

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

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

In the Matter of the Application of Evergy )  
Kansas Metro, Inc., Evergy Kansas South, Inc. )  
and Evergy Kansas Central, Inc. for Approval )           Docket No. 22-EKME-254-TAR  
of its Demand-Side Management Portfolio )  
Pursuant to the Kansas Energy Efficiency )  
Investment Act (“KEEIA”), K.S.A. 66-1283. )

**ORDER GRANTING MOTION TO EXTEND STAY**

This matter comes before the State Corporation Commission of the State of Kansas (Commission). Having examined its pleadings and records, the Commission finds and concludes as follows:

1. On December 17, 2021, pursuant to the Kansas Energy Efficiency Investment Act (KEEIA), K.S.A. 66-1283, Evergy filed an application seeking approval of its proposed Demand-Side Management (“DSM”) Portfolio.
2. On August 23, 2022, Evergy filed a Motion to Stay Docket.
3. On September 1, 2022, the Commission granted the stay.
4. On September 20, 2022, the Commission extended the stay until September 29, 2022.
5. On September 29, 2022, Commission Staff (Staff) filed a Second Update on Post-Hearing Discussions. Staff states that discussions have continued with Evergy and they have “identified terms that would allow Staff to join a settlement on financial recovery” but a settlement agreement has not yet been finalized and approved by all parties to the docket.<sup>1</sup> Staff requests an

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<sup>1</sup> Second Update on Post-Hearing Discussions, pgs. 1-2 (September 29, 2022).

extension of the stay until October 28, 2022 to allow parties to review terms for a possible settlement and provide feedback and input as necessary.<sup>2</sup>

6. On September 30, 2022, Sierra Club and Kansas Appleseed filed the Objection of Sierra Club and Kansas Appleseed to further Extension sought by KCC Staff and Evergy. Sierra Club and Appleseed state that they have not been included in discussions between Staff and Evergy.<sup>3</sup>

7. Sierra Club and Kansas Appleseed request that the Commission deny Staff's request for an extension and instead proffer the following substitute extension:

- KCC Staff and Evergy shall present to all of the parties the terms of the new agreement within one week, no later than October 6, 2022; and
- No later than October 12, 2022, the parties shall develop and present to the Commission for its consideration a new procedural schedule regarding the pending or potential new agreement which shall include, if necessary, dates for a renewed settlement conference, dates to file testimony in support or opposition of the new agreement, dates for hearing, and dates for post-hearing briefs as to the new or pending agreement(s).<sup>4</sup>

8. The Commission expects the parties in this docket to work together and participate in good faith. However, at this point the Commission does not feel it is appropriate to intrude on the settlement process.

**THEREFORE, THE COMMISSION ORDERS:**

- A. Staff's request for an extension until October 28, 2022 is granted.
- B. Sierra Club's and Kansas Appleseed's request for an alternative extension is denied.

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<sup>2</sup> *Id.*

<sup>3</sup> Objection of Sierra Club and Kansas Appleseed to Further Extension Sought by KCC Staff and Evergy, pg. 3 (September 30, 2022).

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

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>5</sup>

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

Keen, Chair; Duffy, Commissioner; French, Commissioner

10/18/2022

Dated: \_\_\_\_\_

*Lynn M. Retz*

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Lynn M. Retz  
Executive Director

DGC

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<sup>5</sup> K.S.A. 66-118b; K.S.A. 77-503(c); K.S.A. 77-531(b).

## CERTIFICATE OF SERVICE

22-EKME-254-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 10/18/2022.

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