

**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 CENTRAL AND EVERGY KANSAS METRO CAPITAL  
INVESTMENT PLAN 2024 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 Central (“EKC”) and Evergy Kansas Metro (“EKM”, collectively “Evergy” or “Company”) on February 28, 2024. 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 (collectively “Westar”) and Kansas City Power & Light Company (“KCPL”) to form Evergy, Inc. 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

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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).

for Evergy to provide a five-year view of capital expenditures and resource acquisition plans in this docket.

3. The framework pertaining to Evergy’s Capital Investment Plan (“CIP”) requires Evergy to file annual reports to provide visibility into Evergy’s forecast for new investments, including replacement of infrastructure, and to identify capital projects that will set Evergy’s short-term and long-term direction.<sup>3</sup> These filings must include a number of items to be in compliance with the framework, such as a five-year summary of expenditure plans by category of projects and individual project details. Evergy must provide comparisons of prior year projections to actual costs for observed years. Further, Evergy has agreed to provide additional details regarding variances from forecasted amounts in excess of 10% within a given category of projects, or \$3 million for an individual project.

4. On February 28, 2023, Evergy filed its annual update to the CIP with its updated 2023-2027 plans for EKC and EKM.<sup>4</sup> This filing reflected an overall increased spending in capital expenditures for EKC of \$823 million from the prior 2022-2026 plan, while EKM saw an increase in spending of only \$1 million. Evergy explained that economic development activity and new capacity requirements drove the increase for EKC.

5. On July 10, 2023, Staff for the Kansas Corporation Commission (“Staff”) and CURB filed responsive comments to the 2023 CIP Filing.<sup>5</sup> In Staff’s Report and Recommendation (“R&R”) for 2023, Staff found that the filing complied with the Commission’s framework and recommended that the Commission find the same. Staff provided an in-depth analysis of capital

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<sup>3</sup> Order Adopting Integrated Resource Plan and Capital Plan Framework, Appendix A.

<sup>4</sup> Evergy Kansas Capital Investment Plan Update (February 28, 2023). (“2023 CIP Filing”)

<sup>5</sup> Notice of Filing of Staff’s Report and Recommendation (July 10, 2023) (“2023 R&R”); Comments of The Citizens' Utility Ratepayer Board Regarding the Evergy Kansas Metro and Evergy Kansas Central Capital Investment Plan 2023 Update Filing (July 10, 2023). (“2023 CURB CIP Comments”)

expenditures for other utilities and determined that Evergy's rate of expenditures ranked toward the lower end of its peers. Although Staff's R&R expressed concern that the rate of expenditure increases was significant, Staff emphasized that the lower trajectory compared to other utilities would produce regionally competitive rates.

6. CURB also indicated in its 2023 comments that the filing complied with the Commission's framework. CURB discussed the factors that were driving increases to capital expenditure. Capacity reserve margin requirements at the Southwest Power Pool ("SPP") spurred Evergy to plan ahead for additional capacity to maintain compliance. CURB indicated that low-cost resources, such as Demand Side Management, can help offset the need to invest in significant new generation resources, and thus reduce costs that are put into rates. CURB expressed that Evergy must remain mindful of the rate impact that these expenditures will translate into once they are added to rates and to see that customers are not overburdened by the changes. To that end, CURB commended the Commission for its 2022 public workshops which explored the trajectory of rate impacts associated with the CIP.

7. On November 21, 2023, the Commission issued an order finding that Evergy's 2023 CIP filing complied with the framework.<sup>6</sup>

8. On February 28, 2024, Evergy filed its CIP filing for plan years 2024-2027 and review of 2023 actual expenditures ("2024 CIP Filing").<sup>7</sup> In this CIP update, EKC reflected an overall increased spending projection of \$564 million compared to the previous plan. This increase is driven by new generation identified in the most recent IRP to meet energy needs and capacity requirements. Evergy anticipated that the additional investment would impact the trajectory of rates by up to 0.7% on a five-year compound annual growth basis. For EKM, there is an overall

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<sup>6</sup> Order Finding Evergy Complied with Requirements of Capital Plan and IRP Framework (November 11, 2023).

<sup>7</sup> Evergy Capital Investment Plan Update 2024 (February 28, 2024).

decrease in expenditure projections of \$274 million from the previous plan. Evergy expects this change to have a slight decrease on rate trajectory on a five-year compound annual growth basis.

