

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

In the Matter of the Capital Plan Compliance)
Docket for Kansas City Power & Light) Docket No. 19-KCPE-096-CPL
Company and Westar Energy, Inc. Pursuant)
to the Commission's Order in 18-KCPE-095-)
MER.)

**COMMENTS OF THE CITIZENS' UTILITY RATEPAYER BOARD RELATED TO 2020
ANNUAL UPDATE TO EVERGY'S INTEGRATED RESOURCE PLAN**

COMES NOW, The Citizens' Utility Ratepayer Board (“CURB”) and submits its comments pursuant to the schedule set forth in the State Corporation Commission of the State of Kansas (“Commission”) *Order Adopting Integrated Resource Plan and Capital Plan Framework* issued in this docket February 6, 2020,¹ which required an annual update by Evergy, this update was filed on June 26, 2020 as *Evergy Metro Integrated Resource Plan 2020 Annual Update*² (Update).

Background

1. On May 24, 2018, the Commission issued an Order Approving Merger Application of Westar Energy, Inc. and Kansas Gas and Electric Company (Westar), Great Plains Energy Incorporated (Great Plains) and Kansas City Power & Light Company (KCP&L) to form Evergy, Inc. in Docket No. 18-KCPE-095-MER (18-095 Docket). In paragraph 94 of its Merger Order, the Commission required Westar and KCP&L to work with the parties to develop and submit to the Commission a reporting format for an Integrated Resource Plan (IRP) process.³

¹ Order Adopting Integrated Resource Plan and Capital Plan Framework, February 6, 2020.

² Evergy Metro Integrated Resource Plan 2020 Annual Update, June 26, 2020.

³ Order Approving Merger Application, Docket No. 18-KCPE-095-MER, May 24, 2018.

2. On September 4, 2018, CURB, Staff, KCP&L, and Westar submitted their Joint Filing Regarding Capital Plan and Integrated Resource Plan Reporting Format, proposing KCP&L and Westar jointly file a report with two sections: (1) capital plan reporting and (2) IRP reporting.⁴ Under the initial proposal, the capital plan reporting would provide a five-year view of Westar's and KCP&L's capital expenditures for generation, environmental, transmission, distribution, and information technology, to be updated annually.⁵ Under the initial proposal, the IRP reporting will begin with a filing in April 2021, be updated every three years by April 30,⁶ and will provide a 10-year view of the Westar and KCP&L preferred generating resource plans, including any contingency plans, with sufficient detail to identify major investments or resource acquisitions.⁷ The IRP report will also include a "stress test" on major investments, evaluating the potential impact of critical uncertain factors (e.g., significant changes in retail load growth).⁸

3. On March 1, 2019, CURB, Staff, KCP&L, and Westar submitted their Notice of Compliance Filing, outlining their proposed Capital Plan Reporting and IRP Process framework.

4. On April 17, 2019, the Sierra Club filed its Motion for Commission to Provide 60 Day Comment Period on Joint Parties' Compliance Filing, to provide interested stakeholders a meaningful opportunity to review, evaluate, and comment on the submitted IRP reporting framework.

5. On June 18, 2019, the Commission held a Work Study session where Jeff McClanahan, Director of the Commission's Utilities Division, and Darrin Ives, Vice President, Regulatory Affairs for Evergy, presented an extensive discussion regarding the Capital Reporting

⁴ Joint Filing Regarding Capital Plan and Integrated Resource Plan Reporting Format, Sept. 4, 2018.

⁵ Id.

⁶ As discussions continued after the Joint Filing Regarding Capital Plan and Integrated Resource Plan Reporting Format, the Joint Movants replaced the April 30 due dates with different due dates set out in paragraph 24 of this order.

⁷ Id.

⁸ Id.

and IRP framework, discussed the other Intervenor's positions, and provided clarification or rebuttal to certain issues raised by the Intervenor. At the Work Study, McClanahan restated Staff's rationale for a Capital Expense and IRP process that more closely tracks the actual planning and decision cycle of Evergy. He also explained, absent fairly static supply and demand, traditional 20-year IRP forecasts are too far out into the future to contain useful information. Not only are 20-year IRP forecasts uninformative, but 20-year IRPs are also so voluminous that they are unwieldy and overwhelming.

