

BEFORE THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS

In the Matter of the Application of Evergy Kansas)
Metro, Inc., Evergy Kansas South, Inc., and Evergy) Docket No. 25-EKME-315-TAR
Kansas Central, Inc. for Approval of Large Load)
Power Service Rate Plan and Associated Tariffs.)

**CURB’S RESPONSE TO EVERGY’S PROPOSED PROCEDURAL SCHEDULE,
OBJECTIONS AND RESPONSES**

COMES NOW, the Citizens’ Utility Ratepayer Board (“CURB”) and submits its response to the proposed procedural schedule as set forth in the *Application of Evergy Kansas Metro, Inc., Evergy Kansas South, Inc., and Evergy Central, Inc. for Approval of Large Load Service Rate Plan and Associated Tariffs* filed with the Kansas Corporation Commission (KCC) on February 11, 2025; *Lawrence Paper Company, Occidental Chemical Corporation and Kansas Industrial Consumer Group, Inc. Petition for Intervention and Objection to Proposed Procedural Schedule of Evergy*, filed on February 13, 2025; *Petition for Intervention on Behalf of Shawnee Mission School District USD 512 and Objection to Proposed Procedural Schedule of Evergy*, filed February 14, 2025; *Blue Valley School District USD 229 Petition for Intervention and Objection to Proposed Procedural Schedule of Evergy*, filed February 14, 2025; *Spirit AeroSystems, Inc. Petition for Intervention and Objection to Proposed Procedural Schedule of Evergy*, filed February 17, 2025; *Staff’s Response to Evergy’s Proposed Expedited Procedural Schedule* filed on February 20, 2025; *Petition for Intervention of Unified School District No. 232, (De Soto, Kansas) Johnson County, Kansas and Objection to Proposed Procedural Schedule of Evergy* filed on February 20, 2025; *Evergy Response to Objection to Proposed Procedural Schedule* filed on February 24, 2025; and *Reply of Proposed Intervenors to Evergy’s Response to Objections to Procedural Schedule*

filed February 25, 2025.

1. On November 6, 2024, Evergy Kansas Central, Inc. and Evergy Kansas South, Inc. (together as “Evergy Kansas Central” or “EKC”) and Evergy Metro, Inc., d/b/a Evergy Kansas Metro (“Evergy Kansas Metro” or “EKM”) (EKC and EKM referred to together as “Evergy”) filed a Petition with the Kansas Corporation Commission requesting a determination of the ratemaking principles and treatment that will apply to the recovery in rates of the cost to be incurred for certain electric generation facilities under K.S.A. 66-1239.¹

2. In its application, Evergy recognizes the 240-day statutory deadline afforded these types of dockets and requests expedited treatment with an order date of June 20, 2025, or approximately 120 days from the date of filing.²

3. On February 13, 2025, Lawrence Paper Company (“LPC”); Occidental Chemical Corporation (“Occidental”); and Kansas Industrial Consumers Group, Inc. (“KIC”), filed their petition for intervention and objection to the proposed schedule.³ These intervenors highlighted the lack of initial direct testimony from parties and the preference for that process compared to a report and recommendation.

4. On February 14, 2025, Shawnee Mission School District USD 512 and Blue Valley School District USD 229 filed their respective petitions for intervention and objections to the schedule.⁴

¹ *Evergy Application*, (February 11, 2025).

² *Id.* at ¶10.

³ *Lawrence Paper Company, Occidental Chemical Corporation and Kansas Industrial Consumer Group, Inc. Petition for Intervention and Objection to Proposed Procedural Schedule of Evergy*, (February 13, 2025).

⁴ *Petition for Intervention on Behalf of Shawnee Mission School District USD 512 and Objection to Proposed Procedural Schedule of Evergy; Blue Valley School District USD 229 Petition for Intervention and Objection to Proposed Procedural Schedule of Evergy*, (February 14, 2025).

5. On February 17, 2025, Spirit AeroSystems, Inc. filed its petition to intervene and objection to the schedule.⁵ They recommended that a longer schedule to allow for prefiled testimony be adopted.

6. On February 20, 2025, Staff of the KCC (Staff) filed its response to the request for an expedited schedule. Staff stated that the proposed schedule was not tenable in light of ongoing and anticipated major proceedings this year and requested more time be allowed for parties to collaborate on a schedule.⁶ Staff recommended that the Commission hold off on ruling on a schedule until after all intervening parties have had an opportunity to discuss a new proposed schedule. Staff suggested a placeholder date for a new proposal or status update by March 11, 2025.

7. Further, on February 20, 2025, Unified School District No. 232, Johnson County, KS (USD 232) filed its petition for intervention and objection to Evergy's proposed schedule.⁷ USD 232 recommended that a more traditional procedural schedule of 6 to 8 months be adopted, which should also include direct prefiled testimony from intervenors in addition to allow for adequate time for discovery to occur.

