

THE STATE CORPORATION COMMISSION  
OF THE STATE OF KANSAS

Before Commissioners: Andrew J. French, Chairperson  
Dwight D. Keen  
Annie Kuether

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

**ORDER DENYING KANSAS INDUSTRIAL CONSUMERS' PETITION FOR  
INTERVENTION**

This matter comes before the State Corporation Commission of the State of Kansas (Commission) for consideration and decision. Having reviewed the pleadings and record, the Commission makes the following findings:

1. On January 31, 2025, Evergy Kansas Central, Inc. and Evergy Kansas South, Inc. (collectively, Evergy Kansas Central or EKC) filed a Joint Application requesting a net increase in its revenue requirement of \$196.4 million, after costs included in the property tax surcharge are netted out.<sup>1</sup> This represents an actual base rate requested change of \$192 million, or 8.64% percent in total retail revenues.<sup>2</sup>

2. On March 14, 2025, the Kansas Industrial Consumers Group, Inc (KIC) filed its Petition for Intervention, citing its decades of experience and advocacy of good energy policy, stakeholder outreach and community engagement.<sup>3</sup> While KIC states it represents the interests of commercial, industrial, and other large volume users of energy,<sup>4</sup> it does not identify any specific entities that it represents.

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<sup>1</sup> Evergy Kansas Central's Joint Application, Jan. 31, 2025.

<sup>2</sup> *Id.*, ¶ 2.

<sup>3</sup> Petition for Intervention, March 14, 2025, ¶ 12.

<sup>4</sup> *Id.*, ¶ 4.

3. On March 21, 2025, EKC objected to KIC's failure to identify any members that take service from EKC.<sup>5</sup> EKC explains it will drop its objection if KIC identifies its members that are EKC customers and that are participating through KIC in this Docket.<sup>6</sup>

4. That same day, KIC filed its reply to EKC's objection, claiming it is entitled to intervention because it: (1) submitted its petition in writing; and (2) demonstrated legal rights, privileges, immunities, and other legal interests that may be substantially affected.<sup>7</sup> KIC contends that because its Articles of Incorporation state that it represents commercial, industrial, and other large customers of energy that it has demonstrated its legal rights and interests may be substantially affected by this Docket.<sup>8</sup> KIC claims it is not required to identify its members.<sup>9</sup>

5. The Commission has broad discretion in deciding whether to grant a petition for intervention.<sup>10</sup>

6. KIC misinterprets the Commission's decision to grant intervention to the Data Center Coalition (DCC) in the 25-EKME-315-TAR Docket (25-315 Docket). KIC erroneously states that the Commission held DCC was not required to identify its members for intervention.<sup>11</sup> In the 25-315 Docket, DCC identified all 35 of its members in footnote 5 of Response to KIC, filed March 5, 2025.<sup>12</sup>

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<sup>5</sup> Response of Evergy Kansas Central, Inc. and Evergy Kansas South, Inc. to Petition to Intervene of Kansas Industrial Consumers Group, Inc., March 21, 2025, ¶ 8.

<sup>6</sup> *Id.*

<sup>7</sup> Response of Kansas Industrial Consumers Group to the Response to Evergy Kansas Central, Inc. and Evergy Kansas South, Inc. ("Evergy") to Petition to Intervene of Kansas Industrial Consumers Group, Inc., March 21, 2025, ¶¶ 3-4.

<sup>8</sup> *Id.*, ¶ 5.

<sup>9</sup> *Id.*, ¶ 7.

<sup>10</sup> K.S.A. 77-521; K.A.R. 82-1-225.

<sup>11</sup> *Response of Kansas Industrial Consumers Group to the Response to Evergy Kansas Central, Inc. and Evergy Kansas South, Inc. ("Evergy") to Petition to Intervene of Kansas Industrial Consumers Group, Inc.*, ¶ 11.

<sup>12</sup> See Order Granting Data Center Coalition's Petition to Intervene, Docket No. 25-EKME-315-TAR, March 13, 2025, ¶¶ 4, 7.

