

## **Foxtrot - Summary of Application Requirements for EA-2024-0292**

On October 25, 2024, Evergy Missouri West, Inc. (“EMW”) filed an Application to the Missouri Public Service Commission (“Commission”) for a Certificate of Convenience and Necessity (“CCN”), for authorization to construct, install, own, operate, manage, maintain, and control one solar generation facility (along with all existing facilities, structures, fixtures, and other equipment related to the Assets): Foxtrot Solar Energy, LLC (“Foxtrot”), an approximately 100 MW solar farm located and to be constructed in Jasper County Missouri. The EMW CCN application was made in accordance with the various rules in Section 393.170.1, RSMo; Section 393.190.1, RSMo; 20 CSR 4240-2.060; 20 CSR 4240-20.045(1)-(3) and (6); and 20 CSR 4240-10.115.

### **Section 393.170.1, RSMo**

Section 393.170.1 requires that for construction of an electrical plant by an electrical corporation, permission and approval by the Commission must be obtained prior to the commencement of construction.

- EMW will meet this requirement through the CCN application and review process.

### **Section 393.190.1, RSMo**

Section 393.190.1 requires that a transfer of a franchise or property must be approved by the Commission.

- Section IV of EMW’s CCN Application makes the request for EMW to receive Section 393.190 authority from the Commission to merge the Foxtrot facility into EMW, under the terms of the Build Transfer Agreement (“BTA”) for the facility.
- EMW has satisfied this requirement, pending Commission approval.

### **20 CSR 4240-2.060**

20 CSR 4240-2.060(1)(A) requires the legal name of each applicant, a brief description of the legal organization of each applicant, whether a Missouri corporation, foreign corporation, partnership, proprietorship, or other business organization, the street and mailing address of the principal office or place of business of each applicant and each applicant’s electronic mail address, fax number and telephone number, if any.

- The CCN application, paragraph 1 contains the required information.
- EMW has satisfied this requirement.

20 CSR 4240-2.060(1)(B) requires that if any applicant is a Missouri corporation, they must submit a Certificate of Good Standing from the secretary of state.

- This requirement does not apply.

20 CSR 4240-2.060(1)(C) requires that if any applicant is a foreign corporation, they must submit a certificate from the secretary of state that it is authorized to do business in Missouri.

- EMW is a Delaware corporation with its principal office and place of business at 1200 Main Street, Kansas City, Missouri 64105. A certificate of authority for EMW to do business in Missouri as a foreign corporation was filed with the Commission in Case No. EN-2020-0064, Exhibit C<sup>1</sup>.
- EMW has satisfied this requirement.

20 CSR 4240-2.060(1)(D) requires that if any applicant is a partnership, a copy of the partnership agreement must be submitted.

- This requirement does not apply.

20 CSR 4240-2.060(1)(E) requires that if any applicant does business under a fictitious name, they must file a copy of the registration of the fictitious name with the secretary of state.

- EMW does not do business with a fictitious name in Missouri.
- EMW has satisfied this requirement.

20 CSR 4240-2.060(1)(F) requires that if any applicant is a political subdivision, a specific reference to the statutory provision and a specific reference to any other authority, if any, under which it operates must be provided.

- This requirement does not apply to EMW.

20 CSR 4240-2.060(1)(G) states that if any applicant has submitted the applicable information as detailed in subsections (1)(B)-(F) of this rule in a previous application, the same information may be incorporated by reference to the case number in which the information was furnished, so long as such applicable information is current and correct.

- A certificate of authority for EMW to do business in Missouri as a foreign corporation was filed with the Commission in File No. EN-2020-0064, Exhibit C.
- EMW has satisfied this requirement.

