

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

In the Matter of the 2023 Wolf Creek Triennial)
Decommissioning Financing Plan.) Docket No. 24-WCNE-235-GIE
)

JOINT MOTION TO APPROVE SETTLEMENT AND AGREEMENT

COME NOW, the Staff of the State Corporation Commission of the State of Kansas (“Staff” and “Commission,” respectively), Wolf Creek Nuclear Operating Corporation (“WCNOC”), Evergy Metro, Inc. d/b/a Evergy Kansas Metro (“Evergy Kansas Metro”), Evergy Kansas Central, Inc. and Evergy Kansas South, Inc. (collectively referred to herein as “Evergy Kansas Central”) (and all three collectively referred to herein as “Companies”)¹, Kansas Electric Power Cooperative, Inc. (“KEPCo”), and the Citizens’ Utility Ratepayer Board (“CURB”) (collectively referred to as the “Parties”) and respectfully move the Commission for an Order approving the Settlement Agreement (“Agreement”) filed contemporaneously with this Motion. The Agreement is attached as Exhibit 1.

1. On September 1, 2023, Wolf Creek filed its 2023 Decommissioning Financing Plan for the Wolf Creek Generating Station, in accordance with the Commission’s December 9, 1992 Order in Docket No. 163,561-U. The December 9, 1992 Order directed the filing of a decommissioning cost study every three years after September 1, 1993. The June 13, 2013 Order directed WCNOC and the owning utilities to update the estimates of the total capital costs of the

¹ Effective October 8, 2019, Evergy Metro, Inc. d/b/a Evergy Kansas Metro adopted the service territory and tariffs of KCP&L; *Order Approving Name Change*, Docket No. 20-KCPE-122-CCN, dated October 8, 2019. Effective October 8, 2019, Evergy Kansas Central, Inc. and Evergy Kansas South, Inc. d/b/a collectively as Evergy Kansas Central adopted the service territory and tariffs of Westar; *Order Approving Name Change*, Docket No. 20-WSEE-123-CCN, dated October 8, 2019.

Independent Spent Fuel Storage Installation (“ISFSI”) project at Wolf Creek as part of the triennial decommissioning cost study filings.²

2. On September 11, 2023, CURB filed a petition to intervene, which was granted on September 24, 2023.

3. The parties met and discussed settlement of this docket. Following negotiations, the parties entered into an Agreement (attached as **Exhibit 1**) for the purpose of determining a reasonable estimate of Wolf Creek decommissioning costs to be used in addressing accrual levels of the respective owner utilities’ decommissioning trust account and the appropriate escalation factor (inflation rate).

WHEREFORE, the Parties respectfully request that the Commission approve the Agreement, and for any further relief the Commission shall deem just and appropriate.

² See Docket No. 13-WCNE-204-GIE, In the Matter of a Generic Proceeding Regarding Wolf Creek Nuclear Operating Corporation to Receive Information Concerning Spent Fuel, Pursuant to the Commission’s May 12, 2012 Order in Docket No. 12-WCNE-136-GIE, *Order Closing Docket*, issued Jun. 13, 2013, Ordering ¶ A.

Respectfully submitted,

/s/ Carly Masenthin

Carly Masenthin, #27944
Litigation Counsel
Kansas Corporation Commission
1500 SW Arrowhead Road
Topeka, KS 66604-4027
(785) 271-3110
(785) 271-3167 (Fax)
Email: c.masenthin@kcc.ks.gov

/s/ Susan B. Cunningham

Susan B. Cunningham (#14083)
Sr. VP, Regulatory and Government Affairs,
and General Counsel
Kansas Electric Power Cooperative, Inc.
P.O. Box 4877
Topeka, KS 66604-0877
(785) 271-4815
(785) 271-4888 (Fax)
Email: scunningham@kepco.org

