on behalf of the Southwest Power Pool. The third exhibit, labeled **Exhibit KIC-13**, is a graph from an unidentified source purporting to show spot index prices for Zones 4 and 5 of the Transco pipeline. And the fourth exhibit, labeled **Exhibit KIC-14**, is a graph from an unidentified source purporting to show the spot index basis for Southern California versus Henry Hub.

Argument

10. The Commission should deny KIC’s Motion to File Supplemental Testimony and should strike the proposed supplemental testimony and exhibits attached to KIC’s motion because: (1) the proposed supplemental testimony and exhibits are beyond the scope of the Commission’s limited post-hearing directive and (2) KIC’s proposed supplemental filings could have been introduced in this docket in the normal course of the proceeding. Rather than providing additional updated or newly available information to the Commission, KIC’s filing requests the Commission accept additional Direct Testimony, which otherwise would have been subject to potential discovery, cross-answering testimony, and cross-examination had it been filed on the Direct Testimony filing date dictated by the Procedural Schedule, after the Parties’ opportunities to explore the veracity of the testimony had passed.

11. The scope of the Commission’s post-hearing directive was limited. The Commission ordered the parties to file the EIA and Federal Reserve Bank documents as late-filed exhibits and advised the parties that they could supplement the record with additional documents, analyses, or information related to long-term gas supplier transportation as well. The Commission also advised that it would be open to allowing parties to supplement the record with “very brief” additional testimony on the issue of long-term gas supplier transportation and instructed that any request to file such testimony should be made by motion. The proposed

supplemental testimony and exhibits attached to KIC's motion go far beyond what was contemplated by the Commission's post-hearing directive.

12. What is more, the proposed supplemental testimony and exhibits attached to KIC's motion cannot be properly characterized as supplemental evidence because the testimony and exhibits could have been introduced through KIC's prefiled direct testimony or cross-answering testimony, or later through settlement testimony (if KIC had elected to file settlement testimony). The proposed supplemental exhibits also could have been included in the exhibits KIC identified to the parties and the Commission prior to the hearing. Unlike the EIA and Federal Reserve Bank documents, all the proposed supplemental testimony and exhibits attached to KIC's motion was available prior to the filing deadlines for intervenor testimony prescribed by the Amended Procedural Order. In the interest of due process and fair play, the Commission should not allow testimonial and documentary evidence that could have been offered, and could have been vetted through cross-examination and rebuttal, in the normal course of a proceeding to escape scrutiny under the "supplemental" evidence label.

13. The Commission has stated it does not desire to have another hearing in this proceeding. Yet, accepting KIC's supplemental Direct Testimony may necessitate some form of further proceedings, because no party with a different perception than KIC will have an opportunity to rebut the supplemental Direct Testimony requested for admission, which also could have been submitted on at least three prior opportunities built into the procedural schedule.

Based on the foregoing, and for the reasons stated, Petitioners, Staff and MWE respectfully request that the Commission deny KIC's Motion to File Supplemental Testimony and strike the proposed supplemental testimony and exhibits attached to the motion.

Respectfully submitted,

Cathryn J. Dinges (#20848)
Senior Director and Regulatory Affairs Counsel
818 South Kansas Avenue
Topeka, Kansas 66612
(785) 575-8344
Cathy.Dinges@evergy.com

/s/ Will B. Wohlford

Glenda Cafer (#13342)
Trevor C. Wohlford (#19443)
Will B. Wohlford (#21773)
Morris Laing Law Firm
800 SW Jackson, Ste 1310
Topeka, Kansas 66612
Phone: (785) 430-2003
gcafer@morrislaing.com
twohlford@morrislaing.com
wwohlford@morrislaing.com
ATTORNEYS FOR EVERGY

/s/ Carly R. Masenthin

Carly Masenthin (#27944)
Patrick J. Hurley (#17638)
Office of Litigation Counsel
Kansas Corporation Commission
1500 SW Arrowhead Rd
Topeka, KS 66604
Phone: (785) 271-3265
(785) 271-3301
Carly.Masenthin@ks.gov
Patrick.Hurley@ks.gov
Attorneys for KCC Staff

/s/ Frank Caro

Frank Caro, Jr. (KS #11678)
Jared R. Jevons (KS # 28913)
Polsinelli PC
900 W. 48th Place
Suite 900
Kansas City, Missouri 64112
(816) 572-4754
fcaro@polsinelli.com
jjevons@polsinelli.com
Attorneys for Midwest Energy, Inc.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing was electronically filed with the Kansas Corporation Commission on May 9, 2025, and that one copy was delivered electronically to all parties on the service list as follows:

