

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

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

**COMMENTS OF THE CITIZENS' UTILITY RATEPAYER BOARD REGARDING  
THE EVERGY KANSAS METRO AND EVERGY KANSAS CENTRAL CAPITAL  
INVESTMENT PLAN 2022 UPDATE FILING**

COMES NOW, the Citizens' Utility Ratepayer Board (CURB) and, pursuant to the schedule set forth in *Order Adopting Integrated Resource Plan and Capital Plan Framework* issued by the State Corporation Commission of the State of Kansas (Commission) in this docket on February 6, 2020,<sup>1</sup> submits its comments regarding the Capital Investment Plan update filed on behalf of Evergy Kansas Metro and Evergy Kansas Central on February 28, 2022. In support thereof, CURB states the following:

**Condensed Background**

1. On May 24, 2018, the Commission issued an Order Approving Merger Application of Westar Energy, Inc. and Kansas Gas and Electric Company, Great Plains Energy Incorporated and Kansas City Power & Light Company to form Evergy, Inc. ("Evergy") in Docket No. 18-KCPE-095-MER.

2. In paragraph 94 of its Merger Order, the Commission required Westar and KCPL to work with the parties to develop and submit to the Commission a reporting format for an Integrated Resource Plan (IRP) process.<sup>2</sup> This requirement led to the creation of a framework for Evergy to provide a five year view of capital expenditures and resource acquisition plans.

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<sup>1</sup> Order Adopting Integrated Resource Plan and Capital Plan Framework (February 6, 2020).

<sup>2</sup> Order Approving Merger Application, Docket No. 18-KCPE-095-MER (May 24, 2018).

3. On March 9, 2020, Evergy filed its initial Kansas Capital Investment Plan (“CIP”). This filing forecasted expenditure plans for years 2020 through 2024.

4. On September 4, 2020, CURB and various intervenors filed comments on the initial 2020-2024 Capital Investment Plan. In its comments, CURB made several recommendations to Evergy on the formatting and presentation of information to consider for the first annual update in 2021. CURB highlighted the importance of transparency while reviewing the Capital Investment Plan by recommending that Evergy include information for particular expenditures once those costs reach certain thresholds or changes from year-to-year.<sup>3</sup> CURB also suggested the use of short descriptions of expenditure categories that correspond to Evergy’s IRP be added to the updates.

5. CURB also expressed concern at the level of capital expenditures that may rise above and beyond the levels needed to maintain efficient and sufficient service.<sup>4</sup> CURB noted the Commission’s statutory authority to disallow costs for investments from rate recovery that are not required to be used to provide service or costs that results in generation of excess capacity.

6. On February 26, 2021, Evergy filed its annual update to the Capital Investment Plan with its 2021-2025 projections, with a corrected version filed on March 1, 2021.<sup>5</sup>

7. On June 29, 2021, Staff filed its Report and Recommendation on the 2021 CIP Update (“2021 R&R”).<sup>6</sup> In the 2021 R&R, Staff noted that Docket No. 21-EKME-088-GIE (“21-088 Docket”) was open and that Staff had conducted a review of Evergy’s capital expenditures planning in the Sustainability Transformation Plan (“STP”). Staff concluded that the 2021 CIP Update complied with the Capital Plan framework and recommended acceptance of the same by

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<sup>3</sup> Initial Comments of the Citizens’ Utility Ratepayer Board Regarding Evergy Kansas Metro and Evergy Kansas Central Capital Investment Plan, pg. 8, ¶21, September 4, 2020. (“Initial CURB CIP Comments”).

<sup>4</sup> Id. at pg. 9-10, ¶25.

<sup>5</sup> Capital Investment Plan Update – Public on Behalf of Evergy Metro, Inc. (February 26, 2021); Corrected Capital Investment Plan Update (March 1, 2021). (“2021 CIP Update”).

<sup>6</sup> Notice of Filing of Staff’s Report and Recommendation (June 29, 2021). (“2021 R&R”).

the Commission. However, Staff noted concerns with the projected level of transmission spend relative to distribution and the related rate impacts.<sup>7</sup>

8. On June 29, 2021, CURB filed its responsive comments on the 2021 CIP Update.<sup>8</sup> CURB incorporated its discussion of Evergy's Sustainability Transformation Plan from 21-088 Docket into its review of Evergy's investment plans. CURB emphasized the potential of ratepayers being overburdened by unnecessarily investments that increase shareholder value more than enhance the provision of utility services. CURB also highlighted the difficulties ratepayers faced in light of the COVID-19 pandemic and rising transmission costs.

