

BEFORE THE STATE CORPORATION COMMISSION  
OF THE STATE OF KANSAS

In the Matter of the Investigation into Evergy )  
Kansas Metro and Evergy Kansas Central ) Docket No. 21-EKME-329-GIE  
Regarding the February 2021 Winter Weather )  
Events, as Contemplated by Docket No. 21- )  
GIMX-303-MIS. )

**RESPONSE OF CURB IN SUPPORT OF MOTION OF EVERGY KANSAS CENTRAL,  
INC., EVERGY KANSAS SOUTH, INC. AND EVERGY METRO, INC., FOR  
AMENDMENT OF PROTECTIVE ORDER**

COMES NOW the Citizens' Utility Ratepayer Board (CURB) and supports the Motion filed by Evergy Kansas Central, Inc., Evergy Kansas South, Inc. And Evergy Metro, Inc. (Evergy), for Amendment of Protective Order. In support thereof, CURB alleges:

1. On March 9, 2021, the Commission issued its Order to open this docket for the purpose of conducting its investigation into Evergy regarding the utility's response to the February 2021 Winter Weather Event (Winter Event), and to issue a Protective and Discovery Order ("Protective Order"). In this Order, CURB was granted intervention.

2. As noted by Evergy, the Protective Order in this docket allows parties to designate commercially-sensitive materials as confidential and limits access to such materials to individuals who have signed a confidentiality agreement, but it does not place any restrictions on whether parties who have signed a confidentiality agreement can receive confidential materials.

3. On April 1, 2021, Evergy filed its Motion For Amendment Of Protective Order because it recognized that some of the Kansas Corporation Commission (Commission) Staff (Staff) document requests issued in this docket (DRs) have asked for information that would be defined as "Critical Energy Infrastructure Information" ("CEII") as defined at 18 C.F.R. §§ 388.113(a), (c) or 10 C.F.R §§1004.13(c)(4), and "Bulk Electric System Cyber Security

Information” (“BCSI”) as implemented per NERC regulations.

4. CURB acknowledges that CEII and BCSI information is highly sensitive and may warrant additional protections in order to keep the Evergy system reliable and safe. In order to allow Staff to fully investigate the subject matter of this docket, but to eliminate safety and security threats that could ensue if CEII and BCSI information were provided to intervenors in this docket, Evergy proposes that the Commission issue an order allowing only Staff and the Commission to view such information and to limit the use of the information as set forth in Evergy’s motion.

5. CURB has discussed Evergy’s motion with Evergy and has been assured that the pertinent amendment to the protective order will likely be narrow and will not materially restrain CURB from representing residential and small commercial ratepayers in this docket. CURB notes that Evergy represents that the subject motion is intended to foster security and is not intended nor will Evergy use the protections it seeks to unnecessarily eliminate transparency in this docket. CURB believes that it can work with Evergy with respect to issues in this docket and in obtaining information that will allow CURB to function in this docket without endangering the Evergy system through dissemination of CEII and BCSI information. CURB fully understands that CEII and BCSI information may require the protections sought by Evergy in this docket.

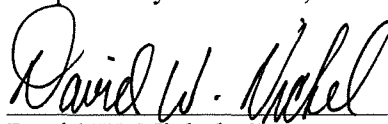
6. Therefore, CURB supports the Motion filed by Evergy for the amendment of Protective Order as set forth therein. The manner proposed by Evergy to handle CEII and BCSI information appears to be reasonable.

7. While CURB supports Evergy’s request, CURB reserves its right to contest designations made by Evergy that data and information is CEII and BCSI information and to seek appropriate relief from the Commission. In these regards, CURB notes the residential and small commercial ratepayers, whom CURB represents, are highly interested in the actions taken by

Evergy during the Winter Event. Thus, it is vital that ratepayers perceive that the Commission and parties are engaged in a transparent and thorough investigation. Therefore, CURB believes that the Commission's order will ensure that only data and information that is CEII and BCSI information shall be protected as set forth in Evergy's motion. In these regards, CURB requests that the Commission's order establish that intervenors should be appropriately provided notice of and allowed to contest Evergy's designations of data and information as CEII and BCSI information.

8. CURB recognizes that, if the Commission issues the additional protections for CEII and BCSI information that are appropriate in this docket, CURB will not have the full range of information that is pertinent to Evergy's response during the Winter Event. Accordingly, CURB will be handicapped in terms of its involvement and comments in this docket. However, CURB believes that the Commission will recognize this limitation as appropriate under the circumstances and will look for value that CURB can provide with the level of information reasonably available to it. Nothing in this response is intended to limit CURB's lawful ability to seek data and information through the Commission's rules and regulations and the protective order issued in this docket, except as to data and information properly designated as CEII and BCSI information.

