

**THE STATE CORPORATION COMMISSION  
OF THE STATE OF KANSAS**

Before Commissioners:                   Dwight D. Keen, Chair  
  Susan K. Duffy  
  Andrew J. French

In the Matter of Evergy Kansas Central, Inc.    )  
and Evergy Kansas South, Inc. Updated    ) Docket No. 22-EKCE-407-TAR  
Transmission Delivery Charge Tariff.        )

**ORDER GRANTING UNITED STATES DEPARTMENT OF DEFENSE'S  
PETITION TO INTERVENE AND GRANTING MOTION FOR PRO HAC VICE OF  
JOHN J. MCNUTT**

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 February 17, 2022, pursuant to K.S.A. 66-1237, Evergy Kansas Central, Inc. and Evergy Kansas South, Inc. both d/b/a Evergy Kansas Central (collectively, Evergy Kansas Central) filed an Application to increase its Transmission Delivery Charges (TDC) Rate Schedules with an effective date of April 1, 2022.<sup>1</sup> The Application requested \$310,014,297 in TDC revenues, which represented a \$20,400,559 increase from Evergy Kansas Central's prior TDC.<sup>2</sup> Evergy Kansas Central's proposed TDC increases the transmission-related portion of a residential customer's bill from \$0.018810 per kWh to \$0.019214 per kWh.<sup>3</sup> Residential customers who use 900 kWh of electricity per month would experience a monthly increase of \$0.36 and an annual increase of \$4.32.<sup>4</sup>

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<sup>1</sup> Evergy Kansas Central Transmission Delivery Charge Application (Application) (Feb. 17, 2022).

<sup>2</sup> See generally Docket No. 21-EKCE-308-TAR (21-308 Docket).

<sup>3</sup> Application, TDC 2022 Residential Standard Rate Impact, p. 24.

<sup>4</sup> *Id.*

2. On March 17, 2022, the Commission issued its Order Acknowledging Effective Date Of Transmission Delivery Charge, noting that under the express language of K.S.A. 66-1237, all transmission-related costs incurred by an electric public utility which resulted from a body with regulatory authority over transmission matter are conclusively presumed prudent, thus, the Commission has no discretion, and must accept Evergy Kansas Central's proposed TDC tariff as filed.<sup>5</sup> Pursuant to K.S.A. 66-1237, the Commission found Evergy Kansas Central's proposed TDC rates filed February 17, 2022, shall become effective April 1, 2022, on a subject-to-refund basis while the Commission conducts its review of Evergy Kansas Central's TDC.<sup>6</sup>

3. On April 7, 2022, the United States Department of Defense (DOD), filed a Petition to Intervene, claiming because it operates several military installations in the State of Kansas, including Fort Riley, Fort Leavenworth, and McConnell Air Force Base, all of which are large users of electric power supplied by Evergy, this proceeding will have a significant impact on the present and future operation of these installations.<sup>7</sup> Also on April 7, 2022, Kevin K. LaChance, an attorney licensed to practice law in the State of Kansas, filed a Motion for *Pro Hac Vice* Admission of John J. McNutt, on behalf of the DOD, pursuant to Kansas Supreme Court Rule 116. The *Pro Hac Vice* Motion includes the required Verified Application signed by Mr. McNutt.<sup>8</sup>

4. The Verified Application for Mr. McNutt states he is a licensed attorney in good standing in the State of California,<sup>9</sup> and has never been the subject of prior public discipline, including but not limited to suspension or disbarment, in any jurisdiction.<sup>10</sup> The Verified

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<sup>5</sup> Order Acknowledging Effective Date of Transmission Delivery Charge, March 17, 2022, ¶ 4.

<sup>6</sup> *Id.*

<sup>7</sup> Petition to Intervene, Apr. 7, 2022, ¶ 3.

<sup>8</sup> Motion for *Pro Hac Vice* Admission, Apr. 7, 2022.

<sup>9</sup> Verified Application, Apr. 7, 2022, ¶ 4.

<sup>10</sup> *Id.*, ¶¶ 5-6.

Application listed Mr. McNutt's business address as Office of the Judge Advocate General 9275 Gunston Road (4th Floor-ELD), Fort Belvoir, VA 22060-5546.

5. The Commission finds that Mr. McNutt has met the requirements of Supreme Court Rule 116 and shall be granted admission *pro hac vice* in this Docket.

6. The Commission has broad discretion to grant a petition for intervention if it is in the interests of justice, if the intervention will not impair the orderly and prompt conduct of the proceeding, and if the party has stated facts demonstrating its legal rights, duties, privileges, immunities or other legal interests may be substantially affected by the proceeding.<sup>11</sup> At any time during a proceeding, the Commission may impose limitations on an intervenor's participation.<sup>12</sup>

7. The Commission finds the DOD has met the requirements of K.A.R. 82-1-225 and K.S.A. 77-521 and should be granted intervention in this Docket and added to the mailing list. Service of electronic notices, pleadings, communications, and correspondence should be delivered to counsel of record as follows:

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<sup>11</sup> K.S.A. 77-521 (b); K.A.R. 82-1-225(b).

<sup>12</sup> K.S.A. 77-521 (c).

**THEREFORE, THE COMMISSION ORDERS:**

A. The United States Department of Defense's Petition to Intervene is granted.

B. The Motion for *Pro Hac Vice* Admission of John J. McNutt, on behalf of the United States Department of Defense, is granted

C. Any party may file and serve a petition for reconsideration pursuant to the requirements and time limits established by K.S.A. 77-529(a)(1).<sup>13</sup>

**BY THE COMMISSION IT IS SO ORDERED.**

Keen, Chair; Duffy, Commissioner; French,

Commissioner Dated:

04/19/2022



Lynn M. Retz  
Executive Director

BGF

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<sup>13</sup> K.S.A. 66-118b; K.S.A. 77-503(c); K.S.A. 77-531(b).

**CERTIFICATE OF SERVICE**

22-EKCE-407-TAR

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of electronic service on 04/19/2022.

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**CERTIFICATE OF SERVICE**

22-EKCE-407-TAR

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/S/ DeeAnn Shupe  
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