

**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 INTERVENTION TO HF SINCLAIR EL DORADO REFINING LLC,
ATMOS ENERGY CORPORATION, NRDC, AND KGS**

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

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. 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 15, 2024, HF Sinclair El Dorado Refining LLC (HF Sinclair) filed a Petition to Intervene, citing its ownership of El Dorado Refinery, which receives electric service through Evergy under an Energy Supply Agreement.⁵ The rates charged under the Energy Supply Agreement will be adjusted to reflect any changes resulting from this Docket.⁶

4. On November 15, 2024, Atmos Energy Corporation (Atmos) filed a Petition to Intervene.⁷ Atmos explains that it has an interest as the Docket may have an impact on Atmos' ability to continue to obtain reliable and reasonable natural gas supplies for its natural gas customers in Kansas.⁸

5. On November 15, 2024, the Natural Resources Defense Council (NRDC) filed a Petition for Intervention, to support advancing clean energy, lowering emissions, and providing incentives for Evergy to invest in cleaner resources.⁹ NRDC claims an extensive history with resource planning, integrated distribution planning, rate design and alternatives to traditional regulation.¹⁰

² *Id.*, ¶¶15 & 17.

³ *Id.*, ¶¶16 - 17.

⁴ *Id.*, ¶28.

⁵ HF Sinclair's Petition to Intervene, Nov. 15, 2024, ¶2.

⁶ *Id.*, ¶3

⁷ Atmos' Petition to Intervene, Nov. 15, 2024.

⁸ *Id.*, ¶3.

⁹ Petition for Intervention of NRDC, Nov. 15, 2024, ¶5.

¹⁰ *Id.*, ¶ 6.

6. On November 18, 2024, Kansas Gas Service, a division of ONE Gas, Inc. (KGS) filed a Petition to Intervene.¹¹ KGS explains that it is focused on how the increase demand for natural gas to meet the service obligations of electric public utilities impacts KGS.¹²

7. 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

8. The Commission finds and concludes that HF Sinclair, Atmos, NRDC, and KGS 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. HF Sinclair, Atmos, NRDC, and KGS will be added to the mailing list, and electronic service of pleadings, communications, and correspondence should be delivered to:

James G. Flaherty
Attorney for Atmos, HF Sinclair, & KGS
ANDERSON & BYRD, LLP
216 S. Hickory, PO Box 17
Ottawa, KS 66067
Phone: 785-242-1234
Email: jflaherty@andersonbyrd.com
Constance Chan
HF Sinclair
2323 Victory Ave. Ste 1400
Dallas, TX 75219
Phone: 214-954-6663
Email: Constance.Chan@HFSinclair.com

Jon Lindsey
Corporate Counsel
HF Sinclair
550 E. South Temple
Salt Lake City, UT 84102
Phone: 385-295-6525
Email: Jon.Lindsey@HFSinclair.com
Greg Wright
Priority Power Mgt.
12512 Augusta Dr.
Kansas City, KS 66109
Phone: 785-640-9139
Email: gwright@prioritypower.com

¹¹ KGS' Petition to Intervene, Nov. 18, 2024.

¹² *Id.*, ¶3.

¹³ K.S.A. 77-521; K.A.R. 82-1-225.

¹⁴ K.S.A. 77-521(c).

Kathleen Ocanas
Atmos Energy Corporation
25090 W. 110th Terr
Olathe, KS 66061
Email: Kathleen.ocanas@atmosenergy.com

Shelly M. Bass
Atmos Energy Corporation
PO Box 650205
Dallas, TX 75265
Email: shelly.bass@atmosenergy.com

Robert R. Titus
Attorney for NRDC
TITUS LAW FIRM, LLC
7304 W 130th St, Ste 190
Overland Park, KS 66213
Phone: 913-35-6641
Email: rob@tituslawkc.com

Janet Buchanan
Kansas Gas Service
7421 West 129th Street
Overland Park, KS 66213
Email: janet.buchanan@onegas.com