Respectfully submitted,



David W. Nickel, Consumer Counsel #11170

Todd E. Love, Attorney #13445

Joseph R. Astrab, Attorney #26414

Citizens' Utility Ratepayer Board

1500 SW Arrowhead Road

Topeka, KS 66604

(785) 271-3200

[d.nickel@curb.kansas.gov](mailto:d.nickel@curb.kansas.gov)

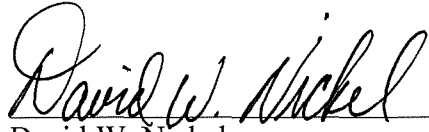
[t.love@curb.kansas.gov](mailto:t.love@curb.kansas.gov)

[j.astrab@curb.kansas.gov](mailto:j.astrab@curb.kansas.gov)

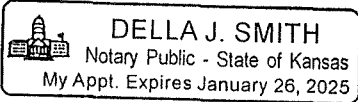
**VERIFICATION**

STATE OF KANSAS )  
                                  )        ss:  
COUNTY OF SHAWNEE )

I, David W. Nickel, of lawful age and being first duly sworn upon my oath, state that I am an attorney for the Citizens' Utility Ratepayer Board; that I have read and am familiar with the above and foregoing document and attest that the statements therein are true and correct to the best of my knowledge, information, and belief.

  
\_\_\_\_\_  
David W. Nickel

SUBSCRIBED AND SWORN to before me this 6<sup>th</sup> day of April, 2021.



  
\_\_\_\_\_  
Notary Public

My Commission expires: 01-26-2025.

**CERTIFICATE OF SERVICE**

21-EKME-329-GIE

I, the undersigned, hereby certify that a true and correct copy of the above and foregoing document was served by electronic service on this 6<sup>th</sup> day of April, 2021, to the following:

CATHRYN J. DINGES, CORPORATE  
COUNSEL  
EVERGY KANSAS CENTRAL, INC  
818 S KANSAS AVE  
PO BOX 889  
TOPEKA, KS 66601-0889  
[Cathy.Dinges@evergy.com](mailto:Cathy.Dinges@evergy.com)

LARRY WILKUS, DIRECTOR, RETAIL  
RATES  
EVERGY KANSAS CENTRAL, INC  
FLOOR #10  
818 S KANSAS AVE  
TOPEKA, KS 66601-0889  
[larry.wilkus@evergy.com](mailto:larry.wilkus@evergy.com)

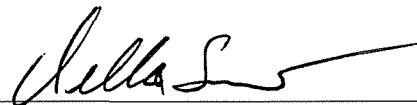
ROBERT J. HACK, LEAD REGULATORY  
COUNSEL  
EVERGY METRO, INC D/B/A EVERGY  
KANSAS METRO  
One Kansas City Place  
1200 Main St., 19th Floor  
Kansas City, MO 64105  
[Rob.Hack@evergy.com](mailto:Rob.Hack@evergy.com)

COLE BAILEY, LITIGATION COUNSEL  
KANSAS CORPORATION COMMISSION  
1500 SW ARROWHEAD RD  
TOPEKA, KS 66604  
[c.bailey@kcc.ks.gov](mailto:c.bailey@kcc.ks.gov)

BRIAN G. FEDOTIN, GENERAL COUNSEL  
KANSAS CORPORATION COMMISSION  
1500 SW ARROWHEAD RD  
TOPEKA, KS 66604  
[b.fedotin@kcc.ks.gov](mailto:b.fedotin@kcc.ks.gov)

LAUREN LAUSHMAN, OFFICE OF  
GENERAL COUNSEL ATTORNEY  
KANSAS CORPORATION COMMISSION  
1500 SW ARROWHEAD RD  
TOPEKA, KS 66604  
[l.laushman@kcc.ks.gov](mailto:l.laushman@kcc.ks.gov)

TERRI PEMBERTON, CHIEF LITIGATION  
COUNSEL  
KANSAS CORPORATION COMMISSION  
1500 SW ARROWHEAD RD  
TOPEKA, KS 66604  
[t.pemberton@KCC.KS.GOV](mailto:t.pemberton@KCC.KS.GOV)



Della Smith  
Senior Administrative Specialist