

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

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

In the Matter of the Investigation into the )  
Sustainability Transformation Plan of Evergy ) Docket No. 21-EKME-088-GIE  
Metro, Inc., Evergy Kansas Central, Inc., and )  
Evergy South, Inc. (collectively Evergy). )

**ORDER ESTABLISHING PROCEDURAL SCHEDULE**

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 and conclusions:

1. On June 11, 2020, Commission Staff (Staff) filed a Petition for Order Initiating Investigation, to investigate Evergy's Agreement with Elliott Management (Elliott) to explore either a Modified Standalone Plan that would effectively cut operating and maintenance expenses and increase capital expenditures dramatically, or a Merger Transaction.<sup>1</sup> Elliott is an asset management firm<sup>2</sup> that at the time, owned an economic interest equivalent of 11.3 million shares in Evergy or approximately \$760 million in current market value.<sup>3</sup> On January 21, 2020, Elliott issued a press release advising it had engaged in private discussions with Evergy management on ways to maximize value for all of Evergy's key stakeholders.<sup>4</sup>

2. On June 18, 2020, the Commission issued an Order Opening General Investigation in Docket No. 20-EKME-514-GIE (20-514 Docket) to enable the Commission,

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<sup>1</sup> Petition of Commission Staff for Order Initiating Investigation (20-514 Petition), Docket No. 20-EKME-514-GIE, June 11, 2020, ¶ 5.

<sup>2</sup> *Id.*, ¶ 3.

<sup>3</sup> Staff Report and Recommendation, Docket No. 20-EKME-514-GIE, June 11, 2020, p. 1.

<sup>4</sup> 20-514 Petition, ¶ 4.

stakeholders, and customers to be fully informed of the analysis and rationale behind Evergy's decision to pursue either a Modified Standalone Plan that would effectively cut operating and maintenance expenses and increase capital expenditures dramatically, or a Merger Transaction.<sup>5</sup>

3. On August 13, 2020, Evergy filed its Notice of Filing Report to the Commission in the 20-514 Docket, informing the Commission that on July 23, 2020, its Board unanimously approved pursuing a Modified Standalone Plan.<sup>6</sup>

4. On August 19, 2020, Staff filed its Petition for Order Initiating Investigation to evaluate any Standalone Plan recommended by Evergy's Board of Directors and its potential impact on the core elements of the merger agreement approved by the Commission in the 18-KCPE-095-MER Docket (18-095 Docket).<sup>7</sup>

5. On August 27, 2020, the Commission issued an Order Opening General Investigation to provide Staff, stakeholders, and Evergy an opportunity to collaborate and evaluate the Sustainability Transformation Plan (STP).<sup>8</sup> The parties were directed to collaborate to recommend a procedural schedule by October 8, 2020.<sup>9</sup>

6. On October 8, 2020, Staff filed a Procedural Update Regarding STP Investigation, advising the Commission that the parties were unable to commit to a schedule without first seeing confidential details of the STP and that Evergy has agreed to set up a confidential data room to allow parties to view the Boston Consulting Group's confidential report, but that the

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<sup>5</sup> Order Opening General Investigation, Docket No. 20-EKME-514-GIE, June 18, 2020, ¶ 4.

<sup>6</sup> Evergy's Notice of Filing Report to the Commission, Docket No. 20-EKME-514-GIE, Aug. 13, 2020, ¶ 1.

<sup>7</sup> Staff Report and Recommendation, Aug. 19, 2020, p. 2; Petition of Commission Staff for Order Initiating Investigation, Aug. 19, 2020, ¶ 5.

<sup>8</sup> Order Opening General Investigation, Aug. 27, 2020, ¶ 7.

<sup>9</sup> *Id.*

data room may not be available until the week of October 12, 2020.<sup>10</sup> Staff pledged to provide a procedural schedule or an additional update on November 6, 2020.<sup>11</sup>

7. On November 6, 2020, Staff filed a Motion to Approve Procedural Schedule with a series of workshops before the Commissioners.<sup>12</sup> After reviewing the proposed schedule, the Commission adopts the following schedule:

Dec. 3, 2020	Workshop with Evergy Presentation on grid modernization investments and related benefits with intervenor and Commissioner questions	10:30 a.m. (or immediately following the 10:00 a.m. Commission’s business meeting)
Dec. 21, 2020	Workshop and presentations on operational efficiencies included in the STP (NFOM and Fuel and Purchase Power costs) with intervenor and Commissioner questions.	10:00 a.m.
Jan. 20, 2021	Workshop and presentations on enhanced customer experience with intervenor and Commissioner questions	10:00 a.m.
Feb. 19, 2021	Intervenor Comments on STP and topics addressed during workshops due	5:00 p.m.
March 5, 2021	Cross-Answering Comments due	5:00 p.m.
March 19, 2021	Evergy Response to Intervenor Comments due	5:00 p.m.
May 5, 2021	Workshop with Evergy update presentation of filed STP after incorporating feedback and results from earlier workshops and intervenor comments (with a discussion or adjustments for potential impacts IRP could have on results) with intervenor and Commissioner questions	10:00 a.m.

8. Due to the COVID-19 pandemic, all of the work studies will be conducted online. Parties will be given log-in information to participate via zoom. A live video stream will also be

<sup>10</sup> Procedural Update Regarding STP Investigation, Oct. 8, 2020, ¶¶ 3-4.

<sup>11</sup> *Id.*, ¶ 5.

<sup>12</sup> *Id.*, ¶ 6.

available to the public on the Commission's YouTube channel:

<https://www.youtube.com/channel/UC-uTcucl0oyHJr-iOheuuw/featured>.

**THEREFORE, THE COMMISSION ORDERS:**

- A. Staff's Motion for a Procedural Schedule is granted.
- B. The procedural schedule outlined in paragraph 7 is adopted.

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

Duffy, Chair; Keen, Commissioner; French, Commissioner

Dated: 11/19/2020



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Lynn M. Retz  
Executive Director

BGF

## CERTIFICATE OF SERVICE

21-EKME-088-GIE

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of electronic service on 11/19/2020.

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