6. During the Work Study session, the Commission requested revisions to the section of the Framework titled, "Commission Staff and CURB Review of Capital Plan Reporting and IRP Processes" to clarify the Commission's desire to have a continual and unbiased assessment of planned or in-progress investments for new generation in excess of 100 MW, any directly related transmission and distribution investments, and any retrofits to an existing generation facility that costs more than \$300 million over a three-year period.

7. On July 18, 2019, Kansas Industrial Consumers Group (KIC), the Sierra Club, and Kansas Electric Power Cooperative, Inc. (KEPCo) each filed post-Work Study comments.

8. On September 9, 2019, Staff, CURB, Westar, and KCP&L filed a Joint Supplement and Clarification to Compliance Filing advising that the issues raised in the Sierra Club's and KIC's post-Work Study comments were adequately addressed at the Work Study session, but choosing to answer several procedural issues posed by KEPCo about IRP Process Framework.⁹ Staff, CURB, Westar, and KCP&L modified their IRP Process Framework to direct Evergy to: (1) host an informational meeting for stakeholders within 30 days of making its IRP compliance filing; (2) provide notice of the meeting to Staff and any parties who have been granted intervention in the

⁹ Joint Supplement and Clarification to Compliance Filing, Sept. 9, 2019.

IRP compliance docket; and (3) present an overview of the IRP filing at the meeting and allow parties to ask questions about the IRP filing.¹⁰ Staff, CURB, Westar, and KCP&L also amended the IRP Process Framework to increase the comment period for the IRP filing from 120 days to 150 days.¹¹ In addition, Staff, CURB, Westar, and KCP&L clarified that Evergy will retain documentation related to the development of the entire IRP filing in accordance with its records retention policies and procedures.¹²

9. On February 6, 2020, the Commission issued an Order Adopting Integrated Resource Plan and Capital Plan Framework, explaining the process outlined by McClanahan and Ives at the Work Study offers significant stakeholder involvement in reviewing Evergy's preferred resource plan.¹³ The Commission concluded that the revised Compliance Filing, filed September 9, 2019, adequately resolves the concerns raised by the Sierra Club, KIC, and KEPCo in their comments to the March 1 initial Compliance Filing and the June 18 Work Study.¹⁴ The Commission believed Evergy's commitment to host an informational meeting for stakeholders within 30 days of making its IRP compliance filing and Staff's, CURB's, and Evergy's agreement to increase the comment period to the IRP filing from 120 days to 150 days provides adequate safeguards and opportunities for stakeholder and public input.¹⁵

10. The IRP Process adopted by the Commission is summarized as follows:

IRP Process

- Initial triennial filing due three months after Missouri's triennial IRP filing¹⁶

¹⁰ Id., 11; Capital Plan Reporting & IRP Process Framework, Sept. 9, 2019, p. 5.

¹¹ Joint Supplement and Clarification to Compliance Filing, ~ 12; Capital Plan Reporting & IRP Process Framework, Sept. 9, 2019, p. 5.

¹² Joint Supplement and Clarification to Compliance Filing, ~ 13.

¹³ Order Adopting Integrated Resource Plan and Capital Plan Framework, Feb. 6, 2020, ~ 14

¹⁴ Id., ~ 23

¹⁵ Id.

¹⁶ Missouri's triennial and annual IRP filings are due in April. Therefore, Kansas' filings will approximately be due in July of each year

in 2021.

- Subsequent filings will be made every three years (three months after Missouri's triennial IRP filing), and will provide a 10-year view of Evergy's preferred generating resource plans.
- Between triennial filings, Evergy shall provide an annual update to its IRP. Evergy's initial annual update is due by July 1, 2020 and every subsequent annual update shall be due three months after Missouri's annual update.
- Evergy will host an informational meeting within 30 days of IRP filings.
- Stakeholders and intervenors will have 150 days to submit comments.

11. On July 22, 2020, Evergy held an online meeting with interested parties to discuss the Update and to receive feedback from the parties.

COMMENTS

The following comments of CURB are submitted pursuant to the timelines established in this docket for consideration of the 2020 IRP Update (“Update”).

12. In reviewing the Update, CURB notes that it is the first such filing in Kansas and it is principally focused on the Company’s Missouri operations. CURB believes that the filing is compliant with the requirements of this docket, but notes that Evergy is staging several workshops in connection with the 2021 Triennial IRP. CURB welcomes and is participating in these workshops. However, in connection with this filing, CURB has several observations and concerns that it wishes to bring to the Commission’s attention. Principally, these are:

- The 2020 Update is now inconsistent with the 2018 Triennial filing;
- Evergy anticipates a substantial reduction in wind generation over the next

20 years and an increase in Power Purchase Agreements;

- Evergy anticipates an increase in emissions over the next 20 years;
- Evergy anticipates increased investment in solar;
- Evergy’s Kansas Demand Side Management Programs, when implemented, will have an effect upon the IRP; and
- Evergy’s Sustainability Transformation Plan will likely have a significant effect upon the IRP.

