

BEFORE THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS

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.)

RESPONSE TO EVERGY'S MOTION TO MODIFY PROTECTIVE ORDER

Atmos Energy Corporation ("Atmos Energy") and Kansas Gas Service, a division of ONE Gas, Inc. ("Kansas Gas Service"), file this Response to Evergy Kansas Central, Inc. and Evergy Kansas South, Inc.'s (together as "Evergy") Motion to Modify Protective Order filed on January 30, 2025.

1. Evergy asks the Kansas Corporation Commission to modify the Protective Order issued in the above-captioned docket. Specifically, Evergy asks that the Commission to allow for certain discovery and testimony relating to Evergy's procurement of gas supply to serve the proposed two combined cycle natural gas (CCNG") generation facilities to be designated as Highly Confidential Information Regarding Natural Gas Inputs and not available for review by Atmos Energy and Kansas Gas Service.

2. Atmos Energy and Kansas Gas Service do not object to Evergy's request to modify the Protective Order. However, Atmos Energy and Kansas Gas Service request that any information designated by Evergy as Highly Confidential Information Regarding Natural Gas Inputs be made available to "*outside counsel attorneys' eyes only*" for review by only the outside counsel for Atmos Energy and Kansas Gas Service for the reasons stated herein.

3. On November 6, 2024, Evergy filed a Petition for Determination of Ratemaking

Principles and Treatment with the Commission with respect to its plan to build, among other electric generation facilities, two (2) CCNG generation facilities to be located in Reno and Sumner Counties in Kansas. Evergy plans to connect the two facilities to existing interstate and intrastate pipelines located nearby the facilities and use those pipelines to transport the natural gas that will be used to fuel the two facilities.

4. On November 15, 2024, Atmos Energy filed its petition to intervene in this docket. As indicated in its petition, Atmos Energy currently contracts with some of the same pipelines that may be used by Evergy to transport natural gas for its retail natural gas sales customers in Kansas and wants to make sure that Evergy's plans do not negatively interfere with Atmos Energy's ability to continue to provide reliable and reasonable cost natural gas supplies to its Kansas customers. Atmos Energy's request to intervene to represent its interests and the interests of its customers relating to what impact approval of Evergy's application and Evergy's fuel supply plans will have on Atmos Energy's ability to continue to obtain reliable and reasonable cost natural gas supplies for its natural gas customers was approved by the Commission on November 26, 2024. Atmos Energy can't represent its interest and the interest of its natural gas distribution customers without at least its outside counsel being able to review discovery and testimony relating to Evergy's gas supply plans relating to its proposed CCNG generating facilities and to ask questions, if necessary, relating to those plans during the confidential portion of the evidentiary hearing. This procedure has been adopted in other Commission proceedings and provides a fair balance between protecting the confidentiality of Evergy's gas supply plans and the need for Atmos Energy to protect its natural gas distribution customers from any unattended consequences that approval of the CCNG generating facilities might

have on it and its customers.¹

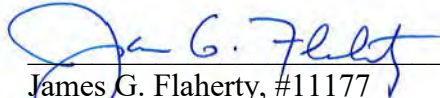
5. On November 18, 2025, Kansas Gas Service filed its petition to intervene. As indicated in its petition, Kansas Gas Service currently contracts with some of the same pipelines as Evergy proposes to use to transport natural gas to its retail natural gas sales customers. Kansas Gas Service requested to intervene to represent its interest and the interests of its customers. In particular, Kansas Gas Service is focused on how the increased demand for natural gas to meet the service obligations of electric public utilities impacts Kansas Gas Service's ability to meet its own service obligations. The Commission approved Kansas Gas Service's intervention on November 26, 2024. Kansas Gas Service can't represent its interests and the interests of its natural gas distribution customers without at least its outside counsel being able to review discovery and testimony relating to Evergy's gas supply plans relating to its proposed CCNG generating facilities and to ask questions, if necessary, relating to those plans during the confidential portion of the evidentiary hearing. This procedure has been adopted in other Commission proceedings and provides a fair balance between protecting the confidentiality of Evergy's gas supply plans and the need for Kansas Gas Service to protect its natural gas distribution customers from any unattended consequences that approval of the CCNG generating facilities might have on it and its customers.

6. Counsel for Atmos Energy and Kansas Gas Service has conferred with counsel for Evergy regarding whether Evergy has any objection to the "outside counsel attorneys' eyes only" modification to Evergy's motion and is waiting to hear back from Evergy. However, given the fact that the Commission intends to take up Evergy's motion to modify the Protective Order at its open meeting

¹In the same docket referenced by Evergy in its Motion to Amend Procedural Schedule, the Commission set up a process to allow "outside counsel attorneys' eyes only" review of Highly Confidential information. **Docket No. 21-KGSG-332-GIG, Presiding Officer's Amended Protective Order, filed October 27, 2011, pages 16-17, paragraph 16.**

on February 4, 2025, Atmos Energy and Kansas Gas Service have elected to file this response with the Commission. They will supplement this response should they hear back from Evergy.

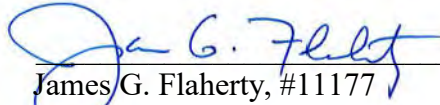
WHEREFORE, Atmos Energy and Kansas Gas Service request that Evergy's motion to amend the Protective Order be subject to any discovery information or testimony/exhibits designated as Highly Confidential Information Regarding Natural Gas Inputs by Evergy be allowed to be reviewed by outside counsel for Atmos Energy and Kansas Gas Service as "*outside counsel attorneys' eyes only*," and that outside counsel be allowed, if necessary, to cross-examine on such information during any confidential portion of the evidentiary hearing scheduled in this docket.



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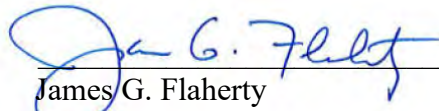
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VERIFICATION

STATE OF KANSAS, COUNTY OF FRANKLIN, ss:

James G. Flaherty, of lawful age, being first duly sworn on oath, deposes and says he is the attorney for Atmos Energy Corporation and Kansas Gas Service, a division of ONE Gas, Inc., above named; that he has read the above and foregoing Response to Evergy's Motion to Modify Protective Order; and the statements contained therein are true.



James G. Flaherty

SUBSCRIBED AND SWORN to before me this 3rd day of February, 2025.





Notary Public

Appointment/Commission Expires:

CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing was sent via electronic mail this 3rd day of February, 2025, addressed to:

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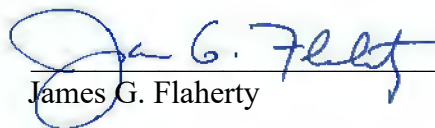
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