20 CSR 4240-2.060(1)(H) requires a brief statement of the character of the business performed by each applicant.

- EMW provides a brief statement in Paragraph 1 of the CCN application, noting that the company “is engaged in the generation, transmission, distribution, and sale of electricity in western Missouri, including the suburban Kansas City metropolitan area, St. Joseph, Warrensburg, Sedalia, and surrounding counties. EMW is an “electrical corporation” and a “public utility” subject to the jurisdiction, supervision, and control of the Commission under Chapters 386 and 393”.
- EMW has satisfied this requirement.

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<sup>1</sup> EA-2024-0292 – CCN Application, Page 2, Section I, Paragraphs 1 and 2.

20 CSR 4240-2.060(1)(I) requires the name, title, address, and telephone number of the person to whom correspondence, communication, and orders and decisions of the Commission are to be sent, if other than to the applicant's legal counsel.

- The name, title, address, and telephone of legal counsel and paralegal were provided in the CCN Application.
- EMW has satisfied this requirement.

20 CSR 4240-2.060(1)(J) requires a list of all association members if any applicant is an association other than an incorporated association or other entity created by statute.

- This requirement does not apply to EMW.

20 CSR 4240-2.060(1)(K) requires a statement indicating whether the applicant has any pending or final unsatisfied judgments or decisions against it from any state or federal agency or court which involve customer service or rates, which action, judgment or decision has occurred within three (3) years of the date of the application.

- EMW has no final unsatisfied judgments or decisions against it from any state or federal agency or court that involve customer services or rates, which action, judgment, or decision has occurred within three years of the date of this application, except for the following pending actions:
  - (i) Timothy Allegri, et al. v. Evergy Missouri West, File No. EC-2024-0015; and,
  - (ii) Kevin Kojeski v. Evergy Missouri West, File No. EC-2025-0007.
- EMW has satisfied this requirement.

20 CSR 4240-2.060(1)(L) requires a statement that there is no annual report or regulatory assessment fees that are overdue.

- On Page 2, Section I, Paragraph 3 of the CCN application, EMW states that no annual report or regulatory assessment fees are overdue.
- EMW has satisfied this requirement.

20 CSR 4240-2.060(1)(M) requires that all applications shall be subscribed and verified by affidavit under oath by one (1) of the following methods: if an individual, by that individual; if a partnership, by an authorized member of the partnership; if a corporation, by an authorized officer of the corporation; if a municipality or political subdivision, by an authorized officer of the municipality or political subdivision; or by the attorney for the applicant if the application includes or is accompanied by a verified statement that the attorney is authorized.

- Subscribed verification provided by Mr. Kevin Gunn, Vice President, State and Federal Regulatory Policy for Evergy, Inc. provided on Page 24 of the CCN Application.
- EMW has satisfied this requirement.

## **20 CSR 4240-10.115**

20 CSR 4240-10.115(1)(A) requires a copy of the proposed plan and agreement of corporate merger and consolidation, including organizational charts depicting the relationship of the merging entities before and after the transaction.

- EMW witness John Carlson provided a copy of the proposed plan and merger of the Foxtrot solar facility into the EMW company. This document is attached as Confidential Schedule JC-10. The EMW organizational charts are attached to the CCN Application was Exhibit 1.
- EMW has satisfied this requirement.

20 CSR 4240-10.115(1)(B) requires a certified copy of the resolution of the Board of Directors of each applicant authorizing the proposed merger and consolidation.

- EMW provided a certified copy of the resolution of their Board of Directors, which authorizes the proposed merger with the Foxtrot facility project as Confidential Exhibit 2 of the CCN application.
- EMW has satisfied this requirement.

20 CSR 4240-10.115(1)(C) requires the balance sheets and income statements of each applicant and a balance sheet and income statement of the surviving corporation.

- EMW has attached both the balance sheet and income statements for the pre-merger and post-merger states as Confidential Exhibit 3 of the CCN application.<sup>2</sup>
- EMW has satisfied this requirement.