CURB will address these observations and concerns in greater detail below.

13. Evergy acknowledges in the Update that its “business plan or acquisition strategy had become materially inconsistent with the Preferred Resource Plan filed in the 2018 Triennial compliance filing...¹⁷ The singular material change from the April 2018 Preferred Resource Plan was with respect to wind resource additions, all other components including future solar additions, DSM levels, and unit retirements remained consistent with the 2018 Preferred Resource Plan.”¹⁸

14. Further, Evergy states, “Since the filing of the 2018 Triennial IRP, changing conditions or major drivers were refreshed to reflect the latest information and forecasts available to determine if the Preferred Plan and associated Resource Acquisition Strategy identified in 2018 Triennial IRP continue to be the company’s path forward.”¹⁹

15. It appears from Table 38 of the Update that Evergy anticipates a significant reduction in wind generation over the next 20 years.²⁰ These reductions will be made up for by “other renewables.” It appears that this reduction of wind generation may be due to the large amount of wind energy being purchased by Evergy through a number of Power Purchase

¹⁷ Evergy Metro Integrated Resource Plan 2020 Annual Update pg. 5, June 26, 2020

¹⁸ Id.

¹⁹ Id. pgs. 5-6

²⁰ Id. pg. 65

Agreements (PPA).

16. In the December 2019 Preferred Resource Plan filing, statements were made that Evergy had issued a Request for Proposals (RFP) on November 16, 2018, to obtain and evaluate wind project offers from wind developers. The RFP responses and customer interest were such that Evergy Metro and Evergy Missouri West opted to pursue three new wind facilities totaling approximately 532 MW of nameplate capacity, 407 MW of which is currently projected to be allocated to Evergy Metro. The final allocation to Evergy Metro will be determined at a later date. The three wind facilities were obtained through PPAs, with two being located in Kansas and one located in Oklahoma. The PPAs were executed in September and October 2019 and have expected Commercial Operating Dates (“COD”) of 2020 or 2021. As described above, 532 MW of wind additions are from three PPAs executed in 2019.²¹

17. CURB further notes that annual emissions, as shown in Table 34 of the Update, are projected to increase over the next 20 years under the Preferred Plan.²² We are unsure why emissions will continue to rise while Evergy contends that they will be reducing coal-fired plant and using more renewable assets.

18. Evergy’s Preferred Plan includes 150 MW of wind addition by 2022, and a 13 MW solar addition by 2028.²³ As part of the Update, Alternative Resource Plans were evaluated that included additional wind and solar resources.

19. Evergy has announced, in this IRP filing, the anticipated addition of 500 MW of solar in 2023. An RFP is anticipated to be issued in 2020 to gather updated cost and operating data to further refine the assumptions used in the 2020 Update filings.²⁴

²¹ Evergy Metro Integrated Resource Plan 2020 Annual Update pg. pgs. 78-79, June 26, 2020.

²² Id. pg. 60.

²³ Evergy Metro Integrated Resource Plan 2020 Annual Update pg.63.

²⁴ Id pg. 99.

20. CURB would also point out that Evergy's Demand Side Management (DSM) programs are presented in the Update for Missouri only. However, it appears that Evergy foresees a substantial increase in DSM over the next 20 years in Missouri and that would affect Kansas as well, provided Evergy puts forward DSM programs in Kansas.²⁵

21. While authorized to request DSM programs in Kansas, both by statute and by the general authority of the Kansas Corporation Commission and its orders, Evergy last requested such programs in 2016 when it applied for a portfolio of programs in Docket No. 16-KCPE-446-TAR.²⁶ Ultimately, the Commission only approved some of the proposed programs.²⁷ In response, Evergy chose to withdraw its Application entirely.²⁸

22. CURB anticipates that Evergy will eventually present another portfolio of programs for Kansas, similar to the programs it has in place in Missouri. Any such portfolio of programs presented by Evergy should not only be cost-effective, but should also contain programs that aim to help low-income and fixed-income residential ratepayers to reduce their bills and improve their home energy efficiency.