JAMES G. FLAHERTY, ATTORNEY
ANDERSON & BYRD, L.L.P.
216 S HICKORY
PO BOX 17
OTTAWA, KS 66067-0017
jflaherty@andersonbyrd.com

SHELLY M BASS, SENIOR ATTORNEY
ATMOS ENERGY CORPORATION
5430 LBJ FREEWAY
1800 THREE LINCOLN CENTRE
DALLAS, TX 75240
shelly.bass@atmosenergy.com

KATHLEEN R OCANAS, DIVISION VP OF RATES & REGULATORY AFFAIRS
ATMOS ENERGY CORPORATION
25090 W 110TH TERR
OLATHE, KS 66061
Kathleen.Ocanas@atmosenergy.com

JOSEPH R. ASTRAB, CONSUMER COUNSEL
CITIZENS' UTILITY RATEPAYER BOARD
1500 SW ARROWHEAD RD
TOPEKA, KS 66604
Joseph.Astrab@ks.gov

TODD E. LOVE, ATTORNEY
CITIZENS' UTILITY RATEPAYER BOARD
1500 SW ARROWHEAD RD
TOPEKA, KS 66604
Todd.Love@ks.gov

SHONDA RABB
CITIZENS' UTILITY RATEPAYER BOARD
1500 SW ARROWHEAD RD
TOPEKA, KS 66604
Shonda.Rabb@ks.gov

DELLA SMITH
CITIZENS' UTILITY RATEPAYER BOARD
1500 SW ARROWHEAD RD
TOPEKA, KS 66604
Della.Smith@ks.gov

Randall F. Larkin, Attorney
CITY OF LAWRENCE
PO Box 708
Lawrence, KS 66044
rlarkin@lawrenceks.org

Brandon McGuire, Asst. City Manager
CITY OF LAWRENCE
PO Box 708
Lawrence, KS 66044
bmcguire@lawrenceks.org

Kathy Richardson, Sustainability Director
CITY OF LAWRENCE
PO Box 708
Lawrence, KS 66044
krichardson@lawrenceks.org

TONI WHEELER, DIRECTOR, LEGAL SERVICES DEPT.
CITY OF LAWRENCE
CITY HALL
6 EAST SIXTH ST
LAWRENCE, KS 66044
twheeler@lawrenceks.org

DOROTHY BARNETT
CLIMATE & ENERGY PROJECT
PO BOX 1858
HUTCHINSON, KS 67504-1858
barnett@climateandenergy.org

CATHRYN J. DINGES, SR DIRECTOR & REGULATORY AFFAIRS COUNSEL
EVERGY KANSAS CENTRAL, INC
818 S KANSAS AVE
PO BOX 889
TOPEKA, KS 66601-0889
Cathy.Dinges@evergy.com

LESLIE WINES, Sr. Exec. Admin. Asst.
EVERGY KANSAS CENTRAL, INC
818 S KANSAS AVE
PO BOX 889
TOPEKA, KS 66601-0889
leslie.wines@evergy.com

DANIEL J BULLER, ATTORNEY
FOULSTON SIEFKIN LLP
7500 COLLEGE BOULEVARD, STE 1400
OVERLAND PARK, KS 66201-4041
dbuller@foulston.com

MOLLY E MORGAN, ATTORNEY
FOULSTON SIEFKIN LLP
1551 N. Waterfront Parkway
Suite 100
Wichita, KS 67206
mmorgan@foulston.com

SARAH C. OTTO
FOULSTON SIEFKIN LLP
7500 COLLEGE BOULEVARD, STE 1400
OVERLAND PARK, KS 66201-4041
sotto@foulston.com

LEE M SMITHYMAN, ATTORNEY
FOULSTON SIEFKIN LLP
7500 COLLEGE BOULEVARD, STE 1400
OVERLAND PARK, KS 66201-4041
lsmithyman@foulston.com

C. EDWARD WATSON, ATTORNEY
FOULSTON SIEFKIN LLP
1551 N WATERFRONT PKWY STE 100
WICHITA, KS 67206-4466
cewatson@foulston.com

JAMES P ZAKOURA, ATTORNEY
FOULSTON SIEFKIN LLP
7500 COLLEGE BOULEVARD, STE 1400
OVERLAND PARK, KS 66201-4041
jzakoura@foulston.com

Kevin M Fowler, Counsel
Frieden & Forbes, LLP
1414 SW Ashworth Place Ste 201
Topeka, KS 66604
kfowler@fflawllp.com

