

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

In the Matter of the Capital Plan Compliance)
Docket for Kansas City Power & Light)
Company and Westar Energy, Inc. Pursuant to) Docket No. 19-KCPE-096-CPL
The Commission's Order in Docket No. 18-)
KCPE-095-MER)

**SIERRA CLUB'S MOTION FOR COMMISSION TO PROVIDE 60-DAY COMMENT
PERIOD ON JOINT PARTIES' COMPLIANCE FILING**

Sierra Club respectfully moves for the Kansas Corporation Commission ("Commission") to provide a 60-day comment period for interested stakeholders to submit comments on the March 1, 2019 Compliance Filing of the Staff of the State Corporation Commission ("Staff"), Citizens' Utility Ratepayer Board ("CURB"), Kansas City Power & Light Company ("KCP&L"), Westar Energy, Inc. and Kansas Gas and Electric Company ("Westar") (collectively, the "Joint Parties"). Sierra Club requests that such 60-day period be counted from the March 27 date on which Staff notified the parties of the Compliance Filing, which would result in a comment deadline of May 27, 2019. In support, Sierra Club states as follows:

1. On May 24, 2018, the Commission issued its Order in Docket No. 18-KCPE-095-MER approving the Non-Unanimous Settlement Agreement entered into by certain parties in that docket. In the 18-095 Settlement, the Joint Parties agreed to institute a capital plan reporting process to provide "information and data necessary to understand forecasted capital expenditures over a five-year period."¹ The Joint Parties further agreed to the

¹ Docket No. 18-KCPE-095-MER, Order Approving Merger, May 24, 2018, ¶ 50.iv. (Order Approving Merger, ¶ 50.iv)

creation of a "Capital Plan Reporting compliance docket" to determine what information and data to report and the format of such reporting.²

2. In approving the Settlement, the Commission also ordered the Joint Parties to develop and submit for approval an Integrated Resource Plan ("IRP") "reporting format."³

Pursuant to the Commission's May 24 Order, the Joint Parties were to submit the IRP reporting format within three months of the closing of the merger approved in that proceeding.⁴ The merger closed on June 4, 2018, which meant that the deadline for submission of the IRP reporting format was September 4, 2018.

3. On June 28, 2018, the Commission issued an Order denying Petitions for Reconsideration submitted by Sierra Club and Kansas Industrial Consumers. In relevant part, the Commission rejected Sierra Club's request that it and other potentially interested stakeholders be included in the development of the IRP reporting format. In doing so, the Commission noted that "once developed and proposed to the Commission, the Sierra Club will have the opportunity to comment on the proposal."⁵

4. On September 4, the Joint Parties submitted in this docket a filing setting forth an outline of a handful of concepts regarding the IRP reporting framework that they had reached agreement on, and announcing that they would provide a status update regarding the development of the IRP reporting framework within 45 days of the September 4 filing.

5. The Joint Parties proceeded to move for additional 45-day extensions of the filing date for the IRP reporting framework on October 16 and November 20, 2018, sought an

² Order Approving Merger, ¶ 50.iv.

³ Order Approving Merger, ¶¶ 67, 94.

⁴ Order Approving Merger at p. 44, ¶ B.

⁵ Order on Reconsideration, ¶ 24.

additional four-week extension on January 10, 2019, and a further two-week extension on February 14, 2019.

6. On March 1, 2019, the Joint Parties submitted in this docket a Compliance Filing that included a self-styled Capital Plan Reporting & IRP Process Framework.
7. Sierra Club and other parties to the 18-095 docket were not notified of the Joint Parties' March 1 filing until counsel for Staff provided email notification on March 27, 2019.
8. A 60-day comment period, measured from the March 27 notification of the Compliance Filing (i.e. through May 27), is necessary to provide interested stakeholders with a meaningful opportunity to review, evaluate, and comment on the IRP reporting framework that the Joint Parties have submitted. As detailed above, it took nearly nine months after the closing of the merger and six months after the initial deadline set by the Commission for the Joint Parties to develop and submit their Capital Plan Reporting & IRP Process Framework. Providing interested stakeholders with 60 days to weigh in on this matter is both necessary and appropriate given that the Joint Parties needed more than quadruple that amount of time - approximately 270 days - to develop and submit the Framework being commented upon.
9. A 60-day comment period would also help ensure that the IRP process that results from this proceeding is robust and protective of utility customers. As Sierra Club witness Karl Rábago explained in his testimony in 18-095, "a well-done IRP . . . provides a platform for identifying a resource portfolio that reduces the possibility of economic waste, can reveal the best opportunities for maximizing use of Kansas' energy resources, and properly accounting for environmental impacts."⁶ Allowing for a 60-day comment period will help ensure that Sierra Club and other interested stakeholders will have a

⁶ Docket 18-095, Rábago Direct, at 30:3-6.

reasonable opportunity to present to the Commission information regarding best practices to follow and pitfalls to avoid in developing an IRP process for utilities to follow. By allowing for a fully developed record regarding the Joint Parties' Capital Plan Reporting & IRP Process Framework, a 60-day comment period would also

For each of the foregoing reason, Sierra Club respectfully requests that the Commission establish a comment period regarding the Joint Parties' Capital Plan Reporting & IRP Process Framework that runs for 60 days from March 27 (i.e. until May 27, 2019).

Respectfully Submitted,



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VERIFICATION

STATE OF KANSAS)
) ss
COUNTY OF DOUGLAS)

I, Robert V. Eye, of lawful age and being duly sworn, state and affirm the following: that I am counsel for Sierra Club; I have read and reviewed the above and foregoing Motion; and the contents thereof are true and correct to the best of my information, knowledge, and belief.



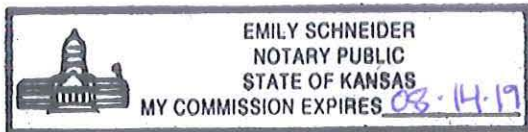
Robert V. Eye

SUBSCRIBED AND SWORN before me this 17th day of April, 2019.



Notary Public

My Commission Expires:



CERTIFICATE OF SERVICE

I, the undersigned, do hereby certify that on this 17th day of April, 2019, a true and correct copy of the above and foregoing **SIERRA CLUB'S MOTION FOR COMMISSION TO PROVIDE 60-DAY COMMENT PERIOD ON JOINT PARTIES' COMPLIANCE FILING** was electronically delivered to the following individuals:

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