Lorna M. Eaton
Kansas Gas Service
7421 West 129th Street
Overland Park, KS 66213
Email: lorna.eaton@onegas.com

Robert Elliott Vincent
Kansas Gas Service
7421 West 129th Street
Overland Park, KS 66213
Email: Robert.vincent@onegas.com

THEREFORE, THE COMMISSION ORDERS:

- A. HF Sinclair El Dorado Refining LLC's Petition to Intervene is granted.
- B. Atmos Energy Corporation's Petition to Intervene is granted.
- C. The Natural Resources Defense Council's Petition for Intervention is granted.
- D. Kansas Gas Service's Petition to Intervene is granted.
- E. This Order is procedural and constitutes non-final agency action.¹⁵

BY THE COMMISSION IT IS SO ORDERED.

French, Chairperson; Keen, Commissioner; Kuether, Commissioner

Dated: 11/26/2024



Lynn M. Retz
Executive Director

BGF

¹⁵ 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 11/26/2024.

JOSEPH R. ASTRAB, ATTORNEY
CITIZENS' UTILITY RATEPAYER BOARD
1500 SW ARROWHEAD RD
TOPEKA, KS 66604
joseph.astrab@ks.gov

DOROTHY BARNETT
CLIMATE & ENERGY PROJECT
PO BOX 1858
HUTCHINSON, KS 67504-1858
barnett@climateandenergy.org

SHELLY M BASS, SENIOR ATTORNEY
ATMOS ENERGY CORPORATION
5430 LBJ FREEWAY
1800 THREE LINCOLN CENTRE
DALLAS, TX 75240
shelly.bass@atmosenergy.com

DAN BRUER, EXECUTIVE DIRECTOR
NEW ENERGY ECONOMICS
1390 YELLOW PINE AVE
BOULDER, CO 80305
dan.brue@newenergyeconomics.org

JANET BUCHANAN, DIRECTOR OF RATES &
REGULATORY
KANSAS GAS SERVICE, A DIVISION OF ONE GAS, INC.
7421 W 129TH STREET
OVERLAND PARK, KS 66213
janet.buchanan@onegas.com

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

GLEND A CAFER, MORRIS LAING LAW FIRM
MORRIS LAING EVANS BROCK & KENNEDY CHTD
800 SW JACKSON STE 1310
TOPEKA, KS 66612-1216
gcafer@morrislaing.com

ANNE E. CALLENBACH, ATTORNEY
POLSINELLI PC
900 W 48TH PLACE STE 900
KANSAS CITY, MO 64112
acallenbach@polsinelli.com

FRANK A. CARO, JR., ATTORNEY
POLSINELLI PC
900 W 48TH PLACE STE 900
KANSAS CITY, MO 64112
fcaro@polsinelli.com

Constance Chan, SENIOR CATEGORY MANAGER -
ELECTRICITY & BUSINESS TRAVEL
HF SINCLAIR EL DORADO REFINING LLC
2323 Victory Ave. Ste 1400
Dalla, TX 75219
constance.chan@hfsinclair.com

CERTIFICATE OF SERVICE

25-EKCE-207-PRE

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

LORNA EATON, MANAGER OF RATES AND REGULATORY
AFFAIRS
KANSAS GAS SERVICE, A DIVISION OF ONE GAS, INC.
7421 W 129TH STREET
OVERLAND PARK, KS 66213
lorna.eaton@onegas.com

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

JAMES G. FLAHERTY, ATTORNEY
ANDERSON & BYRD, L.L.P.
216 S HICKORY
PO BOX 17
OTTAWA, KS 66067
jflaherty@andersonbyrd.com

Kevin M Fowler, COUNSEL
Frieden & Forbes, LLP
1414 SW Ashworth Place Ste 201
Topeka, KS 66604
kfowler@fflawllp.com

JAMES GING, DIRECTOR ENGINEERING SERVICES
KANSAS POWER POOL
100 N BROADWAY STE L110
WICHITA, KS 67202
jging@kpp.agency

ALISSA GREENWALD, ATTORNEY
KEYES & FOX LLP
1580 LINCOLN STREET STE 1105
DENVER, CO 80203
agreenwald@keyesfox.com