20 CSR 4240-10.115(1)(D) requires the reasons the proposed merger is not detrimental to the public interest.

- EMW has provided its reasons why the proposed mergers are not detrimental to the public interest in the CCN application, and in the Direct Testimonies of Kevin Gunn, Jason Humphrey, and Cody VandeVelde.
- EMW has satisfied this requirement.

20 CSR 4240-10.115(1)(E) requires an estimate of the impact of the merger on the company's Missouri jurisdictional operations relative to the merger and acquisition in question.

- The CCN application and supporting Direct Testimonies address EMW's position that it anticipates a positive impact of the merger with respect to EMW's Missouri jurisdictional operations.
- EMW has satisfied this requirement.

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<sup>2</sup> EA-2024-0292 - CCN Application, Page 17, Section IV, Paragraph 39 references 20 CSR 4240-10.115(1)(B) & (1)(C).

20 CSR 4240-10.115(1)(F) requires a statement of the impact, if any, the merger or consolidation will have on the tax revenues of the political subdivision in which any structures, facilities, or equipment of the companies involved are located.

- In the CCN application, EMW states that it does not believe at present, that the transactions will have a material impact on the tax revenues of any political subdivision in which any of the infrastructure associated with this project will be located.<sup>3</sup>
- EMW has addressed this requirement.

#### **20 CSR 4240-20.045**

20 CSR 4240-20.045(3)(A) requires that the application shall include facts showing that granting the application is necessary or convenient for the public service.

- EMW addresses this requirement in the CCN Application, Pages 12 and 13, Section III.
- EMW has satisfied this requirement.

20 CSR 4240-20.045(3)(B) requires that if an asset to be operated or constructed is outside Missouri, the application shall include plans for allocating costs, other than regional transmission organization / independent system operator cost sharing, to the applicable jurisdiction.

- EMW has responded to this requirement on Page 12, Paragraph 25 of the CCN Application.
- EMW has satisfied this requirement.

20 CSR 4240-20.045(3)(C) requires that if any of the items necessary under this rule are unavailable at the time the application is filed, the unavailable items may be filed prior to the granting of authority by the Commission, or the Commission may grant the certificate subject to the condition that the unavailable items be filed before authority under the certificate is exercised.

- EMW seeks a variance to this requirement.<sup>4</sup>
- EMW has submitted outlines and descriptions of what they will provide to address this requirement, within 60-days of the facility being placed in-service in Data Request (“DR”) No. 0038.

20 CSR 4240-20.045(6)(A) requires a description of the proposed route or site of construction.

- EMW has provided a description of the proposed solar generating facilities and a site location map in the CCN application on pages 4 through 9. Additionally, the Confidential Direct Testimony of witness John Carlson went into further detail about the descriptions of the two solar farm projects. A project layout for the Foxtrot site was provided as Schedule JC-1a.
- EMW has satisfied this requirement.
- In order to facilitate tracking the status of various phases of completion, Staff recommends the Commission order EMW to provide quarterly reporting of the progress of construction

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<sup>3</sup> EA-2024-0292 – CCN Application, Page 17, Section IV, Paragraph 40.

<sup>4</sup> EA-2024-0292 – CCN Application, Page 21, Section VI, Paragraph 4.

of the Projects. This report shall include, but not be limited to, quarterly progress reports on permitting, plans, specifications, and construction progress for the Projects.

20 CSR 4240-20.045(6)(B) requires a list of all electric, gas, and telephone conduit, wires, cables, and lines of regulated and nonregulated utilities, railroad tracks, and each underground facility, as defined in section 319.015, RSMo, which the proposed construction will cross.

- Witness John Carlson provided this list for the Foxtrot project as confidential Schedule JC-1c.
- EMW has satisfied this requirement.

20 CSR 4240-20.045(6)(C) requires a description of the plans, specifications, and estimated costs for the complete scope of the construction project that also clearly identifies what will be the operational features of the asset once it is fully operational and used for service.

- This information was provided through direct confidential testimony from EMW witness John Carlson.

