

**BEFORE THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS**

In the Matter of the Application of Evergy Kansas)
Metro, Inc., Evergy Kansas South, Inc., and) Docket No. 25-EKME-315-TAR
Evergy Kansas Central, Inc. for Approval of)
Large Load Power Service Rate Plan and)
Associated Tariffs.)

**DATA CENTER COALITION’S RESPONSE TO
KANSAS INDUSTRIAL CONSUMERS GROUP, INC’S MOTION**

COMES NOW the Data Center Coalition (DCC) and, through its attorneys, submits this Response to the Kansas Industrial Consumers Group, Inc.’s Motion to Deny the Petition to Intervene of the Data Center Coalition and Require the Data Center Coalition to Identify the Entities that it Represents (Motion). For the reasons described in this Response, the State Corporation Commission of the State of Kansas (Commission or KCC) should deny the Motion.

In support of this Response, DCC states as follows:

1. On March 3, 2025, DCC submitted a Petition to Intervene in the above-captioned proceeding pursuant to K.S.A. § 77-521 and K.A.R. § 82-1-225 (Petition).

2. On March 4, 2025, the Kansas Industrial Consumers Group, Inc. (KIC) submitted the Motion. The Motion requests the Commission deny the Petition, and further requests the Commission “provide a period of 10 days for the DCC to identify its current members that are customers of Evergy, and to identify those members that are in discussions with Evergy to locate a data center in Kansas.”¹

3. In support of its Motion, KIC cites to K.A.R. 82-1-204(i)(2), which states: “[n]o unincorporated association shall obtain party status in a proceeding without identifying its membership.”²

¹ Motion at ¶ 8.

² *Id.* at ¶ 4.

4. The Motion is fatally flawed in multiple respects and the Commission should deny it.

5. First, the Petition meets the requirements of K.S.A. § 77-521 and K.A.R. § 82-1-225—the statute and rule establishing intervention requirements—and no party has argued otherwise. That reason alone is sufficient to deny the Motion.

6. Second, K.A.R. 82-1-204(i)(2) is not applicable to the Commission’s ruling on the Petition, because DCC is incorporated as a nonstock Virginia corporation³ with a tax-exempt status under Section 501(c)(6) of the U.S. Internal Revenue Code, not an “unincorporated association” that must identify its membership in order to obtain party status.

7. Third, notwithstanding the non-applicability of K.A.R. 82-1-204(i)(2), DCC identified the interests it represents on the very first page of its Petition. Paragraph 2 of the Petition states: “DCC is a voluntary membership association of the data center industry, representing 35 leading data center owners and operators, as well as companies that lease large amounts of data center capacity.”⁴ That sentence concludes with a footnote, which states: “A list of DCC’s members can be found at <https://www.datacentercoalition.org/members>.”⁵ The Motion not only ignores that footnote, but in fact omits it from the text it quotes from the Petition.⁶ The Petition further explains that DCC’s members include customers of Evergy and companies which are interested in constructing new data center facilities in Evergy’s service territory.⁷

³ See Virginia State Corporation Commission Clerk’s Information System, available at: <https://cis.scc.virginia.gov/EntitySearch/Index> (Accessed on March 4, 2025).

⁴ Petition at ¶ 2.

⁵ *Id.* at 1, footnote 3. For the Commission’s ease of reference, DCC’s member list – available on its website – is as follows: Aligned Adaptive Data Centers, AWS, Clayco, Cloud HQ, Cologix, Compass Data Centers, Corescale Data Centers, CoreSite, CyrusOne, Databank, Digital Realty, Edge Connex, Edge Core Digital Infrastructure, Equinix, Google, Iron Mountain Data Centers, Meta, Microsoft, NTT Data, Oppidian Connect, Oracle, Prime Data Centers, Powerhouse Data Centers, Prologis, QTS, Rowan Digital Infrastructure, Sabey Data Centers, Skybox Data Centers, Stack Infrastructure, Stream Data Centers, Switch, T5 Data Centers, TA Realty, Vantage Data Centers, Visa, and Yondr.

⁶ Motion at ¶ 2.

⁷ Petition at ¶ 5.

8. To the extent the “principle” of K.A.R. 82-1-204(i)(2) applies here—and DCC does not agree it applies—DCC has satisfied that principle by transparently identifying its members in its Petition, describing both DCC’s and its members’ interests, and clearly stating that DCC represents those members’ interests.

9. As explained in the Petition, the interests of DCC and its members may be substantially affected by this proceeding because Evergy’s application will impact the economics of data center operations in its service territory, as well as the attractiveness and feasibility of new data center development in its service territory. Nothing in Kansas law or regulations requires DCC to identify its current members that are customers of Evergy nor identify those members that are in discussions with Evergy to locate a data center in Kansas, as KIC requests.

WHEREFORE, DCC respectfully requests the Commission deny the Motion and grant the Petition.

DATED: March 5, 2025

Respectfully submitted,

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