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

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

Q: Please state your name and business address.

A: Nick Jones. 1121 Military Cutoff Road, Suite C #205, Wilmington, NC 28405.

Q: Are you the same Nick Jones who previously filed direct and cross answering testimony in this docket?

A: Yes.

Q: What is the purpose of your testimony in opposition of the natural gas settlement agreement?

A: The purpose of this testimony is to recommend that the Kansas Corporation Commission ("Commission") reject the settlement terms agreed to in the non-unanimous settlement agreement concerning the proposed natural gas plants. Specifically, my testimony addresses the terms under heading II.5(k) where a mechanism is devised for controlling cost overruns associated with the two natural gas projects.[1] While I share the signatories' apparent concern for controlling the capital costs of these projects, the settlement terms are insufficient for protecting Evergy ratepayers. The Commission should not approve those terms without an additional safeguard.

A far stronger protection for ratepayers would be achieved if costs were automatically reviewed and compared to best-available alternatives prior to the start of construction. While I concede that such a review may not be sensible for the Viola plant, ample opportunity exists to review and compare anticipated costs for the McNew plant – with the latter not expected to begin construction until 2027.[2] In the intervening

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[1] Kansas Corporation Commission ("KCC") Docket No. 25-EKCE-207-PRE, *Non-Unanimous Settlement Agreement*, pp. 6-10 (Apr. 16, 2025).

[2] KCC Docket No. 25-EKCE-207-PRE, *Testimony of J Kyle Olson*, p. 8, Table 2 (Nov. 6, 2024).

period, the Commission would be afforded more clarity into the evolving market conditions discussed in this docket, including the inflationary impact of tariffs, the capital cost of alternative resources, and long-term natural gas prices. Uncertainty may still remain on some of these topics, but it is reasonable to expect that the overall degree of uncertainty will have lessened from the current moment. In any case, there is no compelling reason for the Commission not to revisit the economic case for the McNew plant closer to groundbreaking. Doing so will enhance the Commission's diligence in assessing whether the project remains the best option by metrics of efficiency, reasonableness, and reliability – criteria that the predetermination statute names for consideration.[3]

I therefore advise that the Commission require Evergy to perform an automatic review of cost estimates and potential alternatives for the McNew plant, in a manner similar to what the non-unanimous settlement specifies in the event of cost overruns,[4] to be completed and reviewed in advance of groundbreaking. This approach would better promote the apparent goal of the non-unanimous settlement: to ensure that the project remains prudent without delaying needed capacity additions. Additionally, this recommendation could also resolve several concerns voiced in my direct testimony: namely, that Evergy's proposed McNew plant may be a less efficient and less reasonable investment for ratepayers than potential alternative resource plans that satisfy Southwest Power Pool ("SPP") resource adequacy requirements but were not considered in the 2024 integrated resource plan ("IRP"). My direct testimony indicates

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[3] KAN. STAT. ANN. § 66-1239(c)(3).
[4] Non-Unanimous Settlement Agreement at 6-10.

that this application is not efficient and reasonable by showing there is at least one alternative – a lower net-ownership in the McNew plant with a proportional investment in a battery energy storage system ("BESS") – that would be lower cost for Evergy ratepayers and satisfy reserve margin requirements.[5]

Separately, while I am advising that the specified settlement terms be rejected, I do support several other terms outlined in the settlement. I will provide specific endorsements at the end of this testimony.

Q: How do you respond to the characterization of party participation in the non-unanimous settlement agreement?

A: The characterization of party participation as an "extensive collaboration" in which "a large number of parties were able to reach agreement" implies a greater degree of collaboration and a level of agreement closer to unanimity than was actually achieved with this settlement. I note that several of the most engaged and contributive parties to this docket abstained from signing the agreement. Throughout this proceeding, New Energy Economics ("NEE") specifically has maintained a high level of collaborative openness. My previous direct testimony provided actionable and concrete solutions for addressing specific concerns surrounding the proposed plants.[6] In keeping with that spirit, this testimony also brings forward specific opportunities to achieve better outcomes for Evergy ratepayers.

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[5] KCC Docket No. 25-EKCE-207-PRE, *Direct Testimony of Nick Jones,* pp. 30-40 (Mar. 14, 2024).
[6] *Id*.