Constance Chan, Senior Category Manager - Electricity & Business Travel
HF SINCLAIR EL DORADO REFINING LLC
2323 Victory Ave. Ste 1400
Dalla, TX 75219
constance.chan@hfsinclair.com

Jon Lindsey, Corporate Counsel
HF SINCLAIR EL DORADO REFINING LLC
550 E. South Temple
Salt Lake City, UT 84102
jon.lindsey@hfsinclair.com

BRIAN G. FEDOTIN, GENERAL COUNSEL
KANSAS CORPORATION COMMISSION

1500 SW ARROWHEAD RD
TOPEKA, KS 66604
Brian.Fedotin@ks.gov

JUSTIN GRADY, CHIEF OF REVENUE REQUIREMENTS, COST OF SERVICE & FINANCE
KANSAS CORPORATION COMMISSION
1500 SW ARROWHEAD RD
TOPEKA, KS 66604
Justin.Grady@ks.gov

PATRICK HURLEY, CHIEF LITIGATION COUNSEL
KANSAS CORPORATION COMMISSION
1500 SW ARROWHEAD RD
TOPEKA, KS 66604
Patrick.Hurley@ks.gov

CARLY MASENTHIN, LITIGATION COUNSEL
KANSAS CORPORATION COMMISSION
1500 SW ARROWHEAD RD
TOPEKA, KS 66604
Carly.Masenthin@ks.gov

LORNA EATON, MANAGER OF RATES AND REGULATORY AFFAIRS
KANSAS GAS SERVICE, A DIVISION OF ONE GAS, INC.
7421 W 129TH STREET
OVERLAND PARK, KS 66213
lorna.eaton@onegas.com

ROBERT E. VINCENT, MANAGING ATTORNEY
KANSAS GAS SERVICE, A DIVISION OF ONE GAS, INC.
7421 W. 129TH STREET
OVERLAND PARK, KS 66213
robert.vincent@onegas.com

PAUL MAHLBERG, GENERAL MANAGER
KANSAS MUNICIPAL ENERGY AGENCY
6300 W 95TH ST
OVERLAND PARK, KS 66212-1431
mahlberg@kmea.com

TERRI J PEMBERTON, GENERAL COUNSEL
KANSAS MUNICIPAL ENERGY AGENCY
6300 W 95TH ST
OVERLAND PARK, KS 66212-1431
pemberton@kmea.com

DARREN PRINCE, MANAGER, REGULATORY & RATES
KANSAS MUNICIPAL ENERGY AGENCY
6300 W 95TH ST
OVERLAND PARK, KS 66212-1431
prince@kmea.com

JAMES GING, DIRECTOR ENGINEERING SERVICES
KANSAS POWER POOL
2229S WEST STREET
WICHITA, KS 67213
jging@kpp.agency

COLIN HANSEN, CEO/GENERAL MANAGER
KANSAS POWER POOL
2229S WEST STREET
WICHITA, KS 67213
chansen@kpp.agency

LARRY HOLLOWAY, ASST GEN MGR OPERATIONS
KANSAS POWER POOL
2229S WEST STREET
WICHITA, KS 67213
lholloway@kpp.agency

ALISSA GREENWALD, ATTORNEY
KEYES & FOX LLP
1580 LINCOLN STREET STE 1105
DENVER, CO 80203
AGREENWALD@KEYESFOX.COM

JASON KEYES, PARTNER
KEYES & FOX LLP
580 CALIFORNIA ST 12TH FLOOR
SAN FRANCISCO, CA 94104
JKEYES@KEYESFOX.COM

PATRICK PARKE, CEO
MIDWEST ENERGY, INC.
1330 Canterbury Rd
PO Box 898
Hays, KS 67601-0898
patparke@mwenergy.com

AARON ROME, VP OF ENERGY SUPPLY
MIDWEST ENERGY, INC.
1330 CANTERBURY DRIVE
PO BOX 898
HAYS, KS 67601-0898
arome@mwenergy.com

VALERIE SMITH, ADMINISTRATIVE ASSISTANT
MORRIS LAING EVANS BROCK & KENNEDY
800 SW JACKSON
SUITE 1310
TOPEKA, KS 66612-1216
vsmith@morrislaing.com

TREVOR WOHLFORD, ATTORNEY
MORRIS LAING EVANS BROCK & KENNEDY
800 SW JACKSON
SUITE 1310
TOPEKA, KS 66612-1216
twohlford@morrislaing.com

GLEND A CAFER, MORRIS LAING LAW FIRM
MORRIS LAING EVANS BROCK & KENNEDY CHTD
800 SW JACKSON STE 1310
TOPEKA, KS 66612-1216
gcafer@morrislaing.com

