

**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 Petition of Evergy Kansas)
Central, Inc., Evergy Kansas South, Inc., and)
Evergy Metro, Inc. for Determination of the)
Ratemaking Principles and Treatment that will) Docket No. 25-EKCE-207-PRE
Apply to the Recovery in Rates of the Cost to be)
Incurred for Certain Electric Generation)
Facilities Under K.S.A. 66-1239.)

**ORDER GRANTING PETITIONS FOR INTERVENTION OF KPP ENERGY, KANSAS
INDUSTRIAL CONSUMERS GROUP, INC., ASSOCIATED PURCHASING SERVICES,
THE GOODYEAR TIRE AND RUBBER COMPANY, LAWRENCE PAPER COMPANY,
OCCIDENTAL CHEMICAL CORPORATION, SPIRIT AEROSYSTEMS, INC., AND
CARGIL INCORPORATED**

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 November 6, 2024, Evergy Kansas Central, Inc. and Evergy Kansas South, Inc. (EKC) and Evergy Metro, Inc. d/b/a Evergy Kansas Metro (EKM) (EKC and EKM collectively referred to as Evergy) filed an Application requesting a determination of the ratemaking principles and treatment that will apply to the recovery in rate of the costs to be incurred relating to: (1) EKC's planned construction and acquisition of 50% of a 710 MW combined cycle gas turbine (CCGT) located in Kansas near its Viola Substation (Viola plant); (2) a 50% interest in a second 710 MW CCGT located near Hutchinson, Kansas (McNew plant), with flexibility to acquire the second 50%

of the McNew Plant, and (3) its construction and ownership of approximately 200 MWDC (159 MWAC) of solar generation, known as the Kansas Sky generating resource (Kansas Sky).¹

2. Evergy explains that the Viola Plant will be built on a greenfield site in Sumner County, and jointly owned by EKC and Evergy Missouri West, with a projected date of commercial operation on January 1, 2029.² The McNew Plant will be built on a greenfield site in Reno County, and fully owned by EKC, before eventually transferring half of the plant to Evergy Missouri West or EKM, with a projected date of commercial operation of January 1, 2030.³ Kansas Sky is being developed by Savion and is located in Douglas County, with a projected date of commercial operation in December of 2026.⁴

3. On November 8, 2024, KPP Energy, a Municipal Energy Agency (KPP) filed a Petition for Intervention.⁵ KPP explained that it serves 24 Kansas municipal electric utilities and 16 of its members are in the EKC transmission zone.⁶ KPP claims it has a direct and substantial interest in this Docket because it is: (1) heavily dependent upon Evergy's transmission systems for delivery of power to its member cities,⁷ and (2) responsible for ensuring that its member cities have adequate generation resources.⁸

4. On November 8, 2024, the Kansas Industrial Consumers Group, Inc. (KIC) filed a Petition to Intervene to represent the interests of Associated Purchasing Services (APS), The Goodyear Tire and Rubber Company (Goodyear), Lawrence Paper Company (LPC), Occidental Chemical Corporation (Occidental), and Spirit AeroSystems, Inc. (Spirit) (collectively Members).⁹

¹ Petition of Evergy Kansas Central, Inc., Evergy Kansas South, Inc., and Evergy Metro, Inc. for Determination of Ratemaking Principles and Treatment, Nov. 6, 2024 (Evergy's Application).

² *Id.*, ¶¶15 & 17.

³ *Id.*, ¶¶16 - 17.

⁴ *Id.*, ¶28.

⁵ KPP's Petition for Intervention, Nov. 8, 2024.

⁶ *Id.*, ¶3.

⁷ *Id.*, ¶ 4.

⁸ *Id.*, ¶¶4-5.

⁹ Petition to Intervene of KIC and its Members, Nov. 8, 2024.

KIC and its Members claim they have a direct financial interest in this Docket because: (1) if Evergy's Application is approved, the retail rates impact on EKC's retail customers is estimated to be a 9.3% retail rate increase, and (2) KIC's Members are retail ratepayers and direct customers of Evergy.¹⁰ KIC also notes that Evergy does not object to their intervention in this Docket.¹¹

5. On November 12, 2024, Cargill, Incorporated (Cargill) filed a Petition to Intervene, as a customer of Evergy's, and to participate through KIC.¹²

6. The Commission has broad discretion to grant a petition for intervention if it is in the interest of justice, if the intervention will not impair the orderly and prompt conduct of the proceedings, and if the party has stated facts demonstrating its legal rights, duties and privileges, immunities or other legal interests may be substantially affected by the proceeding.¹³ Furthermore, at any time during a proceeding, the Commission may impose limitations on an intervenor's participation.¹⁴

7. The Commission finds and concludes that KPP and KIC has met the requirements of K.A.R. 82-1-225 and K.S.A. 77-521(b), and should be granted intervention in this Docket. The Commission finds and concludes that Associated Purchasing Services, The Goodyear Tire and Rubber Company, Lawrence Paper Company, Occidental Chemical Corporation, Spirit AeroSystems, Inc., and Cargill have met the requirements of K.A.R. 82-1-225 and K.S.A. 77-521(b), and should be granted intervention in this Docket, subject to their participation through KIC. KPP and KIC will be added to the mailing list, and electronic service of pleadings, communications, and correspondence should be delivered to:

¹⁰ *Id.*, ¶2.

¹¹ *Id.*, ¶30.

¹² Petition to Intervene, Nov. 12, 2024, ¶¶ 3-4.

¹³ K.S.A. 77-521; K.A.R. 82-1-225.

¹⁴ K.S.A. 77-521(c).

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THEREFORE, THE COMMISSION ORDERS:

- A. KPP's Petition for Intervention is granted.
- B. KIC's Petition for Intervene is granted.
- C. Associated Purchasing Services, The Goodyear Tire and Rubber Company, Lawrence Paper Company, Occidental Chemical Corporation, Spirit AeroSystems, Inc., and Cargill are granted intervention, through KIC.
- D. This Order is procedural and constitutes non-final agency action.¹⁵

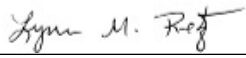
¹⁵ K.S.A. 77-607(b)(2).

BY THE COMMISSION IT IS SO ORDERED.

French, Chairperson; Keen, Commissioner; Kuether, Commissioner

Dated: 11/19/2024

BGF



Lynn M. Retz
Executive Director

CERTIFICATE OF SERVICE

25-EKCE-207-PRE

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of electronic service on 11/19/2024.

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