### **Responsive Comments**

9. CURB reviewed the 2024 CIP Filing which included a comparison to the prior five-year plan, a list of proposed projects, and forecasted expenditures for EKC and EKM. The 2024 CIP Filing follows the same format as prior years' plans with the same organization of information. It includes forecasts by both category of project and individual project, and provides details on variances outside the thresholds discussed above. The filing includes comparisons between the prior five-year plan and updated projections to include 2028 projects. Evergy provided data on 2023 actual expenditures and a comparison with 2023 planned expenses. Evergy also includes a review of revenue impacts for each jurisdiction based on project categories. Furthermore, Evergy provides a summary of projects and estimated expenditures for Year 1 of the 2024-2028 plan. The culmination of these efforts provides an adequate view into Evergy's capital expenditure plans as contemplated by the CIP framework. Therefore, CURB finds that the 2024 CIP Filing complies with the requirements contained in the Commission's framework.

10. In addition to a review of Evergy's compliance with filing requirement, CURB will provide its observations regarding the trajectory of rates and impacts on ratepayers. CURB notes that many of the critical factors of expenditure increases it reviewed in the 2023 CIP and IRP update remain relevant in today's environment. SPP is still in the process of implementing changes to both summer and winter capacity requirements, which Evergy will have to account for serving Kansas customers' demands. Economic development activity in the form of large industrial customers remains an upward pressure on expenditures on a near-term basis. The Panasonic battery plant in De Soto, KS is nearing completion and will soon be taking service in the EKC

jurisdiction. The Company, regulators, and stakeholders are expecting significant expenses associated with service for these industrial loads, while working to maintain reasonably priced service for Evergy's other customers.

11. CURB remains concerned about the impact that increasing expenditures have on residential and small commercial ratepayers, particularly vulnerable groups such as low-income and energy-burdened households. CURB believes that a view towards maintaining regionally competitive rates is a helpful paradigm for evaluating capital expenditures in the CIP process. However, to CURB, a comparison between other utilities and their spending levels only addresses a portion of the concern of rate impacts. Such a review may not take into consideration the specific demographics of a utility's customers and specific financial situations. Expenditure comparisons between utility groups can have the unintended effect of promoting higher levels of expenditure without a deeper review of the necessity of these expenditures. This provokes a "race to the middle," perpetually raising the floor for utilities attempting to keep up with peer groups and justify rate base growth during times of low or flat customer count and load growth.

12. Even though Evergy ranked towards the bottom end of peer utility groups in terms of expenditures in last year's review, such a perspective does not take into consideration the impact on customers as rates change to accommodate this growth. While EKM may experience slight changes to rates as a result of the CIP projections, both jurisdictions are expected to see significant amounts dedicated to transmission and distribution projects along with new generation resources. This will undoubtedly add to the financial pressures that low-income customers face with their utility bills. CURB has been vocal about the need to develop programs and rates that can provide relief to these customers and has approached many utilities to take on this issue. CURB greatly appreciates the collaboration with all regulated utilities on finding creative solutions. CURB would

also take this opportunity to encourage continued engagement with Evergy and other stakeholders to keep this issue at the forefront and urge the Company to explore implementing programs and rates to assist the most vulnerable of Kansas residents.

**Conclusion**

13. CURB finds that the 2024 CIP Filing complies with the filing requirements set out in the Commission’s Framework for reporting on Evergy’s capital expenditure forecasts and project planning. EKC continues to see significant growth in spending related to economic development and capacity requirement changes. CURB expects that Evergy will still rank on the lower end of capital expenditure levels compared to other utility companies. However, Evergy should also work towards implementing programs and rates that help relieve the energy burden facing low-income residential customers who will be impacted by this expenditure growth. Failure to recognize this effect of significant capital expenditures risks further driving customers to a point of non-payment and ultimately, disconnections. CURB remains committed to emphasizing this issue and working alongside Kansas utilities to address the needs of residential and small commercial customers.

WHEREFORE, CURB respectfully submits its responsive comments to Evergy’s 2024 CIP Filing and asks the Commission to find that Evergy has complied with the requirements under the CIP framework and to issue any orders it deems appropriate.