Q: What is your general opinion of the cost review mechanism described in the non-unanimous settlement for the proposed natural gas plants?

A: The cost review mechanism stipulated to in the settlement is a necessary but insufficient effort to prevent these projects from becoming uneconomic. Given the inflation in natural gas plant costs observed recently, it is appropriate that the settlement creates a review process for the event that projected costs grossly exceed definitive cost estimates. However, for reasons detailed here, a contingent review mechanism such as this is not enough to ensure the projects remain the most reasonable and economically efficient option.

Q: What would be the risk of only requiring a review of the proposed natural gas plants on a contingent basis as described in the non-unanimous settlement?

A: I identify two risks in relying on that threshold trigger as the only impetus for a review of project economics:

1. If costs are projected to meet the 115% threshold, it is likely to become apparent only once the natural gas project is significantly advanced and likely already under construction.
2. If costs do not meet the 115% threshold, there may nonetheless be more economically efficient alternatives to the continuation of the natural gas project. There would be a risk that, even at or below this threshold, ratepayers are left with an outcome that is less economically efficient than an alternative would have been.

In the first scenario, Evergy will have likely already committed a significant amount of the project budget. Because of these sunk costs, the go-forward costs of the natural gas project may compare favorably to alternatives, even if those alternatives would have yielded substantial savings if pursued at an earlier date. Ultimately, if the project is abandoned for an alternative, it will be a much more costly outcome than if the economics had been reviewed sooner. There are additional concerns to do with the timeline of such a trigger. For instance, if the review was triggered too late relative to the plant's in-service date, there may not exist an executable alternative for meeting Evergy's energy or capacity needs without risking reliability. Therefore, the Commission would find their hands forced into allowing construction to continue at any cost, even where alternatives theoretically could have been more economically efficient.

In the second scenario above, in which the 115% threshold is never met, the risk is that the projects are constructed at an ultimate cost near their definitive cost estimate even though alternatives could have reduced costs or yielded other advantages for ratepayers. Here, I defer to my direct testimony for a more comprehensive analysis of one such alternative which has not been considered by Evergy to date.

Q: Please provide more detail on the review requirement that you are proposing to be added for the McNew plant?

A: My proposed condition for approving the McNew project is that Evergy be responsible for filing an economic review of the project at a date prior to groundbreaking. In many ways, the structure of this review would be similar to that proposed in the non-unanimous settlement as a response to costs exceeding 115% of the plant's definitive cost estimate.[7] However, rather than being conditional and relying on a specific trigger,

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[7] Non-Unanimous Settlement Agreement at 6-10.

this review would be automatically required. As such, it could be scheduled in advance with all parties able to prepare accordingly. The procedural timeline could also be adjusted to allow for a longer window for preparing and reviewing evidence if necessary.

In this review, a go-forward cost estimate for the McNew plant would be compared against alternative means of meeting Evergy's capacity and energy needs. These comparisons should include multiple realistic alternatives, potentially based on reference bids in the most recent all-source RFP. Alternatives would be evaluated against the McNew plant on a NPVRR basis with fuel costs included across high-, mid-, and low-case natural gas price scenarios from the Company's most recent IRP. As described in my testimony, the inclusion of fuel costs is essential for comparing the economic efficiency of natural gas to alternatives which may not require any direct fuel input. Flexing these costs across scenarios would allow Commissioners to evaluate whether any alternative is likely to more reasonably manage fuel market risk for ratepayers.

Reliability implications for these alternatives should be presented to determine if any option is unviable due to reliability issues. I note that Evergy may already have undertaken some of this reliability analysis for potential resource additions as part of the RFP review process, assuming alternative options are being drawn from RFP reference projects. The range of possibilities under consideration should include project abandonment but also partial divestment of Evergy's equity in the project to another entity. This last point is necessary to consider because there may be opportunities to significantly improve outcomes and better utilize alternatives through "right-sizing" Evergy's investment in the McNew plant, as demonstrated in my direct testimony.[8]

Q: Will this required analysis represent an undue regulatory burden for Evergy?

A: Much of the analysis which would be required is highly similar to analysis which Evergy will already be conducting during the next 24 months in order to review the results from its planned RFP and in preparation for the next triennial IRP in 2027.