23. CURB notes that Missouri has adopted a Renewable Portfolio Standard which has played a role in the development of Evergy's DSM programs. Kansas has no such standard, but several parties have advocated for a state energy plan that could, potentially, provide guidance for specific programs for Kansas.

24. CURB would like to know how Evergy plans to incorporate and implement any proposed programs in Kansas and is willing to work with Evergy and others to try to bring about

²⁵ Id. pg. 62.

²⁶ Application of Kansas City Power & Light Company for Approval of Demand-Side Management Program Portfolio and Recovery Mechanism, April 6, 2016.

²⁷ Final Order, June 6, 2017.

²⁸ Kansas City Power & Light Company's Response to Commission Order, June 30, 2017.

a portfolio acceptable to all.

25. On June 11, 2020, KCC Staff filed a Petition with the Commission requesting that an Order be issued Opening an Investigation into an agreement (Agreement) entered into by the Board of Directors (Board) of Evergy Metro, Inc., Evergy Kansas Central, Inc., and Evergy South, Inc. and Elliott Associates, L.P., Elliott International, L.P., and affiliates (collectively Elliott Management or Elliott) to consider either a Modified Standalone Plan that would effectively cut operating and maintenance expenses and increase capital expenditures, or a Merger Transaction.²⁹

26. On June 18, 2020, the Commission issued its General Investigation Order and created Docket No. 20-EKME-514-GIE. The Commission adopted Staff's Report and Recommendation in its entirety and directed Staff to: 1) review meeting materials and work product that were the result of the Agreement; 2) review Board of Director minutes and related meeting materials; 3) review all work product generated by consultants retained to evaluate both the Modified Standalone Plan and a possible Merger Transaction; and 4) review the final report submitted to Evergy's Board for vote. The Commission directed Evergy to: 1) provide a report within two weeks of its Board deciding how to proceed, and 2) submit SROC's report to the Board and provide full rationale and explain why the Modified Standalone Plan or Merger Transaction was selected and to respond to specific questions enumerated in the Commission's order.³⁰

27. Following the issuance of the Commission's General Investigation Order, Evergy made the materials and work product available to Staff. Staff reviewed this material and work product at Evergy's Topeka, Kansas offices over a period of several weeks. Throughout and since

²⁹ Petition of Commission Staff for Order Initiating Investigation. June 11, 2020

³⁰ Petition of Commission Staff for Order Initiating Investigation, June 11, 2020, pg. 3.

that review, Evergy has continued to update Staff as to the progress of the SROC's and Evergy management's activities.

28. Evergy's report documenting its Modified Standalone Plan, the Sustainability Transformation Plan (STP), was provided in response to the Commission's directive to provide a report regarding the results of its strategic assessment. As Evergy discussed in the STP, stakeholder collaboration is an important part of the STP.³¹

29. On August 19, 2020, KCC Staff petitioned the Commission for an Order Initiating a General Investigation into the STP as discussed in a filing by Evergy on August 13, 2020, in the 20-514 Docket.³² The Commission opened a general investigation by Order Opening General Investigation issued on June 18, 2018, in which it required Evergy to file a report with the Commission addressing certain questions and granted Staff, CURB and other intervenors an opportunity to file responsive comments.³³ Although there were some comments regarding the STP which were posited by parties in the 20-514 Docket, many parties withheld comments to Docket No. 21-EKME-088-GIE described below. The opportunity for parties to submit comments in the 20-514 Docket has now closed.

30. However, on August 27, 2020 the Commission agreed with Staff's request that a new investigative docket be opened in order to provide Staff, stakeholders, and Evergy an opportunity to collaborate and evaluate the STP is warranted. This docket was titled Docket No. 21-EKME-088-GIE (the 21-088 Docket).³⁴ The parties have met and appear to have generally agreed to a procedural schedule, but for certain issues that remain outstanding. CURB recognizes that the STP and stakeholder input in the 21-088 Docket may have a substantial effect upon the

³¹ Sustainability Transformation Plan, §8, pp. 46-54.

³² Order Opening General Investigation, Docket No. 20-EKME-514-GIE, June 18, 2020.

³³ Id.

³⁴ Order Opening General Investigation, Aug. 27, 2020.

Triennial IRP.

31. For example, as part of the STP, Evergy acknowledges the STP includes the potential retirement of approximately 500 MW of coal generation in 2024 and the development of 700 MW and purchases of an additional 200 MW of renewable energy through 2024.