The 100 MWac Foxtrot facility will be constructed under a Build Transfer Agreement (“BTA”). The total purchase price of the BTA for Foxtrot includes all Southwest Power Pool (“SPP”) transmission owner interconnection fees (“TOIF”), and network upgrade costs. The total estimated cost for this work is \*\* [REDACTED] \*\*. This project can be expanded to 110 MWac, and if an increase of capacity beyond 100 MWac is desired, at an additional cost of \*\* [REDACTED] \*\* per kW installed.<sup>5</sup> Witness John Carlson provided the BTA for the Foxtrot facility as confidential Schedule JC-10\_CONF\_Part 1 of 2, and confidential Schedule JC-10\_CONF\_Part 2 of 2.

- EMW has satisfied this requirement.

20 CSR 4240-20.045(6)(D) requires the projected beginning of construction date and the anticipated fully operational and used for service date of the asset.

- A BTA was executed for the Foxtrot facility on September 13, 2024. The Project is expected to be fully operational, and used and useful for service by December 31, 2026.<sup>6</sup> EMW has scheduled the Foxtrot facility, to have a 2027 In-Service date.
- EMW has satisfied this requirement.

20 CSR 4240-20.045(6)(E) requires a description of any common plant to be included in the construction project.

- EMW anticipates that an Operation and Maintenance (“O & M”) building will be included in the Foxtrot construction project.
- EMW has satisfied this requirement.

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<sup>5</sup> EA-2024-0292 Direct, Confidential Testimony of Witness John Carlson, Page 13, Lines 10 – 18.

<sup>6</sup> EA-2024-0292 Application, Page 9, Section II, Paragraph 17.

20 CSR 4240-20.045(6)(F) requires plans for financing the construction of the asset.

- EMW intends to finance the project using their existing debt and equity financing structure.<sup>7</sup>
- EMW has satisfied this requirement.

20 CSR 4240-045(6)(G) requires a description of how the proposed asset relates to the electric utility's adopted preferred plan under 4 CSR 240-22.

- EMW's 2024 Triennial Integrated Resource Plan ("IRP") identified a 150 MWac need for solar capacity in plan year 2027. The Foxtrot facility is presently slated to produce 100 MWac (potentially expandable to 110 MWac) of the 2024 IRP's identified year 2027 need.<sup>8</sup>
- EMW has satisfied this requirement.

20 CSR 4240-045(6)(H) requires an overview of the electric utility's plan for this project regarding competitive bidding, although competitive bidding is not required, for the design, engineering, procurement, construction management, and construction of the asset.

- EMW and their consultants from 1898 & Co. (a division of Burns & McDonnell Engineering Company, Inc.), solicited an all source RFP in January 2023. After the process of ranking the RFP's by a uniform scorecard method, EMW and their consultant selected the Foxtrot site to be developed into a viable project.<sup>9</sup>
- EMW has satisfied this requirement.

20 CSR 4240-045(6)(I) requires an overview of plans for operating and maintaining an asset.

- EMW states in the CCN application that it (Evergy – of which EMW is a component) currently operates over 12,000 MW of generation facilities, which include wind and solar assets<sup>10</sup> and the Foxtrot facility will be added to the generation portfolio. At the present time, detailed O & M plans have not been developed for the facility, and EMW has requested a variance from this particular provision per 20 CSR 4240-2.060(4) and CCN Rule Section 3(C). The Rule states that required items which are unavailable at the time applications are filed, may be filed prior to the granting of authority by the commission, or the commission may grant the certificate subject to the condition that the unavailable items be filed before authority under the certificate is exercised.
- EMW has not written its plan for operating and maintaining the asset ("O & M Plan"), but it has submitted an outline of what will be contained in the O & M Plan when written, as well as an example O & M plan from their Hawthorn Solar facility in Kansas City.<sup>11</sup>

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<sup>7</sup> EA-2024-0292 Confidential Direct Testimony of Witness John M. Grace.

