

**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 CITY OF OVERLAND PARK, CITY OF
LAWRENCE, AND KMEA**

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

City of Overland Park

3. On November 18, 2024, City of Overland Park, Kansas (City of Overland Park) filed a Petition to Intervene, explaining it is an Evergy ratepayer, and, has a public duty to responsibly manage its expenses for electric service.⁵

4. 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.⁶ Furthermore, at any time during a proceeding, the Commission may impose limitations on an intervenor's participation.⁷

5. The Commission finds and concludes that the City of Overland Park has met the requirements of K.A.R. 82-1-225 and K.S.A. 77-521(b), and should be granted intervention in this

² *Id.*, ¶¶15 & 17.

³ *Id.*, ¶¶16 - 17.

⁴ *Id.*, ¶28.

⁵ City of Overland Park's Petition to Intervene, Nov. 18, 2024, ¶6.

⁶ K.S.A. 77-521; K.A.R. 82-1-225.

⁷ K.S.A. 77-521(c).

Docket. The City of Overland Park will be added to the mailing list, and electronic service of pleadings, communications, and correspondence should be delivered to:

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City of Lawrence

6. On November 18, 2024, City of Lawrence, Kansas (City of Lawrence) filed a Petition to Intervene, explaining as a retail ratepayer and a direct customer of Evergy, it has an interest in this Docket.⁸

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.⁹ Furthermore, at any time during a proceeding, the Commission may impose limitations on an intervenor's participation.¹⁰

8. The Commission finds and concludes that the City Lawrence has 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. The City of Lawrence will be added to the mailing list, and electronic service of pleadings, communications, and correspondence should be delivered to:

⁸ City of Lawrence's Petition to Intervene, Nov. 18, 2024, ¶6.

⁹ K.S.A. 77-521; K.A.R. 82-1-225.

¹⁰ K.S.A. 77-521(c).

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Kansas Municipal Energy Agency

9. On November 18, 2024, the Kansas Municipal Energy Agency (KMEA) filed a Petition to Intervene, explaining that certain KMEA member-cities take service under EKC's Generation Formula Rate, which will be affected by costs associated with Evergy's proposed combined gas-fired generating facilities and solar facility.¹¹ Additionally, KMEA claims that because it depends on Evergy's transmission system to deliver power to its member-cities, the cost with any transmission upgrades will affect its members.¹²

10. 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,

¹¹ KMEA's Petition to Intervene, Nov. 18, 2024, ¶3.

¹² *Id.*

¹³ K.S.A. 77-521; K.A.R. 82-1-225.

at any time during a proceeding, the Commission may impose limitations on an intervenor's participation.¹⁴

11. The Commission finds and concludes that KMEA has 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. KMEA will be added to the mailing list, and electronic service of pleadings, communications, and correspondence should be delivered to:

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THEREFORE, THE COMMISSION ORDERS:

- A. City of Overland Park's Petition to Intervene is granted.
- B. City of Lawrence's Petition to Intervene is granted.
- C. KMEA's Petition to Intervene is granted.
- D. This Order is procedural and constitutes non-final agency action.¹⁵

¹⁴ K.S.A. 77-521(c).

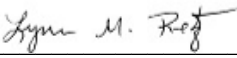
¹⁵ K.S.A. 77-607(b)(2).

BY THE COMMISSION IT IS SO ORDERED.

French, Chairperson; Keen, Commissioner; Kuether, Commissioner

Dated: 11/26/2024

BGF



Lynn M. Retz
Executive Director

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.

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/S/ KCC Docket Room

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