

BEFORE THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS

In the Matter of the Application of Evergy Metro,)
Inc., Evergy Kansas Central, Inc., and Evergy) Docket No. 25-EKCE-169-TAR
Kansas South, Inc. for Approval of its Phase 2)
Transportation Electrification Portfolio.)

**PETITION TO INTERVENE AND MOTION FOR PROTECTIVE ORDER,
DISCOVERY ORDER AND ORDER ASSESSING COST**

COMES NOW, the Citizens' Utility Ratepayer Board ("CURB") and petitions the Corporation Commission of the State of the Kansas ("Commission") for intervention in the above-captioned case pursuant to K.S.A. 66-1223 and K.S.A. 77-521(a). In support of its petition and motion, CURB states and alleges as follows:

1. On September 30, 2024, Evergy Metro, Inc. ("Evergy Kansas Metro"), Evergy Kansas Central, Inc. and Evergy Kansas South, Inc. (together as "Evergy Kansas Central") (collectively referred to herein as "Evergy" or the "Company") filed an application with the Kansas Corporation Commission for approval of its Phase 2 Transportation Electrification Portfolio.

2. CURB is composed of five volunteer board members.¹

3. CURB has specific statutory authority to "represent residential and small commercial ratepayers before the state corporation commission"² and to "function as an *official intervenor in cases* filed with the state corporation commission."³ CURB's authority and role as the official intervenor in cases filed with the Commission has been recognized by the Kansas Supreme Court.⁴

¹ K.S.A. 66-1222(a).

² K.S.A. 66-1223(a).

³ K.S.A. 66-1223(b).

⁴ K.S.A. 66-1223(b). See, *Citizens' Utility Ratepayer Board v. Kansas Corporation Comm'n*, 24 Kan. App.2d 63, 68, rev. den. 262 Kan. 959 (1997) ("*CURB v. KCC*"). See also, *Farmland Industries, Inc. v. Kansas Corp. Comm'n*, 29 Kan.App.2d 1031, 1047-48, 37 P.3d 640 (2001) ("The bulk of current customers otherwise entitled to receive refunds are *statutorily represented* by CURB. See K.S.A. 66-1223(a)")

CURB also has specific statutory authority to seek judicial review of Commission orders and decisions on behalf of residential and small commercial ratepayers.⁵

4. CURB's express statutory authority referenced above reflects the intent of the Legislature that CURB should participate in cases filed with the Commission. This fulfills the requirement under K.S.A. 77-521(a)(2) because CURB "qualifies as an intervener under any provision of law."

5. The residential and small commercial ratepayers whose interests CURB represents will be bound by any Commission order or activity in this proceeding. The rates paid and the services received by residential and small commercial ratepayers may be substantially affected by any Commission order or activity in this proceeding with respect to Evergy's proposed Phase 2 Transportation Electrification Portfolio, as described in its application.

6. The representation of CURB's interests in this proceeding by existing parties is inadequate. No other party to this proceeding is authorized to (a) specifically represent residential and small commercial ratepayers before the Commission, (b) function as the statutory official intervener in cases filed with the Commission, or (c) seek judicial review of Commission orders and decisions on behalf of residential and small commercial ratepayers. While Commission Staff may have authority to investigate, evaluate, testify and offer exhibits on behalf of the *general public* pursuant to a definition contained in a Commission regulation,⁶ Staff does not specifically represent residential and small commercial ratepayers and is expressly denied the right to appeal Commission orders.⁷

⁵ K.S.A. 66-1223.

⁶ Staff's authority to represent the general public is not specifically authorized by statute, but merely referenced in the definition section of Commission regulations. K.A.R. 82-1-204(q) ("Technical staff may conduct investigations and otherwise evaluate issues raised, and may testify and offer exhibits on behalf of the *general public*." (emphasis added).

⁷ K.A.R. 82-1-204(i)(3).