Respectfully submitted,



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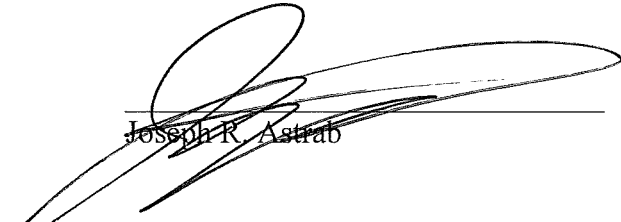
David W. Nickel, Consumer Counsel #11170  
Todd E. Love, Attorney #13445  
Joseph R. Astrab, Attorney #26414  
Citizens' Utility Ratepayer Board  
1500 SW Arrowhead Road

Topeka, KS 66604  
(785) 271-3200  
[david.nickel@ks.gov](mailto:david.nickel@ks.gov)  
[todd.love@ks.gov](mailto:todd.love@ks.gov)  
[joseph.astrab@ks.gov](mailto:joseph.astrab@ks.gov)

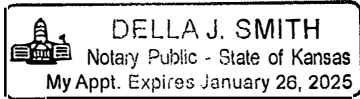
**VERIFICATION**

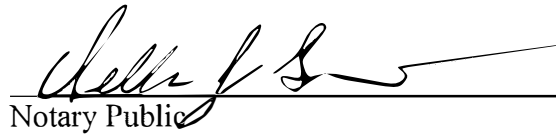
STATE OF KANSAS                    )  
  )  
COUNTY OF SHAWNEE            )        ss:

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.

  
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Joseph R. Astrab

SUBSCRIBED AND SWORN to before me this 28<sup>th</sup> day of June, 2024.



  
\_\_\_\_\_  
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 28<sup>th</sup> day of June 2024, to the following:

DOROTHY BARNETT  
CLIMATE & ENERGY PROJECT  
PO BOX 1858  
HUTCHINSON, KS 67504-1858  
[barnett@climateandenergy.org](mailto:barnett@climateandenergy.org)

CATHRYN J. DINGES, SR DIRECTOR &  
REGULATORY AFFAIRS COUNSEL  
EVERGY KANSAS CENTRAL, INC  
818 S KANSAS AVE  
PO BOX 889  
TOPEKA, KS 66601-0889  
[cathy.dinges@evergy.com](mailto:cathy.dinges@evergy.com)

ROGER W. STEINER, CORPORATE  
COUNSEL  
EVERGY METRO, INC D/B/A EVERGY  
KANSAS METRO  
ONE KANSAS CITY PLACE  
1200 MAIN ST, 19<sup>th</sup> FLOOR  
KANSAS CITY, MO 64105  
[roger.steiner@evergy.com](mailto:roger.steiner@evergy.com)

DANIEL J. BULLER, ATTORNEY  
FOULSTON SIEFKIN LLP  
7500 COLLEGE BOULEVARD, STE 1400  
OVERLAND PARK, KS 66201-4041  
[dbuller@foulston.com](mailto:dbuller@foulston.com)

LEE M SMITHYMAN, ATTORNEY  
FOULSTON SIEFKIN LLP  
7500 COLLEGE BOULEVARD, STE 1400  
OVERLAND PARK, KS 66201-4041  
[lsmithyman@foulston.com](mailto:lsmithyman@foulston.com)

CONNOR A. THOMPSON, ATTORNEY  
FOULSTON SIEFKIN LLP  
7500 COLLEGE BOULEVARD, STE 1400  
OVERLAND PARK, KS 66201-4041  
[cthompson@foulston.com](mailto:cthompson@foulston.com)

JAMES P. ZAKOURA, ATTORNEY  
FOULSTON SIEFKIN LLP  
7500 COLLEGE BOULEVARD, STE 1400  
OVERLAND PARK, KS 66201-4041  
[jjakoura@foulston.com](mailto:jjakoura@foulston.com)

TERRY M. JARRETT, ATTORNEY AT LAW  
HEALY LAW OFFICES, LLC  
3010 E BATTLEFIELD  
SUITE A  
SPRINGFIELD, MO 65804  
[terry@healylawoffices.com](mailto:terry@healylawoffices.com)

HEATHER H. STARNES, ATTORNEY  
HEALY LAW OFFICES, LLC  
12 PERDIDO CIRCLE  
LITTLE ROCK, AR 72211  
[heather@healylawoffices.com](mailto:heather@healylawoffices.com)

BRIAN NOLAND  
IBEW LOCAL 304, KANSAS CITY, MO  
117 W 20<sup>th</sup> ST, STE 201  
KANSAS CITY, MO 64108  
[noland.brian@gmail.com](mailto:noland.brian@gmail.com)

JOHN GARRETSON, BUSINESS MANAGER  
IBEW LOCAL UNION NO. 304  
3906 NW 16TH STREET  
TOPEKA, KS 66615  
[johng@ibew304.org](mailto:johng@ibew304.org)

KIMBERLY B. FRANK, COUNSEL  
K&L GATES, LLP  
1601 K STREET NW  
WASHINGTON, DC 20006  
[kimberly.frank@klgates.com](mailto:kimberly.frank@klgates.com)