8. On February 24, 2025, Evergy submitted its response to the objections filed by the school districts and industrial customers.⁸ Evergy stated that the schedule reflected an urgency of interconnecting new large load customers and potential economic development benefits and the risk that such customer would relocate elsewhere under a longer schedule. Evergy further asserts

⁵ *Spirit AeroSystems, Inc. Petition for Intervention and Objection to Proposed Procedural Schedule of Evergy*, (February 17, 2025).

⁶ *Staff's Response to Evergy's Proposed Expedited Procedural Schedule*, (February 20, 2025).

⁷ *Petition for Intervention of Unified School District No. 232, (De Soto, Kansas) Johnson County, Kansas and Objection to Proposed Procedural Schedule of Evergy*, (February 20, 2025).

⁸ *Evergy Response to Objection to Proposed Procedural Schedule*, (February 24, 2025).

that there are sufficient precedent and due process protections with an expedited schedule and the use of the report and recommendation format to evaluate the case. In addition, Evergy noted the pending rate case and the benefit of creating a new customer class to be incorporated into rate design.

9. On February 25, 2025, the school districts and industrial groups filed a joint response to Evergy.⁹ These groups called into question the degree of risk that potential new large load customers would relocate with a longer schedule and pointed out the lack of definitive information on such customers. Further, they expressed concerns about due process limitations for an expedited schedule and lack of substantive processes, such as a hearing.

CURB's Response

10. CURB agrees with the school districts and industrial groups regarding the speculative nature of Evergy's claim regarding the risk of customers losing interest in Kansas under a longer schedule. CURB would note that the Commission does have the authority to issue an order prior to any deadline it sets under the 240-day statutory deadline to accommodate developments in the docket. However, such developments are not in the record and are specific details are unknown to parties at a time where formal intervention has yet to be granted to many groups. CURB believes that an expedited schedule should be supported by a more developed evidentiary record, especially when there is no consensus between Evergy and intervenors.

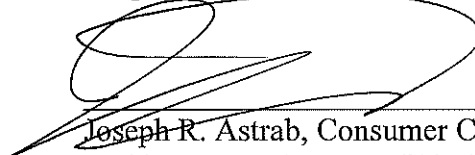
11. CURB supports Staff's proposal to delay ruling on the proposed schedule until intervenors can discuss and agree upon a schedule. Having a date certain for either a new schedule

⁹ *Reply of Proposed Intervenors to Evergy's Response to Objections to Procedural Schedule*, (February 25, 2025).

or status update would be a prudent approach to resolving this issue. This would allow for greater amounts of input and prevent further disagreements on constitutional protections further along in the docket.

WHEREFORE, CURB respectfully submits its response and asks the Commission to allow parties an opportunity to confer with Evergy on a procedural schedule for the Commission's consideration.

Respectfully submitted,

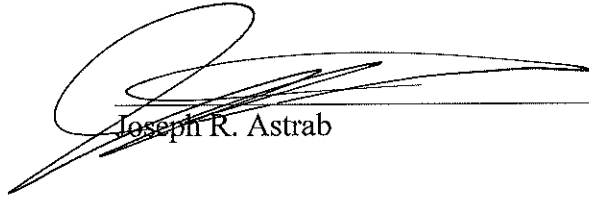


Joseph R. Astrab, Consumer Counsel #26414
Todd E. Love, Attorney #13445
Citizens' Utility Ratepayer Board
1500 SW Arrowhead Road
Topeka, KS 66604
(785) 271-3200
joseph.astrab@ks.gov
todd.love@ks.gov

VERIFICATION

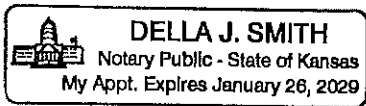
STATE OF KANSAS)
)
COUNTY OF SHAWNEE) ss:

I, Joseph R. Astrab, of lawful age and being first duly sworn upon my oath, state that I am an attorney for the Citizens' Utility Ratepayer Board; that I have read and am familiar with the above and foregoing document and attest that the statements therein are true and correct to the best of my knowledge, information, and belief.



Joseph R. Astrab

SUBSCRIBED AND SWORN to before me this 25th day of February, 2025.





Notary Public

My Commission expires: 01-26-2029.

