

BEFORE THE STATE CORPORATION COMMISSION  
OF THE STATE OF KANSAS

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

**PETITION FOR INTERVENTION**

Kansas Gas Service, a Division of ONE Gas, Inc. ("Kansas Gas Service"), states as follows:

1. Kansas Gas Service is a natural gas public utility operating in the state of Kansas pursuant to certificates of convenience and necessity issued by the Kansas Corporation Commission ("Commission"). Its principal place of business in the state of Kansas is located at 7421 West 129<sup>th</sup> Street, Overland Park, Kansas.

2. In this docket, Evergy Kansas Metro, Inc. ("Evergy Kansas Metro") and Evergy Kansas Central, Inc. and Evergy Kansas South, Inc. (collectively referred to as "Evergy") seek approval of a new Demand-Side Management Portfolio pursuant to the Kansas Energy Efficiency Investment Act ("KEEIA"), K.S.A. 66-1283. This is the second energy efficiency filing made by Evergy under KEEIA.<sup>1</sup>

3. Kansas Gas Service competes with Evergy throughout Kansas, and has been allowed to intervene in Kansas City Power & Light Company's ("KCPL"), Evergy Kansas Metro's predecessor, previous dockets where KCPL has sought regulatory approval of energy efficiency programs that have raised fuel switching issues and the potential of a utility implementing tariffs that result in or generate

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<sup>1</sup>Kansas Gas Service was granted intervention in Kansas City Power & Light Company's first KEEIA filing in Docket No. 16-KCPE-446-TAR, Order Granting Kansas Gas Service Intervention issued June 7, 2016.

unfair competition among public utilities. Before the approval of these conservation and energy programs and tariffs, the Commission should analyze said programs based upon a multi-fuel and comprehensive basis, looking at all reasonably available competing energy products and services and taking into consideration all likely impacts of the proposed programs and tariffs (including impacts on load growth). The programs proposed by Evergy do not appear to have taken alternative fuels into account and the programs may contain significant design flaws. In addition, conservation and energy efficiency programs like the ones proposed in this docket should be analyzed on a full fuel cycle (source-to-site plus appliance efficiency) basis and fuel substitution standards applied in such analysis. Conservation and energy efficiency programs should promote the use, among feasible alternatives, of the most efficient and lowest emitting energy sources in particular applications. Incentives should not be paid to enhance greater electric consumption by enticing a customer to install a heat pump to replace a natural gas space heating furnace.<sup>2</sup>

4. To the extent the Commission may significantly alter its policy and practice heretofore applied by the Commission to energy efficiency programs based upon KEEIA, and in particular the Commission's previous findings that electric utility energy efficiency programs should not be structured in a manner which encourages a customer to switch from a natural gas burning appliance to a device fueled by electricity, or which subsidizes electric usage to the detriment of natural gas usage, or that such program must be designed to create a "reduction of the net consumption of electricity by the participating retail customers" and not for load building, such could have a negative

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<sup>2</sup>Docket Nos. 08-KCPE-581-TAR; 10-KCPE-795-TAR; 16-KCPE-446-TAR.

impact on Kansas Gas Service and its customers.<sup>3</sup>

5. Kansas Gas Service wishes to intervene in this case and has an interest in knowing the impact of any Commission policy change relating to its review of energy efficiency programs on customers who may switch fuel uses from natural gas to electricity. Kansas Gas Service has an interest in whether the Commission may make any changes to its energy efficiency policy under KEEIA as it relates to cost recovery and incentive payments as well as the methodologies that may be adopted for the approval of energy efficiency programs and to ensure that such policy changes, if any, do not result in the promotion of unfair competition, or the discriminatory subsidization of electric users by natural gas users. Accordingly, Kansas Gas Service has a substantial interest in these proceedings.

6. Kansas Gas Service's legal rights, duties, privileges, immunities or other legal interests will be subsequently affected by this proceeding. Its revenues could be affected by any fuel switching aspects addressed in any change of the Commission's policy regarding energy efficiency programs under KEEIA. Any change in the Commission's policy could provide Evergy an unfair competitive advantage over Kansas Gas Service.

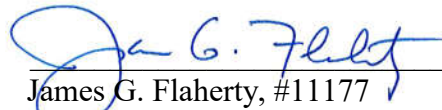
7. No party other than Kansas Gas Service can adequately and efficiently represent its interests in this proceeding.

8. Granting intervention to Kansas Gas Service in this docket is in the interest of justice and will not impair the orderly and prompt conduct of the proceedings in this matter. Kansas Gas Service agrees to accept the schedule as currently set in this matter.

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<sup>3</sup>See Final Order, Docket No. 16-KCPE-446-TAR, issued June 22, 2017, page 53, paragraph 138.

WHEREFORE, Kansas Gas Service respectfully requests that it be granted intervention in this docket, and that as an intervenor, Kansas Gas Service be granted full rights of participation in this docket.



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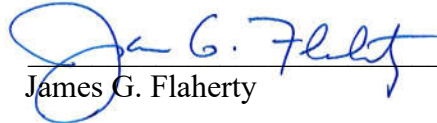
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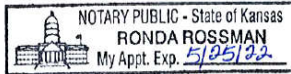
**VERIFICATION**

STATE OF KANSAS, COUNTY OF FRANKLIN, ss:

James G. Flaherty, of lawful age, being first duly sworn on oath, states: That he is an attorney for Kansas Gas Service, a Division of ONE Gas, Inc., and is duly authorized to make this affidavit; that he has read the foregoing Petition for Intervention, knows the contents thereof; and that the facts set forth therein are true and correct.

  
James G. Flaherty

SUBSCRIBED AND SWORN to before me this 12<sup>th</sup> day of January, 2022.



  
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Notary Public

Appointment/Commission Expires:

## CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing was sent via electronic mail, this 12<sup>th</sup> day of January, 2022, addressed to:

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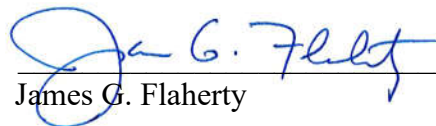
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