NATHAN HOWE  
K&L GATES, LLP  
ONE NEWARK CENTER  
1085 RAYMOND BLVD  
NEWARK, NJ 07102  
[nathan.howe@klgates.com](mailto:nathan.howe@klgates.com)

TERESA A. WOODY  
KANSAS APPLESEED CENTER FOR LAW  
AND JUSTICE, INC.  
211 E 8<sup>th</sup> STREET, SUITE D  
LAWRENCE, KS 66044  
[twoody@kansasappleseed.org](mailto:twoody@kansasappleseed.org)

BRIAN G. FEDOTIN, GENERAL COUNSEL  
KANSAS CORPORATION COMMISSION  
1500 SW ARROWHEAD RD  
TOPEKA, KS 66604  
[brian.fedotin@ks.gov](mailto:brian.fedotin@ks.gov)

CARLY MASENTHIN, LITIGATION  
COUNSEL  
KANSAS CORPORATION COMMISSION  
1500 SW ARROWHEAD RD  
TOPEKA, KS 66604  
[carly.masenthin@ks.gov](mailto:carly.masenthin@ks.gov)

SUSAN B. CUNNINGHAM, SVP,  
REGULATORY AND GOVERNMENT  
AFFAIRS, GENERAL COUNSEL  
KANSAS ELECTRIC POWER CO-OP, INC.  
600 SW CORPORATE VIEW  
PO BOX 4877  
TOPEKA, KS 66604-0877  
[scunningham@kepco.org](mailto:scunningham@kepco.org)

MARK DOLJAC, DIR RATES AND  
REGULATION  
KANSAS ELECTRIC POWER CO-OP, INC.  
600 SW CORPORATE VIEW  
PO BOX 4877  
TOPEKA, KS 66604-0877  
[mdoljac@kepco.org](mailto:mdoljac@kepco.org)

REBECCA FOWLER, MANAGER,  
REGULATORY AFFAIRS  
KANSAS ELECTRIC POWER CO-OP, INC.  
600 SW CORPORATE VIEW  
PO BOX 4877  
TOPEKA, KS 66604-0877  
[rfowler@kepco.org](mailto:rfowler@kepco.org)

PAUL MAHLBERG, GENERAL MANAGER  
KANSAS MUNICIPAL ENERGY AGENCY  
6300 W 95TH ST  
OVERLAND PARK, KS 66212-1431  
[mahlberg@kmea.com](mailto:mahlberg@kmea.com)

TERRI J. PEMBERTON, GENERAL  
COUNSEL  
KANSAS MUNICIPAL ENERGY AGENCY  
6300 W 95TH ST  
OVERLAND PARK, KS 66212-1431  
[pemberton@kmea.com](mailto:pemberton@kmea.com)

DARREN PRINCE, MANAGER,  
REGULATORY & RATES  
KANSAS MUNICIPAL ENERGY AGENCY  
6300 W 95TH ST  
OVERLAND PARK, KS 66212-1431  
[prince@kmea.com](mailto:prince@kmea.com)

JAMES GING, DIRECTOR ENGINEERING  
SERVICES  
KANSAS POWER POOL  
100 N BROADWAY, STE L110  
WICHITA, KS 67202  
[jging@kpp.agency](mailto:jging@kpp.agency)

LARRY HOLLOWAY, ASST GEN MGR  
OPERATIONS  
KANSAS POWER POOL  
100 N BROADWAY, STE L110  
WICHITA, KS 67202  
[lholloway@kpp.agency](mailto:lholloway@kpp.agency)

JOSHUA D. BEDEL, GENERAL MANAGER  
MCPHERSON BOARD OF PUBLIC  
UTILITIES  
401 W KANSAS AVE  
PO BOX 768  
MCPHERSON, KS 67460  
[joshb@mcphersonpower.com](mailto:joshb@mcphersonpower.com)

WILLIAM DOWLING, VP ENGINEERING &  
ENERGY SUPPLY  
MIDWEST ENERGY, INC.  
1330 CANTERBURY DRIVE  
PO BOX 898  
HAYS, KS 67601-0898  
[bdowling@mwenergy.com](mailto:bdowling@mwenergy.com)

PATRICK PARKE, CEO  
MIDWEST ENERGY, INC.  
1330 CANTERBURY RD  
PO BOX 898  
HAYS, KS 67601-0898  
[patparke@mwenergy.com](mailto:patparke@mwenergy.com)