COLIN HANSEN, CEO/GENERAL MANAGER
KANSAS POWER POOL
100 N BROADWAY STE L110
WICHITA, KS 67202
chansen@kpp.agency

LARRY HOLLOWAY, ASST GEN MGR OPERATIONS
KANSAS POWER POOL
100 N BROADWAY STE L110
WICHITA, KS 67202
lholloway@kpp.agency

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

JARED R. JEVONS, ATTORNEY
POL SINELLI PC
900 W 48TH PLACE STE 900
KANSAS CITY, MO 64112
jjevons@polsinelli.com

JASON KEYES, PARTNER
KEYES & FOX LLP
580 CALIFORNIA ST 12TH FLOOR
SAN FRANCISCO, CA 94104
jkeyes@keyesfox.com

CERTIFICATE OF SERVICE

25-EKCE-207-PRE

J.T. KLAUS, ATTORNEY
TRIPLETT, WOOLF & GARRETSON, LLC
2959 N ROCK RD STE 300
WICHITA, KS 67226
jtklaus@twgfirm.com

KEVIN K. LACHANCE, CONTRACT LAW ATTORNEY
UNITED STATES DEPARTMENT OF DEFENSE
ADMIN & CIVIL LAW DIVISION
OFFICE OF STAFF JUDGE ADVOCATE
FORT RILEY, KS 66442
kevin.k.lachance.civ@army.mil

Randall F. Larkin, ATTORNEY
CITY OF LAWRENCE
PO Box 708
Lawrence, KS 66044
rlarkin@lawrenceks.org

TIMOTHY J LAUGHLIN, ATTORNEY
SCHOONOVER & MORIARTY, LLC
130 N. CHERRY STREET, STE 300
OLATHE, KS 66061
tlaughlin@schoonoverlawfirm.com

DAN LAWRENCE, GENERAL COUNSEL - USD 259
UNIFIED SCHOOL DISTRICT 259
903 S EDGEMOOR RM 113
WICHITA, KS 67218
dlawrence@usd259.net

Jon Lindsey, CORPORATE COUNSEL
HF SINCLAIR EL DORADO REFINING LLC
550 E. South Temple
Salt Lake City, UT 84102
jon.lindsey@hfsinclair.com

TODD E. LOVE, ATTORNEY
CITIZENS' UTILITY RATEPAYER BOARD
1500 SW ARROWHEAD RD
TOPEKA, KS 66604
todd.love@ks.gov

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

PAUL MAHLBERG, GENERAL MANAGER
KANSAS MUNICIPAL ENERGY AGENCY
6300 W 95TH ST
OVERLAND PARK, KS 66212-1431
mahlberg@kmea.com

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

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

Brandon McGuire, ASST. CITY MANAGER
CITY OF LAWRENCE
PO Box 708
Lawrence, KS 66044
bmcguire@lawrenceks.org

CERTIFICATE OF SERVICE

25-EKCE-207-PRE

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

JOHN J. MCNUTT, GENERAL ATTORNEY
U.S. ARMY LEGAL SERVICES AGENCY
REGULATORY LAW OFFICE
9275 GUNSTON RD., STE. 1300
FORT BELVOIR, VA 22060-5546
john.j.mcnutt.civ@army.mil

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

DAVID W. NICKEL, CONSUMER COUNSEL
CITIZENS' UTILITY RATEPAYER BOARD
1500 SW ARROWHEAD RD
TOPEKA, KS 66604
david.nickel@ks.gov

KATHLEEN R OCANAS, DIVISION VP OF RATES &
REGULATORY AFFAIRS
ATMOS ENERGY CORPORATION
25090 W 110TH TERR
OLATHE, KS 66061
kathleen.ocanas@atmosenergy.com

TIM OPITZ
OPITZ LAW FIRM, LLC
308 E. HIGH STREET
SUITE B101
JEFFERSON CITY, MO 65101
tim.opitz@opitzlawfirm.com