/s/ Cathryn J. Dinges

Cathryn J. Dinges (#20848)
Corporate Counsel
Evergy, Inc.
818 South Kansas Avenue
Topeka, KS 66612
(785) 575-1986
(785) 575-8136 (Fax)
Email: cathy.dinges@evergy.com
roger.steiner@evergy.com

/s/ Todd E. Love

Todd E. Love #13445
David W. Nickel #11170
Joseph R. Astrab #26414
Citizens' Utility Ratepayer Board
1500 SW Arrowhead Road
Topeka, KS 66604
(785) 271-3200
Email: todd.love@ks.gov
Email: d.nickel@curb.kansas.gov
Email: j.astrab@curbkansas.gov

/s/ Roger W. Steiner

Roger W. Steiner (#26159)
Wolf Creek Nuclear Operating Corporation
1550 Oxen Lane NE, PO Box 411
Burlington, KS 66839
Email: roger.steiner@evergy.com

CERTIFICATE OF SERVICE

I hereby certify that on this 21st day of June 2024, the foregoing was electronically filed in the docket and that one copy was delivered electronically to all parties on the service list in the above-captioned docket as listed below:

JOSEPH R. ASTRAB
CURB
1500 SW ARROWHEAD RD
TOPEKA, KS 66604
j.astrab@curb.kansas.gov

TODD E. LOVE
CURB
1500 SW ARROWHEAD RD
TOPEKA, KS 66604
todd.love@ks.gov

DAVID W. NICKEL
CURB
1500 SW ARROWHEAD RD
TOPEKA, KS 66604
D.NICKEL@CURB.KANSAS.GOV

SHONDA RABB
CURB
1500 SW ARROWHEAD RD
TOPEKA, KS 66604
s.rabb@curb.kansas.gov

DELLA SMITH
CURB
1500 SW ARROWHEAD RD
TOPEKA, KS 66604
d.smith@curb.kansas.gov

CATHRYN J. DINGES
EVERGY KANSAS CENTRAL
818 S KANSAS AVE
PO BOX 889
TOPEKA, KS 66601-0889
Cathy.Dinges@evergy.com

ROGER W. STEINER
EVERGY KANSAS METRO
One Kansas City Place
1200 Main St., 19th Floor
Kansas City, MO 64105
roger.steiner@evergy.com

BRIAN G. FEDOTIN
KANSAS CORPORATION COMMISSION
1500 SW ARROWHEAD RD
TOPEKA, KS 66604
b.fedotin@kcc.ks.gov

CARLY MASENTHIN
KANSAS CORPORATION COMMISSION
1500 SW ARROWHEAD RD
TOPEKA, KS 66604
c.masenthin@kcc.ks.gov

SUSAN B. CUNNINGHAM
KANSAS ELECTRIC POWER CO-OP, INC.
600 SW CORPORATE VIEW
PO BOX 4877
TOPEKA, KS 66604-0877
scunningham@kepco.org

/s/ Roger W. Steiner

Roger W. Steiner

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UNANIMOUS SETTLEMENT AGREEMENT

This Unanimous Settlement Agreement (“Agreement”) is entered into by and between the Staff of the State Corporation Commission of the State of Kansas (“Staff” and “Commission,” respectively), Wolf Creek Nuclear Operating Corporation (“WCNOC”), Evergy Metro, Inc. d/b/a Evergy Kansas Metro (“Evergy Kansas Metro”), Evergy Kansas Central, Inc. and Evergy Kansas South, Inc. (collectively referred to herein as “Evergy Kansas Central”) (and all three collectively referred to herein as “Companies”)¹, Kansas Electric Power Cooperative, Inc. (“KEPCo”), and the Citizens’ Utility Ratepayer Board (“CURB”) (collectively referred to as the “Parties”).

