

**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 KIC'S APPLICATION TO INTERVENE**

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>

2.       On March 14, 2022, the Kansas Industrial Consumers Group, Inc. (KIC), filed a Petition to Intervene on behalf of its members: Spirit Aerosystems (Spirit), Occidental Chemical

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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.*

Corporation (Oxy) and Associated Purchasing Services Corporation (APS), claiming since Spirit and Oxy are direct retail purchasers of electric energy from Evergy, and APS is the group purchasing organization on behalf of the Kansas Hospital Association, whose members are direct retail purchasers of electric energy from Evergy,<sup>5</sup> they will be directly affected by TDC increases from Evergy.<sup>6</sup>

3. On March 16, 2022, Goodyear Tire & Rubber Company (Goodyear), a direct retail purchaser of electric energy from Evergy,<sup>7</sup> filed its application to intervene through KIC.<sup>8</sup>

4. Also on March 16, 2022, KIC filed an Amended and Supplemental Application to intervene on behalf of Spirit, Oxy, and APS, detailing the TDC charges they have paid.<sup>9</sup>

5. 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>10</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>11</sup>

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<sup>5</sup> Application for Intervention on Behalf of Kansas Industrial Consumers Group, Inc (KIC), Spirit Aerosystems (Spirit), Occidental Chemical Corporation (Oxy) and Associated Purchasing Services Corporation (APS), March 14, 2022, ¶ 2.

<sup>6</sup> *Id.*, ¶ 4.

<sup>7</sup> Application for Intervention on Behalf of the Goodyear Tire & Rubber Comp Any (Goodyear), March 16, 2022, ¶ 2.

<sup>8</sup> *Id.*, ¶ 3.

<sup>9</sup> See Amended and Supplemental Application for Intervention of Kansas Industrial Consumers Group, Inc. (KIC), Spirit Aerosystems (Spirit), Occidental Chemical (Oxy), and Associated Purchasing Service Corporation (APS), March 16, 2022.

<sup>10</sup> Order Acknowledging Effective Date of Transmission Delivery Charge, March 17, 2022, ¶ 4.

<sup>11</sup> *Id.*

6. On March 29, 2022, Evergy Kansas Central filed their Response to KIC's Supplemental Application to Intervene, explaining it does not object to KIC's intervention, but requesting that the Commission disregard KIC's Amended Supplemental Application for Intervention in its entirety as constituting impermissible testimony and as irrelevant, inaccurate, and misleading.<sup>12</sup>

7. 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>13</sup> At any time during a proceeding, the Commission may impose limitations on an intervenor's participation.<sup>14</sup>

8. The Commission finds KIC 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>12</sup> Response of Evergy Kansas Central, Inc. and Evergy Kansas South, Inc. to KIC Supplemental Intervention, March 29, 2022, ¶ 10.

<sup>13</sup> K.S.A. 77-521 (b); K.A.R. 82-1-225(b).

<sup>14</sup> K.S.A. 77-521 (c).

**THEREFORE, THE COMMISSION ORDERS:**

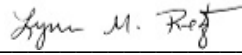
A. KIC's Application to Intervene is granted.

B. 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>15</sup>

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

Keen, Chair; Duffy, Commissioner; French, Commissioner

Dated: 04/05/2022



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Lynn M. Retz  
Executive Director

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<sup>15</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 04/05/2022.

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## CERTIFICATE OF SERVICE

22-EKCE-407-TAR

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/S/ DeeAnn Shupe

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