ASHOK GUPTA, EXPERT  
NATIONAL RESOURCES DEFENSE  
COUNCIL  
20 N WACKER DRIVE, SUITE 1600  
CHICAGO, IL 60606  
[agupta@nrdc.org](mailto:agupta@nrdc.org)

ANNE E. CALLENBACH, ATTORNEY  
POLSINELLI PC  
900 W 48TH PLACE, STE 900  
KANSAS CITY, MO 64112  
[acallenbach@polsinelli.com](mailto:acallenbach@polsinelli.com)

FRANK A. CARO, ATTORNEY  
POLSINELLI PC  
900 W 48TH PLACE, STE 900  
KANSAS CITY, MO 64112  
[fcaro@polsinelli.com](mailto:fcaro@polsinelli.com)

ANDREW O. SCHULTE, ATTORNEY  
POLSINELLI PC  
900 W 48TH PLACE, STE 900  
KANSAS CITY, MO 64112  
[aschulte@polsinelli.com](mailto:aschulte@polsinelli.com)

ROBERT V. EYE, ATTORNEY AT LAW  
ROBERT V. EYE LAW OFFICE, LLC  
4840 BOB BILLINGS PKWY, STE 1010  
LAWRENCE, KS 66049-3862  
[bob@kauffmaneye.com](mailto:bob@kauffmaneye.com)

TIMOTHY J. LAUGHLIN, ATTORNEY  
SCHOONOVER & MORIARTY, LLC  
130 N CHERRY STREET, STE 300  
OLATHE, KS 66061  
[tlaughlin@schoonoverlawfirm.com](mailto:tlaughlin@schoonoverlawfirm.com)

SCOTT L. BROWN  
SCOTT L. BROWN, ATTORNEY  
475 NEW BROTHERHOOD BLDG  
753 STATE AVENUE  
KANSAS CITY, MO 66101  
[slb@blake-uhlig.com](mailto:slb@blake-uhlig.com)

SUNIL BECTOR, ATTORNEY  
SIERRA CLUB  
2101 WEBSTER, SUITE 1300  
OAKLAND, CA 94312-3011  
[sunil.bector@sierraclub.org](mailto:sunil.bector@sierraclub.org)

TONY MENDOZA  
SIERRA CLUB  
2101 WEBSTER, SUITE 1300  
OAKLAND, CA 94312-3011  
[tony.mendoza@sierraclub.org](mailto:tony.mendoza@sierraclub.org)

DAVID RICHARDSON, SR. FINANCIAL  
ADVISOR  
THE COUNCIL FOR THE NEW ENERGY  
ECONOMICS

KENDRA D. STACEY, ATTORNEY  
[kstacey@twgfirm.com](mailto:kstacey@twgfirm.com)

1390 YELLOW PINE AVENUE  
BOULDER, CO 80304  
[david.richardson@newenergyeconomics.org](mailto:david.richardson@newenergyeconomics.org)

ROBERT TITUS, ATTORNEY  
TITUS CONNORS, LLC  
6600 W 95TH STREET, SUITE 200  
OVERLAND PARK, KS 66212  
[rob@tituslawkc.com](mailto:rob@tituslawkc.com)


J. T. KLAUS, ATTORNEY  
TRIPLETT, WOOLF & GARRETSON, LLC  
2959 N ROCK RD, STE 300  
WICHITA, KS 67226  
[jtklaus@twgfirm.com](mailto:jtklaus@twgfirm.com)

KACEY S. MAYES, ATTORNEY  
TRIPLETT, WOOLF & GARRETSON, LLC  
2959 N ROCK RD, STE 300  
WICHITA, KS 67226  
[ksmayes@twgfirm.com](mailto:ksmayes@twgfirm.com)

TIMOTHY E. MCKEE, ATTORNEY  
TRIPLETT, WOOLF & GARRETSON, LLC  
2959 N ROCK RD, STE 300  
WICHITA, KS 67226  
[temckee@twgfirm.com](mailto:temckee@twgfirm.com)

FRED WICKHAM  
WICKHAM & WOOD, LLC  
107 W 9<sup>th</sup> STREET, 2<sup>nd</sup> FLOOR  
KANSAS CITY, MO 64105  
[fred@wickham-wood.com](mailto:fred@wickham-wood.com)

BRIAN WOOD  
WICKHAM & WOOD, LLC  
107 W 9<sup>th</sup> STREET, 2<sup>nd</sup> FLOOR  
KANSAS CITY, MO 64105  
[brian@wickham-wood.com](mailto:brian@wickham-wood.com)

  
Della Smith  
Senior Administrative Specialist