<sup>8</sup> EA-2024-0292 Confidential Direct Testimony of Witness Cody VandeVelde.

<sup>9</sup> EA-2024-0292 Application, Page 10, Section II, Paragraph 21.

<sup>10</sup> EA-2024-0292 Witness John Grace's Confidential Direct Testimony states a figure of 16,000 MW of generating capacity, including reference to contracted generating capacity.

<sup>11</sup> Response to DR No. 0037.

- EMW has requested a variance to this requirement, and Staff does not oppose the request. To ensure the Commission and Staff receive the more detailed O & M Plan, Staff recommends the Commission order EMW to file the O & M Plan in this docket within 60-days of the facility being placed in service.

20 CSR 4240-20.045(6)(J) requires an overview of plans for safe and adequate service after significant, unplanned/forced outages of an asset.

- EMW has submitted a detailed outline of its plans to restore safe and adequate service after significant, unplanned/forced outages at the facility (see DR No. 0038).
- EMW has requested a variance from this particular provision per 20 CSR 4240-2.060(4) and CCN Rule Section 3(C), but plans to comply within 60-days of the facility being placed into service, and Staff does not oppose the request. To ensure the Commission and Staff receive a more site-specific Emergency Action Plans for the Foxtrot facility, Staff recommends the Commission order EMW to file in this docket a site-specific Emergency Action Plan within 60-days of the facility being placed in service.

20 CSR 4240-20.045(6)(K) requires an affidavit or other verified certification of compliance with the following notice requirements to landowners directly affected by electric transmission line routes or transmission substation locations proposed by the application. The proof of compliance shall include a list of all directly affected landowners to whom notice was sent.

- EMW states that Section (6)(K) is inapplicable since the projects will be constructed on vacant land.<sup>12</sup> However, 20 CSR 4240-20.045(6)(K)1. states in part “For purposes of this notice, land is directly affected if a permanent easement or other permanent property interest would be obtained over all or any portion of the land **or** if the land contains a habitable structure that would be within three hundred (300) feet of the centerline of an electric transmission line.” (*emphasis added*)

- \*\* [REDACTED]
- [REDACTED] 13 [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED] \*\*.

- \*\* [REDACTED]
- [REDACTED]
- [REDACTED] \*\*. <sup>14</sup>

- EMW has addressed this requirement.

<sup>12</sup> EA-2024-0292 Application, Page 11, Section II, Paragraph 24.

<sup>13</sup> Direct Testimony of John Carlson, JC-10, part 2 of 2, Exhibit F, page 1058-1059.

<sup>14</sup> Response to DR No. 0039.

## **Sunflower Sky - Summary of Application Requirements for EA-2024-0292**

On October 25, 2024, Evergy Missouri West, Inc. (“EMW”) filed an Application to the Missouri Public Service Commission (“Commission”) for a Certificate of Convenience and Necessity (“CCN”), for authorization to construct, install, own, operate, manage, maintain, and control one solar generation facility (along with all existing facilities, structures, fixtures, and other equipment related to the Assets): Sunflower Sky Solar Project, LLC (“Sunflower Sky”), an approximately 65 megawatt (“MW”) solar farm located and to be constructed in Wilson County, Kansas. The EMW CCN application was made in accordance with the various rules in Section 393.170.1, RSMo; Section 393.190.1, RSMo; 20 CSR 4240-2.060; 20 CSR 4240-20.045(1)-(3) and (6); and 20 CSR 4240-10.115.

### **Section 393.170.1, RSMo**

Section 393.170.1 requires that for construction of an electrical plant by an electrical corporation, permission and approval by the Commission must be obtained prior to the commencement of construction.

- EMW will meet this requirement through the CCN application and review process.

### **Section 393.190.1, RSMo**

Section 393.190.1 requires that a transfer of a franchise or property must be approved by the Commission.

