

BEFORE THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS

In the Matter of the Application of NextEra Energy)
Transmission SW, LLC for a Certificate of Public) Docket No. 22-NETE-419-COC
Convenience and Necessity to Transact the Business of)
a Public Utility in the State of Kansas.)

**NEXTERA ENERGY TRANSMISSION SOUTHWEST LLC'S MOTION FOR
EXPEDITED TREATMENT OF THE PETITION FOR RECONSIDERATION
FILED BY EVERGY**

NextEra Energy Transmission Southwest, LLC ("NEET Southwest") hereby requests expedited treatment of the Petition for Reconsideration filed by Evergy Kansas Metro, Inc., Evergy Kansas South, Inc. and Evergy Kansas Central, Inc. ("Evergy") relating of the Commission's Order on Application for Certificate of Convenience and Necessity issued on August 29, 2022 ("Order") in the above-captioned docket. In support of its Motion, NEET Southwest states as follows:

1. On August 29, 2022, the Commission issued its Order granting NEET Southwest a Certificate of Convenience and Necessity ("CCN") to transact business as a transmission-only public utility in the State of Kansas and to construct, own, operate, and maintain an approximately 94-mile single-circuit 345 kV transmission line from the existing Wolf Creek Substation in Kansas to the existing Blackberry Substation in Missouri (the "Project"). The Order approved the terms listed in NEET Southwest's Application¹ as modified by the Nonunanimous Settlement,² conditioned upon compliance with additional conditions included in the Order, including those found in paragraphs 95-99 of the Order.

¹ See Application for a Certificate of Convenience and Necessity to Construct Transmission Facilities in the State of Kansas, 22-NETE-419-COC (February 28, 2022) ("Application").

² See "Nonunanimous Settlement Agreement", as attached to Joint Motion for Approval of Nonunanimous Settlement Agreement, 22-NETE-419-COC (June 6, 2022) ("Non-Unanimous Settlement").

2. On September 12, 2022, the Kansas Industrial Consumers Group (“KIC”) and Darren McGhee and Rochelle McGhee Smart (“the McGhees”) filed petitions for reconsideration of the Commission’s Order. On September 13, 2022, Evergy filed a petition for reconsideration of the Commission’s Order. NEET Southwest intends to file a substantive response to the petitions for reconsideration of KIC and the McGhees within the applicable time frame for responsive pleadings.

3. In its petition for reconsideration, Evergy requests that the Commission reconsider and/or clarify the portion of its order concerning the double circuit/collocation issue as addressed at paragraphs 96-99 of the Order. As Evergy notes in its petition for reconsideration, in the Settlement Agreement, NEET Southwest made certain commitments, including the following, concerning the double circuit option:

NEET Southwest will consider and address as part of its line siting proceeding an option to double circuit a 25-mile portion of the Wolf Creek-Blackberry Project that parallels an existing Evergy 161 kV transmission line, subject to receiving necessary approvals for a change in project scope from SPP and necessary agreements from Evergy.³

4. In its August 29, 2022 Order, the Commission approved and modified this aspect of the Settlement Agreement with additional conditions, stating:

[u]pon compliance by NEET Southwest and Evergy to coordinate, cooperate, and jointly evaluate the technical and financial feasibility of the option of double circuiting this 25-mile portion of the Wolf Creek to Blackberry line, and to file the results of said evaluation with the Commission as part of the line siting docket to be filed pursuant to K.S.A. 66-1,177, et. seq. Given the Commission's jurisdiction over both public utilities, the Commission directs NEET Southwest and Evergy to work expeditiously and keep Staff informed as this process unfolds so that Staff is prepared to critically and independently evaluate the results of this comprehensive evaluation when filed.⁴

...

Accordingly, NEET Southwest and Evergy shall consider at least (but not limited to) the following factors in this evaluation: 1) Detailed cost estimates of the cost to double circuit this portion of the line; 2) Cost sharing arrangements/agreements

³ Settlement Agreement, ¶ 10.d..

⁴ Order, pp. 37-38, ¶97.

between NEET Southwest and Evergy pertaining to the upgrade costs and all aspects of operation and maintenance of this double-circuited portion of the line; 3) Easement sharing agreements and O&M responsibility sharing agreements for the double circuit portion of the line; 4) Any revisions to construction timelines (of either standalone project) necessary to accommodate Evergy or NEET Southwest's construction schedule for this portion of the line; and 5) Any engineering analysis necessary to determine construction standards for this portion of the line. To be clear, the timelines for approval of a line siting docket as provided by K.S.A. 66-1,178(b) shall not begin to toll until the NEET Southwest has filed a comprehensive evaluation of the option to double-circuit this portion of the line containing a satisfactory analysis of (at least) each of the enumerated evaluation factors described above.⁵

4. As the Commission is aware, NEET Southwest's proposal to the Southwest Power Pool ("SPP") made certain timing commitments, including an early in-service date of approximately January 1, 2025, one year earlier than projected by SPP, which will result in significant additional savings to electric customers in Kansas.⁶

5. NEET Southwest is actively preparing its line siting application, including the option to double circuit a 25-mile portion of the Project. The specific character of NEET Southwest's analysis of the double circuit option is directly impacted by the issues raised in Evergy's petition for reconsideration. Accordingly, NEET Southwest respectfully requests that the Commission expedite its consideration of the issues raised in Evergy's petition for reconsideration regarding double circuiting/collocation so that NEET Southwest may continue its analysis, file its line siting application on a timely basis, and continue other development activities required to deliver the significant benefits of the Project to Kansas customers. Specifically, NEET Southwest requests that the Commission issue an order on Evergy's petition for reconsideration by September 29, 2022 or as soon thereafter as practicable, rather than taking the full 30-days permitted by statute.⁷

⁵ Order, p. 38, ¶ 98.

⁶ Direct Testimony of Becky Walding at pp. 29, 34.

⁷ K.S.A. 66-118b. Notably, other state agencies are provided only 20 days to rule on petitions for reconsideration. K.S.A. 77-529(b).

WHEREFORE, NEET Southwest respectfully requests the Commission expedite its consideration of Evergy's petition for reconsideration and for such further relief as the Commission may deem just and appropriate.

/s/ Anne E. Callenbach

Anne E. Callenbach, #18488

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**ATTORNEYS FOR NEXTERA ENERGY
TRANSMISSION SOUTHWEST, LLC**

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AFFIRMATION OF ANNE E. CALLENBACH

I, Anne E. Callenbach, hereby swear and affirm that I am an attorney for NextEra Energy Transmission SW, LLC, and that I have read the foregoing and that the facts set forth therein are true and correct to the best of my knowledge and belief.

Date: September 19, 2022

/s/ Anne E. Callenbach
Andrew O. Schulte

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was served upon the parties listed below by email or U.S. mail, postage prepaid, this 19th day of September, 2022.

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