Q: Why are you confident that uncertainty surrounding this project will lessen over the next two years?

A: There are at least six reasons for why I am confident that uncertainty concerning this project will have been reduced prior to the pre-construction review I am proposing.

Firstly, the passage of time inherently reduces uncertainty concerning future projects. McNew's project horizon will have been brought two years closer, with construction to start in just a matter of months and plant operations set to start just three years from the time of review. Regardless of any other factors, this nearer project horizon will provide greater visibility for both the Company and Commission into the risks and probable market conditions which will affect the plant's construction and eventual operations.

Secondly, Evergy's experience in beginning construction of the Viola plant would allow for a more informed discussion of costs and risks associated with the McNew project. As noted in Evergy Witness Olson's direct testimony, there are benefits to planning and constructing two similar projects in parallel.[9] One such benefit is the

[8] Jones Direct at 33-35.
[9] Olson Direct at 6.

Company and Commission applying "lessons learned" from the one plant to the other.[10] I see no better way to optimize such learning than to hold a review at a time when construction of the first project is substantially underway and can provide precedent for what to expect when construction commences for the second project.

Thirdly, risk factors specific to the McNew plant will be more apparent. As of the submission of Staff Witness Owings' testimony, the McNew plant had not yet received a formal site evaluation.[11] Such an evaluation will presumably have been completed at the time of a review, providing greater certainty on project costs and the risk of potential overruns.

Fourthly, there may have been a resolution of several key uncertainties regarding the outlook for natural gas markets in the 2030s and beyond. Namely, these are the national growth in load from data centers, the national buildout of natural gas capacity, and incremental development of US liquified natural gas ("LNG") export capacity. As outlined in my direct and cross-answer testimonies, all three factors would be expected to drive natural gas prices up beyond previous long-term forecasts. It is reasonable to expect that by 2027 the scope of these impacts on natural gas markets will be better understood.

Additionally, the impact of tariffs on various imports will likely be more clear by the time of this review. Supply chains may have begun restructuring and the prices of various project inputs will have adjusted to reflect the tariffs or the cost of alternative

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[10] *Id*.
[11] KCC Docket No. 25-EKCE-207-PRE, *Direct Testimony of Paul Owings,* p. 8 (Mar. 14, 2024).

sourcing. This will allow for more accurate cost estimates for the McNew plant and better analysis of the potential for cost overruns.

Lastly, by the point of this review, Evergy will have closed and evaluated bids from its all-source RFP which the settlement indicates will be opened in 2025.[12] These results will provide real-world data for the availability and cost of resource alternatives. Therefore, the McNew plant can be fairly evaluated against other options with their estimated costs updated to reflect changes and risks to their respective economics including tariffs or policy shifts.

In conclusion, conducting a final review on the McNew project prior to construction would not simply kick the can down the road. For all the above reasons, uncertainty surrounding the project can be expected to have been substantially reduced prior to a final review. The proposed review, benefitting from this lessened uncertainty, would ultimately reduce risk and potentially improve outcomes compared to requiring no such final evaluation prior to construction.

Q: Will such a review be necessary if alternatives, such as battery storage, become broadly less economic due to policy and market shifts?

A: Yes, such a review would still be necessary. While I accept that alternatives to natural gas power are also subject to the uncertainty surrounding policy and markets, the net-impact of current trends is not immediately clear. A detailed review based on real-world inputs would allow for a definitive answer as to whether a specific alternative like BESS may be more efficient or reasonable. While my direct testimony focuses on

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[12] Non-Unanimous Settlement Agreement at 11.

BESS as an alternative, it is worth noting that there may be other options which can serve as an alternative if conditions make BESS more costly.

Lastly and importantly, it may be the case that a reduction in Evergy's net-ownership of the McNew plant would be shown to be prudent even without substituting an alternative resource. Such a review could result in findings that Evergy should reduce its net-ownership of McNew to a percentage below 50%, with another utility buying the outstanding equity at a fair market value to a level that still supports system reliability yet is less costly to ratepayers. As noted in my previous testimony, Evergy has not previously considered net-ownership shares of less than 50% in its resource modeling.[13]

Q: Would such an economic review be expected to materially impact the timeline or costs of the McNew project if it proceeds to construction?