- Section IV of EMW’s CCN Application makes the request for EMW to receive Section 393.190 authority from the Commission to merge the Sunflower Sky facility into EMW, under the terms of the Purchase & Sale Agreement (“PSA”) for the facility.
- EMW has satisfied this requirement, pending Commission approval.

### **20 CSR 4240-2.060**

20 CSR 4240-2.060(1)(A) requires the legal name of each applicant, a brief description of the legal organization of each applicant, whether a Missouri corporation, foreign corporation, partnership, proprietorship, or other business organization, the street and mailing address of the principal office or place of business of each applicant and each applicant’s electronic mail address, fax number and telephone number, if any.

- The CCN application, paragraph 1 contains the required information.
- EMW has satisfied this requirement.

20 CSR 4240-2.060(1)(B) requires that if any applicant is a Missouri corporation, they must submit a Certificate of Good Standing from the secretary of state.

- This requirement does not apply.

20 CSR 4240-2.060(1)(C) requires that if any applicant is a foreign corporation, they must submit a certificate from the secretary of state that it is authorized to do business in Missouri.

- EMW is a Delaware corporation with its principal office and place of business at 1200 Main Street, Kansas City, Missouri 64105. A certificate of authority for EMW to do business in Missouri as a foreign corporation was filed with the Commission in Case No. EN-2020-0064, Exhibit C.<sup>1</sup>
- EMW has satisfied this requirement.

20 CSR 4240-2.060(1)(D) requires that if any applicant is a partnership, a copy of the partnership agreement must be submitted.

- This requirement does not apply.

20 CSR 4240-2.060(1)(E) requires that if any applicant does business under a fictitious name, they must file a copy of the registration of the fictitious name with the secretary of state.

- EMW does not do business with a fictitious name in Missouri.
- EMW has satisfied this requirement.

20 CSR 4240-2.060(1)(F) requires that if any applicant is a political subdivision, a specific reference to the statutory provision and a specific reference to any other authority, if any, under which it operates must be provided.

- This requirement does not apply to EMW.

20 CSR 4240-2.060(1)(G) states that if any applicant has submitted the applicable information as detailed in subsections (1)(B)-(F) of this rule in a previous application, the same information may be incorporated by reference to the case number in which the information was furnished, so long as such applicable information is current and correct.

- A certificate of authority for EMW to do business in Missouri as a foreign corporation was filed with the Commission in File No. EN-2020-0064, Exhibit C.
- EMW has satisfied this requirement.

20 CSR 4240-2.060(1)(H) requires a brief statement of the character of the business performed by each applicant.

- EMW provides a brief statement in Paragraph 1 of the CCN application, noting that the company “is engaged in the generation, transmission, distribution, and sale of electricity in western Missouri, including the suburban Kansas City metropolitan area, St. Joseph, Warrensburg, Sedalia, and surrounding counties. EMW is an “electrical corporation” and a “public utility” subject to the jurisdiction, supervision, and control of the Commission under Chapters 386 and 393”.
- EMW has satisfied this requirement.

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<sup>1</sup> EA-2024-0292 – CCN Application, Page 2, Section I, Paragraphs 1 and 2.

20 CSR 4240-2.060(1)(I) requires the name, title, address, and telephone number of the person to whom correspondence, communication, and orders and decisions of the Commission are to be sent, if other than to the applicant's legal counsel.

- The name, title, address, and telephone of legal counsel and paralegal were provided in the CCN Application.
- EMW has satisfied this requirement.

20 CSR 4240-2.060(1)(J) requires a list of all association members if any applicant is an association other than an incorporated association or other entity created by statute.

- This requirement does not apply to EMW.

20 CSR 4240-2.060(1)(K) requires a statement indicating whether the applicant has any pending or final unsatisfied judgments or decisions against it from any state or federal agency or court which involve customer service or rates, which action, judgment or decision has occurred within three (3) years of the date of the application.

