

BEFORE THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS

In the Matter of the Investigation into the)
Agreement between Evergy and Elliott)
Management to Consider a Modified) Docket No. 20-EKME-514-GIE
Standalone Plan or Merger Transaction)

**RESPONSE OF UNIFIED SCHOOL DISTRICT #259, SEDGWICK COUNTY, KANSAS
TO THE JOINT MOTION FOR REVISIONS TO PROCEDURES FOR THE DOCKET**

COMES NOW, Unified School District #259 Sedgwick County, Kansas (“USD 259”) and submits its response and comments with respect to the Joint Motion of the Staff and Evergy with regarding the timing and access to information proposed in their Joint Motion in the captioned docket.

1. On June 11, 2020, the Staff filed its Petition with its attached Report and Recommendation regarding a docket it requested be open with respect to a general investigation into an agreement between Evergy’s Board of Directors and Elliott Associates, L.P., and Elliott International, L.P. and affiliates (“Elliott”).

2. The Commission noted in its Order of June 18, 2020, which opened the general investigation, that the Staff was concerned about Elliott’s focus on increased shareholder value, and how that might impact higher electric rates or lower quality service, as well as the Staff’s concern regarding the merger conditions approved in the merger docket, Docket 18-KCPE-095-MER.

3. As stated in the Commission’s Order of June 18, “. . . Staff believes it is crucial to have a transparent process as Evergy works through its analysis and decision.¹⁰ The Commission agrees.” (para. 4)

The Commission's Order also noted, that “. . . it is in the public interest to maintain a transparent process where the Commission, customers, and stakeholders are kept apprised of Evergy's Strategic Review and Operating Committee's evaluation of its path forward.” To that end, the Commission found it sufficiently important to open the general investigation docket, thus “. . . to insure a transparent process.” (para. 7)

4. On June 22, 2020, the Staff and Evergy filed their “Joint Motion for Revision For Procedural Docket” which, among other things, noted that Evergy and the Staff had reached an agreement regarding how the procedure in the docket should be adjusted. By delaying certain deadlines, and among other things, restricting access to information. One of the restrictions, the joint movements apparently agreed upon, was that materials from Evergy's Board of Directors' documents and Strategic Review & Operations Committee could only be viewed in person in Evergy's Topeka offices, and only by this Commission Staff until such time as a decision had been reached by Evergy's Board on how it intended to pursue a path to increase its shareholder value.

These restrictions appear inconsistent with the Commission's Order expressing its concern regarding the public interest in maintaining a transparent process, whereby the Commission, Evergy's customers, and stakeholders were kept apprised of Evergy's plan regarding its path forward. Thus, the Commission issued its order to insure a transparent process.

5. The proposed restrictions on access to important information that impacts the public interests, particularly in this time of COVID-19 pandemic and its many limitation on the public travel and the methods by which the public can protect its health, appear to be inappropriately restrictive.

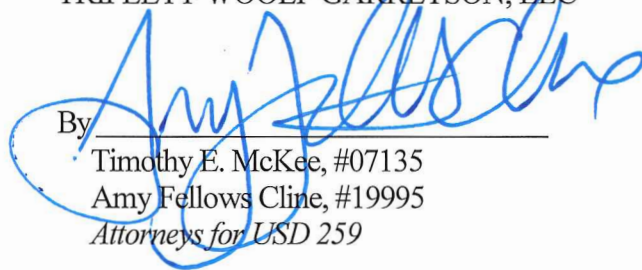
6. Certainly, a procedure could be developed which would give those who are statutorily given the right to intervene, such as CURB, the Staff, and others vitally interested in

this matter access to documents and other information pursuant to a protective order that would also protect Evergy's and Elliott's interests.

USD 259 requests that the Commission consider its comments in this matter.

Respectfully submitted,

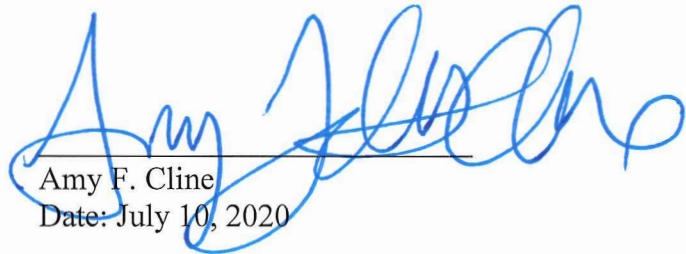
TRIPLETT WOOLF GARRETSON, LLC

By 
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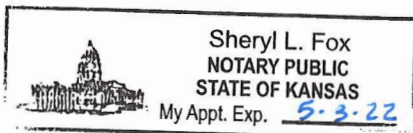
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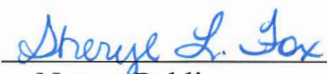
STATE OF KANSAS)
) ss:
COUNTY OF SEDGWICK)

I, Amy F. Cline, of lawful age, being first duly sworn, upon oath states: I am the attorney for USD 259, and I have read the above Response of Unified School District #259, Sedgwick County, Kansas to the Joint Motion for Revisions to Procedures for the Docket and know the contents and know that the statements made therein are true and correct, to the best of my knowledge and belief.


Amy F. Cline
Date: July 10, 2020

SUBSCRIBED AND SWORN to before me on this 10th day of July, 2020.




Notary Public

My Commission Expires: 5-3-22

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and correct copy of the above and foregoing document was served by electronic service on this 10th day of July, 2020, to the following:

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As a courtesy, a true and correct copy of the above and foregoing Response of Unified School District #259, Sedgwick County, Kansas to the Joint Motion for Revisions to Procedures for the Docket was also electronically served on July 10th, 2020 on the following named individuals:

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