CERTIFICATE OF SERVICE

25-EKME-315-TAR

I, the undersigned, hereby certify that a true and correct copy of the above and foregoing document was served by electronic service on this 25th day of February, 2025, to the following:

CATHRYN J. DINGES, SR DIRECTOR &
REGULATORY AFFAIRS COUNSEL
EVERGY KANSAS CENTRAL, INC
818 S KANSAS AVE
PO BOX 889
TOPEKA, KS 66601-0889
cathy.dinges@evergy.com

JEFFREY L. MARTIN, VP OF CUSTOMER
AND COMMUNITY OPERATION
EVERGY KANSAS CENTRAL, INC
818 S KANSAS AVE
PO BOX 889
TOPEKA, KS 66601-0889
jeff.martin@evergy.com

LESLIE WINES, ST. EXEC. ADMIN. ASST.
EVERGY KANSAS CENTRAL, INC
818 S KANSAS AVE
PO BOX 889
TOPEKA, KS 66601-0889
leslie.wines@evergy.com

COLE A. BAILEY, CORPORATE COUNSEL
DIRECTOR
EVERGY KANSAS SOUTH,
INC. D/B/A EVERGY KANSAS CENTRAL
818 S KANSAS AVE, PO Box 889
TOPEKA, KS 66601-0889
cole.bailey@evergy.com

DARRIN R. IVES, V.P. REGULATORY
AFFAIRS
EVERGY METRO, INC D/B/A EVERGY
KANSAS METRO
ONE KANSAS CITY PLACE
1200 MAIN ST., 19th FLOOR
KANSAS CITY, MO 64105
darrin.ives@evergy.com

BRAD LUTZ, REGULATORY AFFAIRS
EVERGY METRO, INC D/B/A EVERGY
KANSAS METRO
ONE KANSAS CITY PLACE
1200 MAIN ST., 19th FLOOR
KANSAS CITY, MO 64105
brad.lutz@evergy.com

DAVID BANKS, CEM, CEP
FLINT HILLS ENERGY CONSULTANT
117 S PARKRIDGE
WICHITA, KS 67209
david@fheconsultants.net

DANIEL LAWRENCE, GENERAL COUNSEL
USD 259
903 SOUTH EDGEMOOR, ROOM 113
WICHITA, KS 67218
dlawrence@usd259.net

DANIEL J BULLER, ATTORNEY
FOULSTON SIEFKIN LLP
7500 COLLEGE BOULEVARD, STE 1400
OVERLAND PARK, KS 66201-4041
dbuller@foulston.com

MOLLY E. MORGAN, ATTORNEY
FOULSTON SIEFKIN LLP
1551 N. Waterfront Parkway
SUITE 100
WICHITA, KS 67206
mmorgan@foulston.com

LEE M. SMITHYMAN, ATTORNEY
FOULSTON SIEFKIN LLP
7500 COLLEGE BOULEVARD, STE 1400
OVERLAND PARK, KS 66201-4041
lsmithyman@foulston.com

JAMES P. ZAKOURA, ATTORNEY
FOULSTON SIEFKIN LLP
7500 COLLEGE BOULEVARD, STE 1400
OVERLAND PARK, KS 66201-4041
jzakoura@foulston.com

BRIAN G. FEDOTIN, GENERAL COUNSEL
KANSAS CORPORATION COMMISSION
1500 SW ARROWHEAD RD
TOPEKA, KS 66604
brian.fedotin@ks.gov

CARLY MASENTHIN, LITIGATION
COUNSEL
KANSAS CORPORATION COMMISSION
1500 SW ARROWHEAD RD
TOPEKA, KS 66604
carly.masenthin@ks.gov

PATRICK HURLEY, CHIEF LITIGATION
COUNSEL
KANSAS CORPORATION COMMISSION
1500 SW ARROWHEAD RD
TOPEKA, KS 66604
patrick.hurley@ks.gov

VALERIE SMITH, ADMINISTRATIVE
ASSISTANT
MORRIS LAING EVANS BROCK &
KENNEDY
800 SW JACKSON
SUITE 1310
TOPEKA, KS 66612-1216
vsmith@morrislaing.com

RITA LOWE, PARALEGAL
MORRIS LAING EVANS BROCK &
KENNEDY CHTD
300 N MEAD STE 200
WICHITA, KS 67202-2745
rlowe@morrislaing.com

WILL B. WOHLFORD, ATTORNEY
MORRIS LAING EVANS BROCK &
KENNEDY CHTD
300 N MEAD STE 200

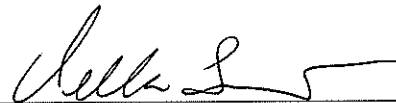
WICHITA, KS 67202-2745
wwohlford@morrislaing.com

KACEY S. MAYES, ATTORNEY
TRIPLETT, WOOLF & GARRETSON, LLC
2959 N ROCK RD STE 300
WICHITA, KS 67226
ksmayes@twgfirm.com

TIMOTHY E. MCKEE, ATTORNEY
TRIPLETT, WOOLF & GARRETSON, LLC
2959 N ROCK RD STE 300
WICHITA, KS 67226
temckee@twgfirm.com

CAITLIN M. SHIELDS, ATTORNEY
WILKINSON BARKER KNAUER LLP
2138 W 32nd AVENUE, STE 300
DENVER, CO 80211
cshields@wbklaw.com

NIKKI H. WHITE, ATTORNEY
WILKINSON BARKER KNAUER LLP
2138 W 32nd AVENUE, STE 300
DENVER, CO 80211
nwhite@wbklaw.com



Della Smith
Senior Administrative Specialist