9. On February 28, 2022, Evergy filed its second update to the CIP with the Commission.<sup>9</sup>

10. On June 10, 2022, Evergy filed its 2022 annual update to the IRP.<sup>10</sup>

### **Capital Investment Plan Format and Compliance**

11. CURB finds that the 2022 CIP Update filing is in compliance with the framework structure and purpose established by the Commission. This filing represents the second update from Evergy regarding its initially filed CIP back in March 2020. The organization and presentation of data is substantially similar to the 2021 update, with minor modifications to project categories and formatting. Evergy has also taken extra steps to adopt parties' recommendations on the type of information presented. The CIP updates include side-by-side comparisons of actual cost results versus prior plans. Evergy provides information regarding budget changes and overruns that adds helpful context for intervenors. This enables parties to issue more refined

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<sup>7</sup> Id. at pg. 7.

<sup>8</sup> Comments of The Citizens' Utility Ratepayer Board Regarding Evergy Kansas Metro and Evergy Kansas Central February 28, 2021 Capital Investment Plan Update Filing (June 29, 2021). ("2021 CURB CIP Comments").

<sup>9</sup> Evergy Kansas Capital Investment Plan Update, public version (February 28, 2022). ("2022 CIP Update").

<sup>10</sup> Evergy KS Central and Metro 2022 Annual Update (June 10, 2022). ("2022 IRP Annual Update").

discovery requests and hold discussions on specific projects from the start. From CURB's perspective, the current form of the CIP allows regulators and stakeholders to observe Evergy's forecasts for new investments and to identify projects that affect short- and long-term spending decisions. However, CURB will continue to review future filings to determine whether additional recommendations are warranted in light of transparency considerations or changes in reporting requirements.

### **Responsive Comments**

12. Through these remarks, CURB intends to highlight more recent developments and circumstances that may impact Evergy's spending direction after the end of the rate moratorium next year. However, CURB reserves its right to contest inclusion in rate base regarding all capital investment during the next rate cases for Central and Metro, and no statement herein or failure to address any particular capital investment is intended or should be construed to limit that right. Indeed, it is another year closer to when Evergy will submit its first general rate case as a merged entity to account for over five years' worth of new information. CURB has previously expressed concerns with the rising level of expenditures in the face of low load growth, regional rate competitiveness and ratepayer energy burden, and the pressure to build up rate base and increase shareholder value.<sup>11</sup> To CURB, these concerns are still relevant when balancing the interests of ratepayers and utilities. In addition to these considerations, utilities are starting to recover extraordinary costs from Winter Storm Uri and address supply chain issues related to the still ongoing COVID-19 pandemic. CURB also recognizes that commodity and labor prices are also increasing. As a result, ratepayers are experiencing significant price hikes in their everyday living expenses, like food.<sup>12</sup>

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<sup>11</sup> Initial CURB CIP Comments at pg. 14, ¶42.

<sup>12</sup> "US consumers contend with double-digit price increases at the grocery store," Grimes, Chiara, CNN Business,

13. CURB represents constituents who are especially sensitive to budget constraints and price increases. As the financial pressures noted above continue to mount on customers and utilities, Evergy's decisions to spend will be reviewed by a growing number of interested parties. In these times, it is imperative that prudent investments reflect efforts to provide value and savings for customers and be more than just a new source of shareholder earnings growth. CURB anticipates that Evergy will provide a substantial amount of data and calculations during their next rate case regarding rate impacts and effects from prior investments. It will be the opportunity for parties and the Commission to make binding decisions on whether investments like the ones in the CIP should have their costs recovered through rates.

14. The steady rise in projected budgets for the CIP is concerning, but understandable considering Evergy's explanation and the spikes in commodity and labor prices. However, CURB does not intend in these comments to endorse any particular project or group of projects as a result of this understanding. The comparison of costs and expected benefits from any investment drives CURB's position on decisions to pass costs onto ratepayers. The 2022 CIP Update shows an increase for both of Evergy's jurisdiction over the prior year's projections. In comparison to last year's projections for 2021-2025 and this Update for 2022-2026, Evergy Kansas Central has an increase of \$739 million while Evergy Kansas Metro has an increase of \$309 million.<sup>13</sup> The driver for the vast majority of these increases, according to Evergy, is the continued focus on decarbonization strategies and investments in new renewable generation resources.

15. CURB has concerns regarding the increases in planned spending, especially in Evergy Kansas Central. For transmission facilities plan years 2-5 (e.g. 2022-2025) comparison in Central, Evergy forecasts reducing planned spending by approximately \$12 million, out of a \$1.6

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June 11, 2022. Accessed at: <https://www.cnn.com/2022/06/11/business/food-prices-may-cpi/index.html>.