A: No. There is no compelling reason that a planned review of project economics should delay the Company's pre-construction activities. The McNew plant is not expected to break ground until 2027[14] which provides a window of roughly 24 months for Evergy to file and for the Commission to review this analysis. While interim activities could be affected, such as the signing of an EPC contract, it is notable that the timeline for the Viola plant lists the EPC contract as being awarded during the same calendar year as groundbreaking whereas the McNew plant lists the EPC contract as being awarded a year in advance of groundbreaking.[15] I contend that the awarding of an EPC contract for McNew could likely be pushed back to 2027 with minimal effects. I leave open the

[13] Jones Direct at 33-34.
[14] Olson Direct at 8-9, Tables 1 and 2.
[15] *Id*.

exact deadlines for the review to be devised by the Commission in consultation with Evergy and Staff. This should allow for a timeline to be set which enables the matter to be resolved at an appropriate date for the project to break ground as planned.

Q: If the Commission ordered Evergy to abandon the project or to sell a percentage of its equity in the project prior to construction, would it impact Evergy's ability to reliably meet future capacity needs?

A: No. If the Commission issued such an order prior to the project's groundbreaking in 2027, Evergy would have sufficient time to issue an all-source RFP and pursue an alternative project or set of projects prior to the need for new capacity becoming acute. Additionally, reliability would be one of the criteria considered in evaluating alternatives which would ensure that the McNew project would not be abandoned or adjusted unless there were a viable alternative for meeting capacity needs.

Q: How would such a review help to address the issues raised in your direct testimony?

A: A core argument of my testimony is that market conditions have changed dramatically since Evergy filed its 2024 Triennial IRP. Conditions may now favor alternative resource options over the proposed natural gas plants. I presented analysis in my direct testimony which showed that Evergy ratepayers could see lower costs, less risk, and likely equal or greater reliability under one such alternative. By requiring Evergy to directly compare its proposed McNew plant to realistic alternatives under updated assumptions, this proposed pre-construction review would meaningfully address many of the concerns presented in my testimony.

Q: Are there terms of the settlement which you endorse?

A: Yes. NEE endorses the terms under heading II.6(f) where Evergy commits to evaluating BESS costs for development at under-utilized interconnection sites.[16] Such a development model presents a strong likelihood of reducing BESS costs and easing interconnection obstacles. NEE also endorses the terms under heading II.6(g) where Evergy commits to evaluating a variety of modern alternatives to large thermal generation projects including distributed resources, community-based solar and storage systems, and demand side management.[17] This commitment is of course supportive of the recommendations made in my testimony throughout this proceeding, though I note that such evaluation will only be meaningful if it has the potential to result in a change in resource selection as I advocate for here. Lastly, NEE partially endorses the terms under heading II.6(h) where Evergy commits to stakeholder discussions around further development of renewable customer programs.[18] NEE cannot fully endorse this term due to the limitation that such a discussion focus on a "24-hours-a-day, seven-days-a-week, carbon-free electricity tariff."[19] NEE would ask that a broader range of potential program designs be considered in future stakeholder discussions. For any terms of the settlement not discussed in this testimony, my endorsement should not be assumed.

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[16] Non-Unanimous Settlement Agreement at 11-12.
[17] *Id*.
[18] *Id*. at 12.
[19] *Id*.

Q: Aside from the settlement on the proposed natural gas plants, do you have any comment concerning the settlement on the proposed solar plant?

A: Yes. NEE supports the settlement concerning the proposed Kansas Sky solar plant.

Q: Does this conclude your testimony?

A: Yes.

VERIFICATION

STATE OF COLORADO)
) ss:
COUNTY OF JEFFERSON)

I, William Jones, being first duly sworn upon my oath state that I am a Senior Utilities Economics Analyst with the Council for the New Energy Economics; that I have read and am familiar with the foregoing document and attest that the statements therein are true and correct to the best of my knowledge, information, and belief under the penalties of perjury.

William Jones

SUBSCRIBED AND SWORN to before me on this 17th day of April, 2025.

Notary Public

My Commission expires: March 15, 2029

BEVERLY FULLER
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20134015825
MY COMMISSION EXPIRES 03/15/2029

CERTIFICATE OF SERVICE
25-EKCE-207-PRE

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