- EMW has no final unsatisfied judgments or decisions against it from any state or federal agency or court that involve customer services or rates, which action, judgment, or decision has occurred within three years of the date of this application, except for the following pending actions:
  - (i) Timothy Allegri, et al. v. Evergy Missouri West, File No. EC-2024-0015;  
and,
  - (ii) Kevin Kojeski v. Evergy Missouri West, File No. EC-2025-0007.
- EMW has satisfied this requirement.

20 CSR 4240-2.060(1)(L) requires a statement that there is no annual report or regulatory assessment fees that are overdue.

- On Page 2, Section I, Paragraph 3 of the CCN application, EMW states that no annual report or regulatory assessment fees are overdue.
- EMW has satisfied this requirement.

20 CSR 4240-2.060(1)(M) requires that all applications shall be subscribed and verified by affidavit under oath by one (1) of the following methods: if an individual, by that individual; if a partnership, by an authorized member of the partnership; if a corporation, by an authorized officer of the corporation; if a municipality or political subdivision, by an authorized officer of the municipality or political subdivision; or by the attorney for the applicant if the application includes or is accompanied by a verified statement that the attorney is authorized.

- Subscribed verification provided by Mr. Kevin Gunn, Vice President, State and Federal Regulatory Policy for Evergy, Inc. provided on Page 24 of the CCN Application.
- EMW has satisfied this requirement.

## **20 CSR 4240-10.115**

20 CSR 4240-10.115(1)(A) requires a copy of the proposed plan and agreement of corporate merger and consolidation, including organizational charts depicting the relationship of the merging entities before and after the transaction.

- EMW witness John Carlson provided a copy of the proposed plan and merger of the Sunflower Sky solar facility into the EMW company. This document is attached as Confidential Schedule JC-11. The EMW organizational charts are attached to the CCN Application as Exhibit 1.
- EMW has satisfied this requirement.

20 CSR 4240-10.115(1)(B) requires a certified copy of the resolution of the Board of Directors of each applicant authorizing the proposed merger and consolidation.

- EMW stated in their CCN application that a certified copy of the resolution of their Board of Directors, which authorizes the proposed merger with the Sunflower Sky facility was not required.
- EMW has addressed this requirement.

20 CSR 4240-10.115(1)(C) requires the balance sheets and income statements of each applicant and a balance sheet and income statement of the surviving corporation.

- EMW has attached both the balance sheet and income statements for the pre-merger and post-merger states as Confidential Exhibit 3 of the CCN application.<sup>2</sup>
- EMW has satisfied this requirement.

20 CSR 4240-10.115(1)(D) requires the reasons the proposed merger is not detrimental to the public interest.

- EMW has provided its reasons why the proposed mergers are not detrimental to the public interest in the CCN application, and in the Direct Testimonies of Kevin Gunn, Jason Humphrey, and Cody VandeVelde.
- EMW has satisfied this requirement.

20 CSR 4240-10.115(1)(E) requires an estimate of the impact of the merger on the company's Missouri jurisdictional operations relative to the merger and acquisition in question.

- The CCN application and supporting Direct Testimonies address EMW's position that it anticipates a positive impact of the merger with respect to EMW's Missouri jurisdictional operations.

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<sup>2</sup> EA-2024-0292 - CCN Application, Page 17, Section IV, Paragraph 39 references 20 CSR 4240-10.115(1)(B) & (1)(C).

- EMW has satisfied this requirement.

20 CSR 4240-10.115(1)(F) requires a statement of the impact, if any, the merger or consolidation will have on the tax revenues of the political subdivision in which any structures, facilities, or equipment of the companies involved are located.

- In the CCN application, EMW states that it does not believe at present, that the transactions will have a material impact on the tax revenues of any political subdivision in which any of the infrastructure associated with this project will be located.<sup>3</sup>
- EMW has addressed this requirement.