<sup>13</sup> 2022 CIP Update at pgs. 2-3.

*billion* budget.<sup>14</sup> The Five-Year plan comparison also indicates a \$91 million/5% increase in transmission investments from last year’s projection.<sup>15</sup> Parties, including CURB, have previously expressed concerns with the level of transmission spend, in particular because much of it is projected to be subject to the rulemaking authority of the Federal Energy Regulatory Commission (“FERC”). While consistency between planning updates is appreciated, the dollar amount tied to such projects is still substantial. To the degree that such projects are mandated or required to enhance the system, CURB understands the obligation to perform such work and to recover reasonable costs from ratepayers. The Commission has a constant presence in FERC matters, and CURB believes that the Commission will continue to advocate for reasonable transmission rates on behalf of Kansas ratepayers.

16. The amount spent on Information Technology should produce commensurate benefits for customers in the area of customer service. In 2021, both jurisdictions saw increases in this category, roughly \$3 million for Metro (an increase of 10% over plan)<sup>16</sup> and \$26 million for Central (an increase of approximately 29.4% over plan).<sup>17</sup> The remaining years of the 2022-2026 plan show even higher increases for Evergy: \$87 million/27.1% for Central and \$45 million/47.8% for Metro.<sup>18</sup> Evergy states that the main cause of these increases are related to a new “Uplight project to support customer experience initiatives.” Uplight is a company that provides software services for utilities in the field of customer information utilization and tools that monitor usage data, especially for renewable resources.<sup>19</sup> The goal appears to be to develop new online tools to

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<sup>14</sup> 2022 CIP Update at pg. 6.

<sup>15</sup> Id. at pg. 7.

<sup>16</sup> Id. at pg. 78.

<sup>17</sup> Id. at pg. 5.

<sup>18</sup> Id. at pgs. 6 and 79.

<sup>19</sup> <https://uplight.com/technology/>.

allow customers and Evergy easier access to usage data and to take advantage of any new utility programs that may be offered in the future.

17. While there have been several developments in utility offerings beyond simply providing electricity to a home, CURB questions the conventional notion behind these large upgrades for the “customer experience.” Although there are those customers who are conscious about their consumption habits for any number of reasons, CURB perceives that most people’s interest in their utility bills generally does not go beyond the total amount paid each month. Fewer still are those customers who actively engage the utility in order to “source” electricity from more sustainable types of generation. In short, there is a potential for these large investments in customer interaction tools to be underutilized by customers compared to the price of such an upgrade. Notwithstanding issues of allocation and potential cross-subsidization toward more affluent customers, such cost overruns related to new customer tools should be able to tie back to measureable ratepayer benefits and improved data utilization value when considering recovery of costs through rates.

18. Investment in customer service-type enhancements should be geared towards improving the experience for the most amount of customers. During the evidentiary hearing in Docket No. 21-EKME-329-GIE, Evergy witness Darrin Ives told the Commission that implementing a separate line item on bills would take upwards of six to nine months.<sup>20</sup> From that testimony, CURB can glean the effort required for Evergy to implement such a modification and the circumstances behind the system itself. Transparent billing is an essential part of utility operations. Six to nine months seems like an enormous, perhaps even unreasonable, amount of time for a small, yet important bill alteration. Furthermore, if other aspects of bill changes on

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<sup>20</sup> Transcript of Proceedings, Docket No. 21-EKME-329-GIE, pg. 169, lns. 5-24, pgs.170-171. (May 11, 2022).

Evergy's side have similar constraints on effort and resources, perhaps investments to relieve those issues may be in order. In that regard, CURB would suggest a "back-to-basics" approach for Information Technology investments in order to find ways to streamline that process. CURB sees increasing bill modification efficiencies for transparent billing to be a worthwhile endeavor, if logistics support it. In CURB's view, this would be a more efficient use of resources than costly upgrades to the "customer experience" that may only be utilized by a niche portion of customers.

19. Concerns regarding flat or low load growth warrants careful consideration of building new generation of any type. The 2022 IRP Annual Update states that lower population trajectory and household economic forecasts have resulted in lower load growth trajectories compared to last year's projections.<sup>21</sup> Evergy is also monitoring economic pressures in the market on coal-generated energy to modify plant retirement plans. In conjunction with that, Evergy has expressed significant interest in expanding renewable generation in its own fleet as demonstrated by the increase in new generation in the 2022-2026 plan. This overall strategy can be seen as preparing for future demand and shifting away from uneconomic generation. However, this "exchange" of generation sources should still be able to account for current load levels and to meet standards and expectations for reliable and efficient service today. It is clear by the dollar figures projected for these new plants that such an "exchange" will be expensive and forthcoming. While CURB is supportive of efforts to plan for the future based on a number of complex factors, it should be done with a conscious mind of the bill impacts such planning will have on today's and tomorrow's ratepayers.