7. In Docket No. 18-KCPE-480-RTS (18-480 Docket), the Commission initially denied intervention to American Fuel & Petrochemical Manufacturers (AFPM), Magellan Pipeline Company, L.P. (Magellan), and Petroleum Marketers and Convenience Association of Kansas, Inc. (PMCA) in a KCP&L rate case. AFPM was denied intervention for failing allege any of its members were KCP&L customers.<sup>13</sup> Magellan was denied intervention because it was unclear whether Magellan claimed itself or one of its affiliates was a KCP&L customer.<sup>14</sup> In the 18-480 Docket, the Commission relied on its prior decision in Docket No. 13-MKEE-447-MIS (13-447 Docket), which clarified its standards for intervention:<sup>15</sup>

Intervention in Commission proceedings is not automatic. In the future, the Commission will require petitions to include a more detailed demonstration of their interests and an explanation of why those interests are not properly represented by other parties. In keeping with the requirements of K.S.A. 77-521, prospective intervenors should provide docket-specific facts demonstrating their rights, duties, privileges, immunities, or other legal interests affected by the proceeding and the relief they seek from the Commission.<sup>16</sup> The Commission notes in proceedings with multiple parties asserting an attenuated or speculative nexus about the possible impact of a Commission decision on their interests can impair the orderly and prompt conduct of the proceedings and may not add materially to the record upon which the Commission must base its decisions.<sup>17</sup>

The Commission explained the simple recitation of boilerplate language in the Petition for Intervention did not satisfy the standards for intervention announced in the 13-447 Docket because it was largely speculative in nature and fails to articulate facts demonstrating how its legal rights,

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<sup>13</sup> Order Denying Intervention to American Fuel & Petrochemical Manufacturers, Magellan Pipeline Company, L.P., and Petroleum Marketers and Convenience Association of Kansas, Inc., Docket No. 18-KCPE-480-RTS, Sept. 20, 2018, ¶ 9.

<sup>14</sup> *Id.*

<sup>15</sup> *Id.*, ¶ 8.

<sup>16</sup> See K.S.A. 77-521(a)(2).

<sup>17</sup> Order on Jurisdiction and Standing, Docket No. 13-MKEE-447-MIS, Apr. 26, 2013, ¶ 9.

duties, privileges, immunities, or other legal interests may be substantially affected by the proceeding.<sup>18</sup>

8. KIC is similarly situated to AFPM, and PMCA, as it has historically been an umbrella group for specific, actual Evergy corporate customers to advocate for their private interests. KIC is different from many of the other public interest advocacy groups that have already been granted intervention in this Docket. Those advocacy groups represent a general interest, such as environmental concerns or social justice. If KIC intends to function as an umbrella group for private, corporate interests, it is required to identify those members to qualify for intervention. If KIC intends to act as a more general policy advocate, its stated interests of “commercial and industrial customers” are too broad to qualify or be helpful to the Commission, particularly without a showing that its members are aligned with KIC’s advocacy.

9. In the 18-480 Docket, the Commission required AFPM, PMCA, and Magellan to identify with specificity which of its members it claims are KCP&L customers.<sup>19</sup> Here, KIC does not allege it has any members, who wish to participate in this Docket, and are EKC customers. Consistent with the 18-480 Docket, the Commission finds KIC is required to identify with specificity which of its members it claims are EKC customers and wish to participate in this Docket under the KIC umbrella. Without knowing the identity of the members and whether they are EKC customers, the Commission is unable to conclude any of KIC’s members have a valid interest that would satisfy the requirements of K.A.R. 82-1-225 and K.S.A. 77-521. Therefore, the Commission has no choice but to deny KIC’s Petition for Intervention. If KIC identifies specific

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<sup>18</sup> Order Denying Intervention to American Fuel & Petrochemical Manufacturers, Magellan Pipeline Company, L.P., and Petroleum Marketers and Convenience Association of Kansas, Inc., ¶ 9.

<sup>19</sup> Order Denying Intervention to American Fuel & Petrochemical Manufacturers, Magellan Pipeline Company, L.P., and Petroleum Marketers and Convenience Association of Kansas, Inc., ¶ 11.

members that are EKC ratepayers that wish to participate in this Docket, the Commission will reconsider KIC's intervention.

**THEREFORE, THE COMMISSION ORDERS:**

- A. KIC's Petition for Intervention is denied.
- B. Any party may file a petition for reconsideration pursuant to the requirements and time limits established by K.S.A. 77-529(a)(1).<sup>20</sup>

**BY THE COMMISSION IT IS SO ORDERED.**

French, Chairperson; Keen, Commissioner; Kuether, Commissioner

Dated: 04/10/2025



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Celeste Chaney-Tucker  
Executive Director

BGF

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<sup>20</sup> K.S.A. 77-503(c); K.S.A. 77-531(b).

## CERTIFICATE OF SERVICE

25-EKCE-294-RTS

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of electronic service on 04/10/2025.

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