32. Since 2005, Evergy has retired more than 2,400 MW of fossil generation and added or contracted for over 4,600 MW of renewables. Evergy states that with constructive regulatory support, there are additional opportunities identified related to decarbonization and renewables deployment which offer the potential to reduce CO₂ emissions by up to 85% from 2005 levels by 2030. While this potential exists, the pace of decarbonization will ultimately be determined in collaboration with the Company's stakeholders as part of the IRP process, other regulatory processes (e.g., rate cases) and legislative initiatives.³⁵

33. Critically, the STP further adds approximately \$1.4 billion in additional capital investment to the prior plan, resulting in \$8.9 billion in projected capital expenditures from 2020 through 2024.

34. CURB's initial concern is that the STP, as presented by Evergy, significantly alters most of the facts and figures presented in the March 2020 IRP Update, thus CURB's comments on the IRP may become outdated due to the STP. CURB believes the focus now should be on the 2021 Triennial IRP and, importantly, on the malleability of Evergy to adopt its IRP and STP based upon the comments of stakeholders in Docket No 21-088.

35. It is obvious that Evergy plans to continue to invest in additional capital growth beyond that which was presented in the Update and which CURB contends may not be needed to serve Evergy's customers.

³⁵ Evergy Sustainability Transformation Plan August 13, 2020.

36. While CURB has no general objection to wind and solar energy, we do have grave concerns that Evergy continues to attempt to grow through investment in new, costly facilities, while acknowledging that its total needed capacity to serve its current customers remains stagnant or in decline.

37. CURB's concern is that Evergy continues to invest in additional capital growth above and beyond the level that may actually be needed to efficiently and sufficiently serve its customers. In Kansas, an electric public utility is required to "furnish reasonably efficient and sufficient service and facilities" in its service territory. Furthermore, the Commission has the power to require all electric public utilities "to establish and maintain just and reasonable rates when the same are reasonably necessary in order to maintain reasonably sufficient and efficient service...."³⁶

38. Essentially, utility property is required to be used when the utility property is reasonably necessary to provide the utility's customers with sufficient and efficient service.³⁷ In the event that a utility company incurs costs in the acquisition of excess capacity, the Commission has the power and authority to exclude all or a portion of those costs from the revenue requested by the utility.³⁸ "Excess capacity" means any capacity in excess of the amount used and required to be used to provide adequate and reliable service to the public. The Commission can also prohibit or limit the return on costs which are incurred in constructing, maintaining, or operating excess capacity.

³⁶ K.S.A. 66-101b

³⁷ Kansas Indus. Consumers Grp., Inc. v. State Corp. Comm'n of State of Kan., 36 Kan. App. 2d 83, 97, 138 P.3d 338, 350 (2006)

³⁸ K.S.A. 66-128(c).

CONCLUSION

CURB is deeply concerned that changes presented and proposed in the STP filed in the 20-514 docket and subsequent 21-088 docket may substantially affect the Kansas Triennial IRP. With the filing of the STP, CURB believes that it has superseded the June 2020 Update and has rendered comments solely addressing the Update largely outdated. CURB looks forward to the opportunities to share comments with other stakeholders in the 21-088 docket and the Evergy workshops in connection with the filing of the 2021 Triennial IRP.

Respectfully submitted,




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VERIFICATION

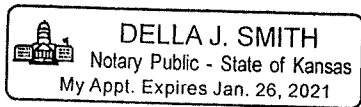
STATE OF KANSAS)
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COUNTY OF SHAWNEE) ss:

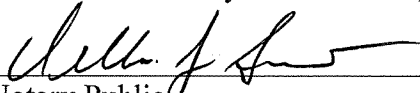
I, Todd E. Love, of lawful age and being first duly sworn upon my oath, state that I am an attorney for the Citizens' Utility Ratepayer Board; that I have read and am familiar with the above and foregoing document and attest that the statements therein are true and correct to the best of my knowledge, information, and belief.



Todd E. Love

SUBSCRIBED AND SWORN to before me this 23rd day of November, 2020.





Notary Public

My Commission expires: Jan. 26, 2021

CERTIFICATE OF SERVICE

19-KCPE-096-CPL

I, the undersigned, hereby certify that a true and correct copy of the above and foregoing document was served by electronic service on this 23rd day of November, 2020, to the following:

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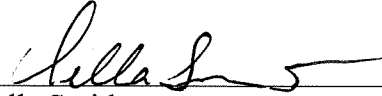
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