20. Fuel and resource price volatility in the aftermath of Winter Storm Uri and other market-related events add a highly dynamic factor to planning. The 2022 IRP Annual Update

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<sup>21</sup> 2022 IRP Annual Update at pgs. 19-20.



explains how Evergy views the current price hike on natural gas as short-term and that Evergy expects prices to decline within the next year or two.<sup>22</sup> The current volatility has not changed Evergy's retirement plans significantly, but it continues to watch and review these decisions as the market changes. The topic of new generation investment is made further complex with considerations for expanding demand-side resources and emerging technologies. This kind of sudden, yet wide-scale disruption on financial decisions demonstrates the value of a flexible plan. It also highlights the interconnection of such matters and should call for closer examinations of market conditions when reviewing far-looking and large investment decisions.

21. Even the decision between these emerging technologies can be a difficult one because of the current market fluctuations. Evergy notes the decision to move investments in solar and wind generation was based on price increases associated with building materials. Wind generation is getting a push forward within the 2022-2026 timeframe because obtaining materials for solar panels has been disrupted by external market forces.<sup>23</sup> As such, solar is projected to see more buildout in later years when prices are expected go down. Although these supply constraints are seen as "short-term" by Evergy, it is clear that they are having significant impacts on investment now and resource planning for the future. In the event that commodity prices do decline, CURB can imagine that the following IRP or CIP update may include a switch in this planning strategy. Although the flexibility is valuable, one can make a case that relying upon an annual update is sometimes as good as relying upon the daily weather forecast in Kansas.

### **Conclusion**

22. This document and the related IRP update will be a helpful point of reference when Evergy submits its general rate case after the end of the rate moratorium. The CIP update, in its

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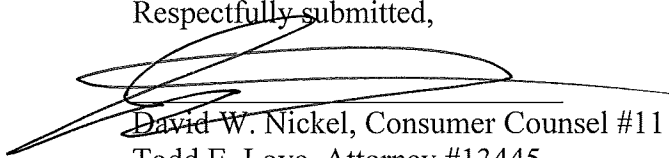
<sup>22</sup> 2022 IRP Annual Update at pg. 30.

<sup>23</sup> Id. at pgs. 83-86, 89.

current form, provides useful information and gives regulators and stakeholders the ability to clearly review the plan and to further seek clarifications and answers. CURB believes that the 2022 CIP Update complies with the Commission's framework and accomplishes the purposes of the same. CURB offers the above responsive comments for the Commission's consideration.

WHEREFORE, CURB respectfully asks the Commission to find that the 2022 CIP annual update filing complies with the Commission's Capital Plan framework and to issue any other orders as deemed appropriate.

Respectfully submitted,



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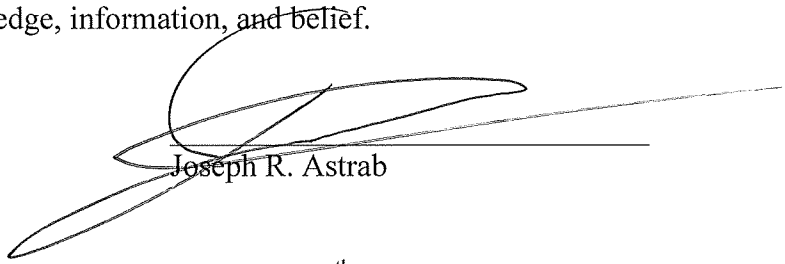
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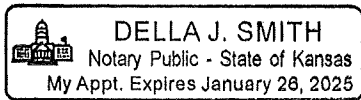
**VERIFICATION**

STATE OF KANSAS                    )  
  )  
COUNTY OF SHAWNEE            )        ss:

I, Joseph R. Astrab, 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.

  
\_\_\_\_\_  
Joseph R. Astrab

SUBSCRIBED AND SWORN to before me this 8<sup>th</sup> day of July, 2022.



  
\_\_\_\_\_  
Notary Public

My Commission expires: 01-26-2025.

## 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 8<sup>th</sup> day of July, 2022, to the following:

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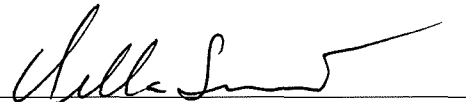
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