7. Accordingly, CURB has a substantial and vital interest in the outcome of this proceeding which cannot be adequately represented by any other party. Pursuant to K.S.A. 77-521(a)(2), CURB qualifies as an intervenor (a) under provision of law and (b) because the rights, duties, privileges, immunities, or other legal interests of residential and small commercial ratepayers may be substantially affected by this proceeding.⁸

8. CURB's requested intervention is in the interests of justice and will not impair the orderly and prompt conduct of the proceedings.⁹

9. CURB therefore requests that the Commission grant CURB's Petition to Intervene and participate fully in this docket, including but not limited to the right to conduct discovery, file pleadings and testimony, present oral argument, and fully participate in any scheduled hearings.

10. In addition to undersigned counsel, please include the following CURB representatives with all electronic notices, pleadings, and correspondence regarding this Application as follows:

Shonda Rabb Public Service Administrator Citizens' Utility Ratepayer Board 1500 SW Arrowhead Road Topeka, KS 66604 Email: shonda.rabb@ks.gov	Della Smith Senior Administrative Specialist Citizens' Utility Ratepayer Board 1500 SW Arrowhead Road Topeka, KS 66604 Email: della.smith@ks.gov
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11. Discovery responses may contain confidential information. CURB is requesting the Commission issue a Protective Order and Discovery Order in this docket to allow CURB and its consultant access to the full information contained in this filing. CURB is requesting an Order Assessing Cost in this docket.

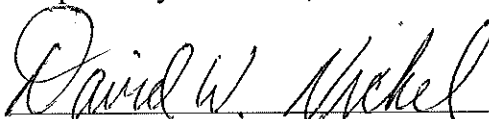
WHEREFORE, CURB respectfully requests the Commission grant its Petition for

⁸ K.S.A. 77-521(a)(2).

⁹ K.S.A. 77-521(a)(3).

Intervention and Motion for Protective Order, Discovery Order and Order Assessing Cost in this
Docket.

Respectfully submitted,

A handwritten signature in cursive script that reads "David W. Nickel". The signature is written in black ink and is positioned above a horizontal line.

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

todd.love@ks.gov

joseph.astrab@ks.gov

CERTIFICATE OF SERVICE

25-EKCE-169-TAR

I, the undersigned, hereby certify that a true and correct copy of the above and foregoing document was served by electronic service on this 2nd day of October, 2024, to the following:

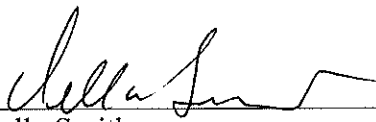
CATHRYN J. DINGES, SR DIRECTOR & REGULATORY AFFAIRS COUNSEL
EVERGY KANSAS CENTRAL, INC
818 S KANSAS AVE
PO BOX 889
TOPEKA, KS 66601-0889
cathy.dinges@evergy.com

DARRIN R. IVES, VICE PRESIDENT, REGULATORY AFFAIRS
ONE KANSAS CITY PLACE
1200 MAIN ST., 31st FLOOR
KANSAS CITY, MO 64105
darrin.ives@evergy.com

LESLIE WINES, SENIOR EXECUTIVE
ASSISTANT EVERGY
ONE KANSAS CITY PLACE
818 S KANSAS AVE
TOPEKA, KS 66612
leslie.wines@evergy.com

GLENDA CAFER
TREVOR C. WOHLFORD
WILL B. WOHLFORD
MORRIS LAING LAW FIRM
800 SW JACKSON, STE 1310
TOPEKA, KS 66612
gcafer@morrисlaing.com
twohlford@morrисlaing.com
wwohlford@morrисlaing.com

CARLY MASENTHIN, LITIGATION COUNSEL
BRETT BERRY, LITIGATION COUNSEL
KANSAS CORPORATION COMMISSION
1500 SW ARROWHEAD RD
TOPEKA, KS 66604
carly.masenthin@ks.gov
brett.berry@ks.gov



Della Smith
Senior Administrative Specialist