1. On September 1, 2023, Wolf Creek filed its 2023 Decommissioning Financing Plan for the Wolf Creek Generating Station, in accordance with the Commission’s December 9, 1992 Order in Docket No. 163,561-U. The December 9, 1992 Order directed the filing of a decommissioning cost study every three years after September 1, 1993. The June 13, 2013 Order directed WCNOC and the owning utilities to update the estimates of the total capital costs of the Independent Spent Fuel Storage Installation (“ISFSI”) project at Wolf Creek as part of the triennial decommissioning cost study filings.²

¹ Effective October 8, 2019, Evergy Metro, Inc. d/b/a Evergy Kansas Metro adopted the service territory and tariffs of KCP&L; *Order Approving Name Change*, Docket No. 20-KCPE-122-CCN, dated October 8, 2019. Effective October 8, 2019, Evergy Kansas Central, Inc. and Evergy Kansas South, Inc. d/b/a collectively as Evergy Kansas Central adopted the service territory and tariffs of Westar; *Order Approving Name Change*, Docket No. 20-WSEE-123-CCN, dated October 8, 2019.

² See Docket No. 13-WCNE-204-GIE, In the Matter of a Generic Proceeding Regarding Wolf Creek Nuclear Operating Corporation to Receive Information Concerning Spent Fuel, Pursuant to the Commission’s May 12, 2012 Order in Docket No. 12-WCNE-136-GIE, *Order Closing Docket*, issued Jun. 13, 2013, Ordering ¶ A.

2. On September 11, 2023, CURB filed a petition to intervene, which was granted on September 24, 2023.

3. The Parties met to discuss settlement of the issues in this docket. The terms of the resulting Agreement are set forth below.

I. TERMS OF THE SETTLEMENT AGREEMENT

4. This Agreement is entered into for the purpose of determining a reasonable estimate of the Wolf Creek Generating Station decommissioning costs to be used in addressing accrual levels of the respective owner utilities' Decommissioning Trust Accounts.

5. The cost for decommissioning funding is agreed to be \$1,171,363,000 in 2023 dollars as set forth in the Decommissioning Cost Analysis (DECON Alternative) for the Wolf Creek Generating Station filed in this docket on September 1, 2023, which is hereby incorporated by reference. This number will be used by Evergy Kansas Metro, Evergy Kansas Central, and KEPCo in their respective proposals for setting a funding level for each company's Decommissioning Trust Account. This will be done in individual dockets, separate from the instant docket; except that, if the Commission adopts the decommissioning methodology and proposed funding levels that are set out herein, then subsequent individual funding dockets are not necessary. The Companies' current retail jurisdictional authorized annual decommissioning expense accrual and KEPCo's current jurisdictional authorized annual decommissioning expense accrual need not be adjusted at this time.

6. The Companies and KEPCo agree to use the following specific escalation rates to escalate the 2023 decommissioning cost estimate of \$1,171,363,000 in 2023 dollars to the appropriate dollar amount in the year that the decommissioning costs will occur:

- (i) 3.2% for labor cost;

- (ii) 2.0% for equipment & material cost;
- (iii) 2.8% for the electricity component of energy costs and 1.7% for the fuel cost component;
- (iv) 5.15% for burial cost; and
- (v) 2.5% for other costs.

7. In support of the Agreement, the Parties agree to prefile the testimony and schedules of the following witnesses:

- Adam H. Gatewood and Ashlyn M. Hefley for Staff; and
- Brett L. Lovell for Companies and KEPCo.

8. The Parties agree the terms of this Agreement are in the public interest and should be approved by the Commission.

9. The Companies and KEPCo will provide general industry supplemental licensing information in future triennial reports and an update of Wolf Creek supplemental licensing activities, if any.

II. RESERVATIONS

10. Except as specified in this Agreement, none of the Parties to the agreement shall be deemed to have approved or acquiesced in any question of the Commission authority, decommissioning methodology, rate making principle, valuation methodology, cost of service methodology or determination, rate design methodology, or cost allocation that may underlie this Agreement.

11. This Agreement fully resolves issues specifically addressed in this document between the Parties. The terms of this Agreement constitute a fair and reasonable resolution of the issues addressed herein.