RITA LOWE, PARALEGAL
MORRIS LAING EVANS BROCK & KENNEDY CHTD
300 N MEAD STE 200
WICHITA, KS 67202-2745
rlowe@morrislaing.com

WILL B. WOHLFORD, ATTORNEY
MORRIS LAING EVANS BROCK & KENNEDY CHTD
300 N MEAD STE 200
WICHITA, KS 67202-2745
wwohlford@morrislaing.com

ASHOK GUPTA, EXPERT
NATIONAL RESOURCES DEFENSE COUNCIL
20 N WACKER DRIVE SUITE 1600
CHICAGO, IL 60606
agupta@nrdc.org

DAN BRUER, EXECUTIVE DIRECTOR
NEW ENERGY ECONOMICS
1390 YELLOW PINE AVE
BOULDER, CO 80305
DAN.BRUE@NEWENERGYECONOMICS.ORG

TIM OPITZ
OPITZ LAW FIRM, LLC
308 E. HIGH STREET
SUITE B101
JEFFERSON CITY, MO 65101
tim.opitz@opitzlawfirm.com

ANNE E. CALLENBACH, ATTORNEY
POL SINELLI PC
900 W 48TH PLACE STE 900
KANSAS CITY, MO 64112
acallenbach@polsinelli.com

FRANK A. CARO, ATTORNEY
POLSINELLI PC
900 W 48TH PLACE STE 900
KANSAS CITY, MO 64112
fcaro@polsinelli.com

JARED R. JEVONS, ATTORNEY
POLSINELLI PC
900 W 48TH PLACE STE 900
KANSAS CITY, MO 64112
JJEVONS@POLSINELLI.COM

Greg Wright
Priority Power Mgt.
12512 Augusta Dr
Kansas City, KS 66109
gwright@prioritypower.com

NICOLE MERS, ATTORNEY
RENEW MISSOURI ADVOCATES
501 FAY STREET
COLUMBIA, MO 65201
NICOLE@RENEWMO.ORG

JAMES OWEN, COUNSEL
RENEW MISSOURI ADVOCATES
915 E ASH STREET
COLUMBIA, MO 65201
JAMES@RENEWMO.ORG

TIMOTHY J LAUGHLIN, ATTORNEY
SCHOONOVER & MORIARTY, LLC
130 N. CHERRY STREET, STE 300
OLATHE, KS 66061
tlaughlin@schoonoverlawfirm.com

Peggy A. Trent, Chief County Counselor
The Board of County Commissioners of Johnson County
111 S. Cherry Ste 3200
Olathe, KS 66061
peg.trent@jocogov.org

ROBERT R. TITUS
TITUS LAW FIRM, LLC
7304 W. 130th St.
Suite 190
Overland Park, KS 66213
rob@tituslawkc.com

J.T. KLAUS, ATTORNEY
TRIPLETT, WOOLF & GARRETSON, LLC

2959 N ROCK RD STE 300
WICHITA, KS 67226
jtklaus@twgfirm.com

KACEY S MAYES, ATTORNEY
TRIPLETT, WOOLF & GARRETSON, LLC
2959 N ROCK RD STE 300
WICHITA, KS 67226
ksmayes@twgfirm.com

TIMOTHY E. MCKEE, ATTORNEY
TRIPLETT, WOOLF & GARRETSON, LLC
2959 N ROCK RD STE 300
WICHITA, KS 67226
TEMCKEE@TWGFIRM.COM

JOHN J. MCNUTT, General Attorney
U.S. ARMY LEGAL SERVICES AGENCY
REGULATORY LAW OFFICE
9275 GUNSTON RD., STE. 1300
FORT BELVOIR, VA 22060-5546
john.j.mcnutt.civ@army.mil

DAN LAWRENCE, GENERAL COUNSEL - USD 259
UNIFIED SCHOOL DISTRICT 259
903 S EDGEMOOR RM 113
WICHITA, KS 67218
dlawrence@usd259.net

KEVIN K. LACHANCE, CONTRACT LAW ATTORNEY
UNITED STATES DEPARTMENT OF DEFENSE
ADMIN & CIVIL LAW DIVISION
OFFICE OF STAFF JUDGE ADVOCATE
FORT RILEY, KS 66442
kevin.k.lachance.civ@army.mil

/s/ Will B. Wohlford
Will B. Wohlford

1 the witnesses to be examined in this hearing. Before
2 I conclude this proceeding, I think I have a
3 concluding matter, but let me ask if any of the
4 parties have any final matters to address?

