

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

In the Matter of the Application of Evergy Kansas)
Central, Inc. and Evergy Kansas South, Inc. for)
Approval to Make Certain Changes in their) Docket No. 25-EKCE-294-RTS
Charges for Electric Service.)

**RESPONSE OF EVERGY KANSAS CENTRAL, INC. AND EVERGY KANSAS SOUTH,
INC. TO PETITION TO INTERVENE OF KANSAS INDUSTRIAL CONSUMERS
GROUP, INC.**

COME NOW Evergy Kansas Central, Inc. and Evergy Kansas South, Inc. (collectively referred to as “EKC”) and submit their response to the Petition to Intervene of Kansas Industrial Consumers Group, Inc. (“KIC”). In support, EKC states as follows:

1. On January 31, 2025, EKC filed an application with supporting testimony seeking Commission approval to make certain changes in its charges for electric service in Kansas. On March 14, 2025, KIC filed its Petition to Intervene.

2. In support of its Petition, KIC stated that it “represents and advances the interests of commercial, industrial, and other large volume users of energy through public policy advocacy, though leadership, stakeholder outreach, and community engagement.” KIC does not identify any specific EKC customer as a participating member of KIC for this proceeding and KIC itself is not a customer of EKC. Additionally, if KIC’s intent is to operate as a trade group representing its members, it did not so state nor did it list any members much less members who are EKC customers.

3. The Petition should be denied unless it is amended to meet the legal requirements for intervention. EKC suggests that the Commission grant KIC 10 days in which to amend its

Petition and come into compliance with the applicable regulation. K.A.R. 82- 1-225 states that the presiding officer shall grant a petition for intervention if it meets certain conditions. K.A.R. 82-1-225(a)(2) includes the requirement that the petition state:

facts demonstrating that the petitioner's legal rights, duties, privileges, immunities, or other legal interests may be substantially affected by the proceeding or that the petitioner qualifies as an intervenor under any provision of law.

4. The Petition does not meet this requirement. KIC is not a customer of EKC. As a result, KIC may not intervene in this proceeding other than as a representative of entities that have “legal rights, duties, privileges, immunities, or other legal interests may be substantially affected by the proceeding.”

5. The Commission has specifically addressed this issue numerous times before and has indicated that it would dismiss KIC’s petition to intervene unless KIC specifically identified participating members that were customers of EKC:

The Commission finds that without identification of the interests represented by KIC, it cannot determine whether the petition should be granted . . . the Commission has an interest in knowing the explicit identity of interests an intervening party represents. The Commission concludes that KIC is required to identify the parties it represents for the same rationale underlying K.A.R. 2006 Supp. 82-1-204(i)(2).¹

6. Despite this clear precedent and KIC’s compliance with the requirement to identify its participating members in the last few EKC rate cases, KIC has chosen not to comply in this proceeding. Presumably, KIC took this approach because of the Commission recent ruling regarding the Data Center Coalition’s ability to intervene in an EKC tariff filing (Docket No. 25-

¹ Order Denying Petition to Intervene for the Kansas Industrial Consumers Group, Inc., and Granting Intervention for ProtectionOne, Inc. and Cessna Aircraft Company as Part of the Kansas Industrial Consumers Group, Inc., Docket No. 08-WSEE-1041-RTS, ¶ 9 (July 18, 2008); *see also* Order Denying Petition to Intervene and Order Granting Petition to Intervene, Docket No. 05-WSEE-981-RTS (May 20, 2005).

EKME-315-TAR) without identifying participating members. The problem with reliance on the Commission's decision regarding the Data Center Coalition is that the nature of the two entities is very different. The Data Center Coalition is a trade group with its members specifically identified on the Coalition's website and the Data Center Coalition clearly indicated that several of those members are considering locating in EKC territory.

7. KIC, on the other hand, has not identified any of its members. Based on past experience, it appears that KIC does not have a set group of members that fund its activities. Instead, it receives its funding to participate in specific utility dockets from the companies that choose to participate in that specific docket – KIC is not generally funded and authorized to act on behalf of a set group of companies but instead must obtain specific authorization from each company for participation in each specific docket. As a result, the clear precedent regarding KIC's ability to intervene in EKC rate cases still stands and should be followed here.

8. If KIC will identify its members that take service from EKC that are participating in this proceeding, the defect in its intervention petition would be cured. In that event, EKC would have no objection to the intervention of KIC.

WHEREFORE, EKC respectfully requests that KIC be directed to amend its Petition for Intervention to identify its members that are customers of EKC and participating in this matter within 10 days and for such other and further relief as may be appropriate.

Respectfully submitted,

EVERGY KANSAS CENTRAL, INC.
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CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and correct copy of the foregoing Response of Evergy Kansas Central, Inc. and Evergy Kansas South, Inc. to Petition to Intervene of Kansas Industrial Consumers Group, Inc. was electronically served this 21st day of March 2025 to:

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