

**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) Docket No. 22-EKME-254-TAR
of its Demand-Side Management Portfolio)
Pursuant to the Kansas Energy Efficiency)
Investment Act (“KEEIA”), K.S.A. 66-1283.)

**JOINT UPDATE REPORT
AND PROPOSED PROCEDURAL SCHEDULE**

COMES NOW Evergy Kansas Metro, Inc., Evergy Kansas South, Inc. and Evergy Kansas Central, Inc. (“Evergy”), the Staff of the State Corporation Commission of the State of Kansas (“Commission Staff”), the Citizens’ Utility Ratepayer Board (“CURB”), Climate + Energy Project (“CEP”), Natural Resources Defense Council (“NRDC”), Sierra Club and Kansas Appleseed Center for Law and Justice, Inc. (“Sierra Club” and “Kansas Appleseed”), Atmos Energy Corporation (“Atmos”), Kansas Gas Service (KGS”), Black Hills/Kansas Gas Utility Company, LLC d/b/a Black Hills Energy (“Black Hills”), and Kansas Industrial Consumers Group, Inc. (“KIC”), Associated Purchasing Services (“APS”), Spirit AeroSystems, Inc. (“Spirit”), Occidental Chemical Corporation (“Oxy-Chem”), and Goodyear Tire & Rubber Company (“Goodyear”) (collectively “KIC”), the foregoing referred to collectively herein as “the Parties”, and file with the State Corporation Commission of the State of Kansas (“Commission”) this update report and proposed procedural schedule for completion of this docket. In support, the Parties state as follows:

1. On August 9-10, 2022, the Commission held an evidentiary hearing on Evergy's Application in this docket at which the respective positions of the Parties were presented, including a non-unanimous partial settlement agreement on financial recovery and a non-unanimous partial settlement agreement on demand-side management programs, both of which were filed August 1, 2022 ("Initial S&As").

2. On August 23, 2022, Evergy filed a Motion to Stay Docket, which was revised on August 26, 2022. In the Motion, Evergy requested a Stay of proceedings to allow parties an opportunity to continue working together to reach a broader resolution of the issues involved in the docket than what was presented by the two non-unanimous settlement agreements. The Motion represented that the parties would present to the Commission no later than September 15, 2022, either a modified settlement agreement for consideration or an update informing the Commission as to the status of the discussions and potential for resolution, including a recommended procedure to complete the docket. In addition, Evergy waived the 240-day timeline of K.S.A. 66-117. On September 1, 2022, the Commission issued an Order granting Evergy's Motion for Stay.

3. On September 15, 2022, Evergy filed an update report advising the Commission that discussions were on-going, and although a new settlement agreement had not yet been reached, the discussions were constructive. As such, Evergy requested the Stay be continued until September 29, 2022, to allow the parties to continue their efforts, and that a revised settlement would be filed by that date or, alternatively, another update would be filed. On September 20, 2022, the Commission issued an Order extending the Stay until September 29, 2022.

4. On September 29, 2022, Staff filed a motion requesting the Stay be extended until October 28, 2022, explaining that Staff and Evergy had identified terms that would allow Staff to join a settlement on financial recovery and they were ready to reach out to the other parties for input and discussion. Staff stated that the parties would file a revised settlement, or, in the alternative, another update to the Commission on or before October 28, 2022. On October 18, 2022, the Commission issued an Order granting Staff's request.

5. On October 28, 2022, Evergy filed a Motion for a One Day Extension for filing the Update. Evergy's request was granted by Order issued October 31, 2022.

6. On October 31, 2022, Staff filed a motion to extend the stay until November 1, 2022, and on November 1, 2022, Staff filed a motion requesting an extension of the stay until November 15, 2022. On November 8, 2022, the Commission issued an order granting an extension of the stay until November 15, 2022.

7. The Parties are now prepared to present their agreement regarding the results of the post-hearing discussions on settlement and a proposed schedule for completing this docket.

The terms of the agreement are as follows:

- a) Staff and Evergy will file a new settlement agreement addressing programs and financial recovery ("Alternative S&A") for consideration by the Commission.
- b) CURB, Sierra Club, Kansas Appleseed, CEP and NRDC are not signatories to the Alternative S&A, and do not support the Alternative S&A. CURB, Sierra Club, Kansas Appleseed, CEP and NRDC continue to support the Initial S&As, which will remain in effect for consideration by the Commission and remain supported by all of the signatories to the Initial S&As as a potential resolution of this docket.

- c) Staff and Evergy will file testimony supporting the Alternative S&A as an additional potential resolution of this docket advanced by Staff and Evergy. Parties opposing the Alternative S&A will be given the opportunity to file testimony in opposition to the substantive terms of the Alternative S&A.
- d) The Parties agree to accept this process being used to submit both the Initial S&As and the Alternative S&A to the Commission for consideration and agree not to object to this process or to object to Staff's and Evergy's participation in the Alternative S&A.
- e) The Parties agree that an evidentiary hearing on the Alternative S&A is not necessary as the existing record of this docket contains sufficient evidence upon which both the Initial S&As and the Alternative S&A can be evaluated. The Parties recognize that the Commission may choose to hold an additional evidentiary hearing on the Alternative S&A and state that they have no objection if that is the Commission's preference.
- f) The Parties agree they will not appeal any final order of the Commission on the basis of Staff's and/or Evergy's participation in the Alternative S&A, or allege error because an additional evidentiary hearing was not conducted or they were otherwise denied a full and fair opportunity to present their position on the Alternative S&A as long as the procedural schedule proposed below, or one that allows at least as much time, is adopted by the Commission.

g) The parties propose the following schedule for consideration by the Commission:

<u>Date</u>	<u>Action</u>
November 15, 2022	Joint Update Filed Staff and Evergy File Alternative S&A
November 22, 2022	Testimony in Support of Alternative S&A Filed
December 2, 2022	Testimony in Opposition to Alternative S&A Filed
One day the week of December 5 -8, 2022	<i>[Evidentiary Hearing – If Commission Determines a Hearing on the Alternative S&A is Necessary]</i>
December 16, 2022 <i>If hearing held - December 28, 2022</i>	Evergy Initial Brief Due
December 30, 2022 <i>If hearing held - January 11, 2023</i>	Staff/Intervenor Responsive Brief Due
January 13, 2023 <i>If hearing held – January 23, 2023</i>	Evergy Reply Brief Due
February 14, 2023 <i>If hearing held – February 23, 2023</i>	Commission Order

WHEREFORE the Parties respectfully request the Commission issue an Order lifting the Stay in this docket and adopting the proposed schedule and terms of agreement as set forth above.

Respectfully submitted,

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VERIFICATION

I, Glenda Cafer, verify under penalty of perjury that I have caused the foregoing pleading to be prepared; that I have read and reviewed the same; and that the contents thereof are true and correct to the best of my information, knowledge, and belief.

Glenda Cafer

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and correct copy of the foregoing pleading was electronically served this 15th day of November, 2022 to:

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