5 MS. GREENWALD: I was just hoping to
6 clarify. Counsel for Staff indicated that the new
7 EIA outlook would be introduced as a supplemental
8 exhibit.

9 COMMISSIONER FRENCH: So, that was actually
10 my concluding --

11 MS. GREENWALD: Great minds.

12 COMMISSIONER FRENCH: -- matter. As
13 presiding officer -- and I presume I speak for the
14 other two Commissioners -- I believe additional
15 information around this issue would be helpful to our
16 analysis in this case. And so I will order that that
17 document be filed as a late-filed exhibit. I would
18 also like to ask NEE to file -- if you have the
19 document that Mr. Jones referenced from KC Fed, to
20 file that as a late-filed exhibit. But I also want
21 to be fair that if there are additional documents,
22 analyses, information that bear upon this issue, I
23 want all the parties to have an opportunity to
24 supplement the record with a late-filed exhibit.
25 I'll ask that they be filed within -- what's our

1 first brief deadline?

2 MR. FEDOTIN: 14th of May.

3 (Off-the-record discussion)

4 COMMISSIONER FRENCH: I'm going to ask that
5 they all be filed within ten days of today. If
6 the -- I would also ask that the parties discuss
7 among yourselves. If you feel that it's necessary to
8 supplement the record with additional testimony or
9 positions on that information, I think I'm open to
10 that. We would want that to be very brief. We
11 wouldn't want it to be exhaustive. We're not gonna
12 have another hearing. It would just be to add some
13 perspective around that information. But, you know,
14 this is very relevant information, but I want to
15 recognize that we want the parties to have an
16 opportunity to address it. So, for now, I will just
17 require any additional analyses relating to long-term
18 gas supplier transportation outlook be filed within
19 ten days of today. I don't know what date that is.
20 And then if the parties wish to propose any
21 additional supplemental comments or testimony, I
22 would ask that they do that by motion.

23 Did that prompt any further conclusory
24 matters from the parties?

25 MR. FEDOTIN: Ten days is a Saturday.

1 COMMISSIONER FRENCH: Well, it will be the
2 Monday after that.

3 MR. FEDOTIN: Monday, which would be May
4 5th, which gives them nine days for the brief or if
5 you want to move it --

6 COMMISSIONER FRENCH: Monday, May 5th, is
7 that acceptable to the parties? Mr. Zakoura?

8 MR. ZAKOURA: I, please, just have one
9 question and that is when will the transcript be
10 available?

11 COMMISSIONER FRENCH: I think that somewhat
12 depends on your discussions with the court reporter.
13 I believe you can request and order an expedited
14 transcript.

15 COURT REPORTER: By Tuesday.

16 COMMISSIONER FRENCH: By Tuesday. If you
17 don't request an expedited transcript, when would we
18 expect it?

19 COURT REPORTER: Ten business days from
20 today.

21 COMMISSIONER FRENCH: I think that's
22 Tuesday -- or, Monday, the 5th.

23 (Off-the-record discussion)

24 MR. ZAKOURA: I'm just trying to fit it in
25 with the schedule.

1 COMMISSIONER FRENCH: I would just suggest
2 that if you want it earlier than May 5th, you speak
3 to the court reporter. All right. Any additional
4 matters? If not, I will just remind everybody that
5 the schedule for post-hearing briefs is an initial
6 post-hearing brief from Evergy on May 14th; Staff
7 and Intervenor briefs will be due May 28; and then
8 Evergy's reply brief will be due June 6th. A
9 Commission Order in this Docket is due by July 7th,
10 2025.

11 This concludes our hearing in Docket No.
12 25-EKCE-207-PRE. If there are no further matters, we
13 are now adjourned. Thank you.

14 (Adjourned at 9:53 a.m.)
15
16
17
18
19
20
21
22
23
24
25

C E R T I F I C A T E

I, Cindy L. Schwemmer, a Certified Court Reporter,
do hereby certify:

That said proceedings were taken down by me in
machine shorthand at the time and place hereinbefore
stated and was thereafter, by me, reduced to writing;

That I am not a relative or employee or attorney
or counsel of any of the parties, or a relative or
employee of such attorney or counsel, or financially
interested in the action.

The original transcript is in the custody of:

Kansas Corporation Commission
Commissioners French, Keen & Kuether
1500 SW Arrowhead Rd.
Topeka, Kansas, 66604
(785) 271-3100

WITNESS my hand and seal this 29th day of April,
2025.



Cindy L. Schwemmer RPR, FCRR
Kansas CCR #0533
Missouri CCR #1478