12. The terms and provisions of this Agreement have resulted from negotiations among the signatories and are interdependent. In the event the Commission does not approve and adopt the terms of the Agreement in total, any party has the option to terminate this Agreement and, if so terminated, none of the signatories hereto shall be bound by, prejudiced, or in any way affected by any of the agreements or provisions hereof, unless otherwise provided herein.

13. If the Commission accepts this Agreement in its entirety and incorporates the same into its final order in this docket, the Parties intend to be bound by its terms and the Commission's order incorporating its terms as to all issues addressed herein, and will not appeal the Commission's order on those issues.

14. The Parties agree to waive their rights to cross-examination of witnesses, right to present oral argument and written briefs pursuant to Commission rules and right to judicial review pursuant to Kansas law. This waiver applies only to those matters explicitly addressed by this Agreement.

15. The Agreement shall be binding on all Parties upon signing and shall continue to be binding thereafter unless rejected, conditioned or otherwise modified by the Commission.

IN WITNESS HERETO, the Parties have executed and approved this Agreement effective by subscribing their signatures below.

Respectfully submitted,

/s/ Carly Masenthin

Carly Masenthin, #27944
Litigation Counsel
Kansas Corporation Commission
1500 SW Arrowhead Road
Topeka, KS 66604-4027
(785) 271-3110
(785) 271-3167 (Fax)
Email: c.masenthin@kcc.ks.gov

/s/ Susan B. Cunningham

Susan B. Cunningham (#14083)
Sr. VP, Regulatory and Government Affairs,
and General Counsel
Kansas Electric Power Cooperative, Inc.
P.O. Box 4877
Topeka, KS 66604-0877
(785) 271-4815
(785) 271-4888 (Fax)
Email: scunningham@kepc.org

/s/ Cathryn J. Dinges

Cathryn J. Dinges (#20848)
Roger W. Steiner (#26159)
Corporate Counsel
Eversource, Inc.
818 South Kansas Avenue
Topeka, KS 66612
(785) 575-1986
(785) 575-8136 (Fax)
Email: cathy.dinges@evergy.com
roger.steiner@evergy.com

/s/ Todd E. Love

Todd E. Love #13445
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Joseph R. Astrab #26414
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(785) 271-3200
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CURB
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TOPEKA, KS 66604
j.astrab@curb.kansas.gov

TODD E. LOVE
CURB
1500 SW ARROWHEAD RD
TOPEKA, KS 66604
todd.love@ks.gov

DAVID W. NICKEL
CURB
1500 SW ARROWHEAD RD
TOPEKA, KS 66604
D.NICKEL@CURB.KANSAS.GOV

SHONDA RABB
CURB
1500 SW ARROWHEAD RD
TOPEKA, KS 66604
s.rabb@curb.kansas.gov

DELLA SMITH
CURB
1500 SW ARROWHEAD RD
TOPEKA, KS 66604
d.smith@curb.kansas.gov

CATHRYN J. DINGES
EVERGY KANSAS CENTRAL
818 S KANSAS AVE
PO BOX 889
TOPEKA, KS 66601-0889
Cathy.Dinges@evergy.com

ROGER W. STEINER
EVERGY KANSAS METRO
One Kansas City Place
1200 Main St., 19th Floor
Kansas City, MO 64105
roger.steiner@evergy.com

BRIAN G. FEDOTIN
KANSAS CORPORATION COMMISSION
1500 SW ARROWHEAD RD
TOPEKA, KS 66604
b.fedotin@kcc.ks.gov

CARLY MASENTHIN
KANSAS CORPORATION COMMISSION
1500 SW ARROWHEAD RD
TOPEKA, KS 66604
c.masenthin@kcc.ks.gov

SUSAN B. CUNNINGHAM
KANSAS ELECTRIC POWER CO-OP, INC.
600 SW CORPORATE VIEW
PO BOX 4877
TOPEKA, KS 66604-0877
scunningham@kepco.org

/s/ Roger W. Steiner

Roger W. Steiner