SARAH C. OTTO
FOULSTON SIEFKIN LLP
7500 COLLEGE BOULEVARD, STE 1400
OVERLAND PARK, KS 66201-4041
sotto@foulston.com

JAMES OWEN, COUNSEL
RENEW MISSOURI ADVOCATES
915 E ASH STREET
COLUMBIA, MO 65201
james@renewmo.org

PATRICK PARKE, CEO
MIDWEST ENERGY, INC.
1330 Canterbury Rd
PO Box 898
Hays, KS 67601-0898
patparke@mwenergy.com

TERRI J PEMBERTON, GENERAL COUNSEL
KANSAS MUNICIPAL ENERGY AGENCY
6300 W 95TH ST
OVERLAND PARK, KS 66212-1431
pemberton@kmea.com

DARREN PRINCE, MANAGER, REGULATORY & RATES
KANSAS MUNICIPAL ENERGY AGENCY
6300 W 95TH ST
OVERLAND PARK, KS 66212-1431
prince@kmea.com

SHONDA RABB
CITIZENS' UTILITY RATEPAYER BOARD
1500 SW ARROWHEAD RD
TOPEKA, KS 66604
shonda.rabb@ks.gov

CERTIFICATE OF SERVICE

25-EKCE-207-PRE

Kathy Richardson, SUSTAINABILITY DIRECTOR
CITY OF LAWRENCE
PO Box 708
Lawrence, KS 66044
krichardson@lawrenceks.org

AARON ROME, VP OF ENERGY SUPPLY
MIDWEST ENERGY, INC.
1330 CANTERBURY DRIVE
PO BOX 898
HAYS, KS 67601-0898
arome@mwenergy.com

DELLA SMITH
CITIZENS' UTILITY RATEPAYER BOARD
1500 SW ARROWHEAD RD
TOPEKA, KS 66604
della.smith@ks.gov

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

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

CONNOR A THOMPSON, ATTORNEY
FOULSTON SIEFKIN LLP
7500 COLLEGE BOULEVARD, STE 1400
OVERLAND PARK, KS 66201-4041
cthompson@foulston.com

ROBERT R. TITUS
TITUS LAW FIRM, LLC
7304 W. 130th St.
Suite 190
Overland Park, KS 66213
rob@tituslawkc.com

Peggy A. Trent, CHIEF COUNTY COUNSELOR
The Board of County Commissioners of Johnson County
111 S. Cherry Ste 3200
Olathe, KS 66061
peg.trent@jocogov.org

ROBERT E. VINCENT, MANAGING ATTORNEY
KANSAS GAS SERVICE, A DIVISION OF ONE GAS, INC.
7421 W. 129TH STREET
OVERLAND PARK, KS 66213
robert.vincent@onegas.com

C. EDWARD WATSON II., ATTORNEY
FOULSTON SIEFKIN LLP
1551 N WATERFRONT PKWY STE 100
WICHITA, KS 67206-4466
cewatson@foulston.com

TONI WHEELER, DIRECTOR, LEGAL SERVICES DEPT.
CITY OF LAWRENCE
CITY HALL
6 EAST SIXTH ST
LAWRENCE, KS 66044
twheeler@lawrenceks.org

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

CERTIFICATE OF SERVICE

25-EKCE-207-PRE

TREVOR WOHLFORD, ATTORNEY
MORRIS LAING EVANS BROCK & KENNEDY
800 SW JACKSON
SUITE 1310
TOPEKA, KS 66612-1216
twohlford@morrislaing.com

WILL B. WOHLFORD, ATTORNEY
MORRIS LAING EVANS BROCK & KENNEDY CHTD
300 N MEAD STE 200
WICHITA, KS 67202-2745
wwohlford@morrislaing.com

Greg Wright
Priority Power Mgt.
12512 Augusta Dr
Kansas City, KS 66109
gwright@prioritypower.com

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

/S/ KCC Docket Room
KCC Docket Room
