

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 DENYING MOTION TO STRIKE PROPOSED SUPPLEMENTAL
TESTIMONY AND EXHIBITS**

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. From April 21 through April 23, 2025, the Commission held an Evidentiary Hearing. On April 23, 2025, the Chairperson directed the Parties to submit the 2025 Annual Energy Outlook (AEO) published by the United States Energy Information Administration (EIA) on April 15, 2025; and an energy survey published by the Federal Reserve Bank on April 11, 2025, as late-filed exhibits.⁵ The Chairperson added that the Parties could also submit additional documents, analyses, and information related to “long-term gas supplier transportation” as late-filed exhibits and supplement the record with very brief additional testimony related to that information.⁶

4. On May 5, 2025, the Kansas Industrial Consumers Group, Inc. (KIC)⁷ filed a Motion to File Motion to File Supplemental Testimony from Michael Gorman, including four

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 Transcript of Evidentiary Hearing (Transcript), Apr. 23, 2025, p. 667.

⁶ *Id.*, pp. 667-68.

⁷ KIC was granted intervention on November 19, 2024.

exhibits. Gorman's testimony discusses the importance of having firm gas delivery, pipeline capacity, resources to supply the CCGTs, and natural gas prices.⁸ He presents KIC 12 as an exhibit, a Brattle study for SPP that expects natural gas prices to rise to \$6-7/MMBtu in 2029 and 2030, and to \$10+/MMBtu by 2050, compared to coal prices of about \$2.50/MMBtu in 2023, and expected to rise to about \$4/MMBtu by 2050.⁹

5. On May 9, 2025, Evergy, Commission Staff, and Midwest Energy, Inc. filed a Joint Response Opposing KIC's Motion to File Supplemental Testimony and a Request to Strike the Proposed Supplemental Testimony and Exhibits. They argue the proposed supplemental testimony and exhibits should be stricken because: (1) the proposed supplemental testimony and exhibits are beyond the scope of the Commission's limited post-hearing directive; and (2) it is too late to be subject to potential discovery, cross-answering testimony, and cross-examination, sharply limiting the Parties' opportunity to test the veracity of the testimony.¹⁰ Furthermore, they explain that unlike the EIA and Federal Reserve Bank documents, all the proposed supplemental testimony and exhibits attached to KIC's motion were available prior to the filing deadlines for intervenor testimony prescribed by the Amended Procedural Order.¹¹

6. The Commission does not agree that the proposed supplemental testimony and exhibits are beyond the scope of the Chairperson's directive. As quoted in the Joint Response, the Chairperson stated, "If you feel that it's necessary to supplement the record with additional testimony or positions on that information, I think I'm open to that. We would want that to be very brief."¹² Gorman's supplemental testimony is only eight pages and satisfies the request for brevity.

⁸ Supplemental Testimony of Michael P. Gorman, May 5, 2025, p. 2.

⁹ *Id.*, p. 4.

¹⁰ Joint Combined Response in Opposition to Kansas Industrial Consumers Group, Inc.'s Motion to File Supplemental Testimony and Request to Strike Proposed Supplemental Testimony and Exhibits, May 9, 2025, ¶ 10.

¹¹ *Id.*, ¶ 12.

¹² Transcript, p. 668.

7. The Commission recognizes that the proposed supplemental testimony and exhibits are not subject to cross-examination, therefore, while allowing the testimony and exhibits into the record, the Commission will factor in the inability to cross-examine Gorman on his supplemental testimony and exhibits or introduce counterevidence when weighing the evidence. While the Commission would have preferred subjecting the exhibits to the scrutiny of cross-examination, the Commission's independent technical staff can assist the Commission in interpreting the exhibits.

8. The Commission grants KIC's Motion to File Supplemental Testimony and Exhibits of Michael P. Gorman but will afford them the evidentiary weight they deserve.

THEREFORE, THE COMMISSION ORDERS:

A. KIC's Motion to File Supplemental Testimony and Exhibits of Michael P. Gorman is granted. However, the Commission will factor in the inability to cross-examine Gorman on his supplemental testimony and exhibits or introduce counterevidence when weighing the evidence.

B. The Request to Strike Proposed Supplemental Testimony and Exhibits is Denied.

C. This Order is procedural and constitutes non-final agency action.¹³

BY THE COMMISSION IT IS SO ORDERED.

French, Chairperson; Keen, Commissioner; Kuether, Commissioner

Dated: 05/15/2025



Celeste Chaney-Tucker
Executive Director

BGF

¹³ K.S.A. 77-607(b)(2).

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 05/15/2025.

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