#### **20 CSR 4240-20.045**

20 CSR 4240-20.045(3)(A) requires that the application shall include facts showing that granting the application is necessary or convenient for the public service.

- EMW addresses this requirement in the CCN Application, Pages 12 and 13, Section III.
- EMW has satisfied this requirement.

20 CSR 4240-20.045(3)(B) requires that if an asset to be operated or constructed is outside Missouri, the application shall include plans for allocating costs, other than regional transmission organization / independent system operator cost sharing, to the applicable jurisdiction.

- EMW has responded to this requirement on Page 12, Paragraph 25 of the CCN Application.
- EMW has satisfied this requirement.

20 CSR 4240-20.045(3)(C) requires that if any of the items necessary under this rule are unavailable at the time the application is filed, the unavailable items may be filed prior to the granting of authority by the Commission, or the Commission may grant the certificate subject to the condition that the unavailable items be filed before authority under the certificate is exercised.

- EMW seeks a variance to this requirement.<sup>4</sup>
- EMW has submitted outlines and descriptions of what they will provide to address this requirement, within 60-days of the facility being placed in-service in Data Request (“DR”) No. 0038.

20 CSR 4240-20.045(6)(A) requires a description of the proposed route or site of construction.

- EMW has provided a description of the proposed solar generating facilities and a site location map in the CCN application on pages 4 through 9. Additionally, the Confidential Direct Testimony of witness John Carlson went into further detail about the descriptions

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<sup>3</sup> EA-2024-0292 – CCN Application, Page 17, Section IV, Paragraph 40.

<sup>4</sup> EA-2024-0292 – CCN Application, Page 21, Section VI, Paragraph 4.

of the two solar farm projects. A project layout for the Sunflower Sky site was provided as Schedule JC-2a.

- EMW has satisfied this requirement.
- In order to facilitate tracking the status of various phases of completion, Staff recommends the Commission order EMW to provide quarterly reporting of the progress of construction of the Projects. This report shall include, but not be limited to, quarterly progress reports on permitting, plans, specifications, and construction progress for the Projects.

20 CSR 4240-20.045(6)(B) requires a list of all electric, gas, and telephone conduit, wires, cables, and lines of regulated and nonregulated utilities, railroad tracks, and each underground facility, as defined in section 319.015 RSMo, which the proposed construction will cross.

- The various utilities were shown on the Overall Site Plan for the Sunflower Sky project as Witness John Carlson's confidential Schedule JC-2b.
- EMW has satisfied this requirement.

20 CSR 4240-20.045(6)(C) requires a description of the plans, specifications, and estimated costs for the complete scope of the construction project that also clearly identifies what will be the operational features of the asset once it is fully operational and used for service.

- This information was provided through direct confidential testimony from EMW witness John Carlson.

The 65 MWac Sunflower Sky facility is structured as a Development Asset Sale ("DAS"), allowing EMW to utilize their in-house experience in constructing large, complex projects to take the prepared "EPC bid package, release an EPC contractor RFP and contract with an EPC contractor to design the project, procure material and build Sunflower Sky."<sup>5</sup> The total construction price for the Sunflower Sky project is estimated to be \*\* [REDACTED] \*\*. This estimated price includes the DAS purchase, construction costs, allowance for funds used during construction ("AFUDC"), reimbursement of SPP TOIF and network upgrades, and Evergy internal labor and fees.<sup>6</sup> Witness John Carlson provided the Purchase and Sale Agreement for the Solar Sky facility as confidential Schedule JC-11\_CONF.

- EMW has satisfied this requirement.

20 CSR 4240-20.045(6)(D) requires the projected beginning of construction date and the anticipated fully operational and used for service date of the asset.

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<sup>5</sup> EA-2024-0292 Direct Confidential Testimony of John Carlson, Page 15, Lines 13 – 23.

<sup>6</sup> EA-2024-0292 Direct Confidential Testimony of John Carlson, Page 13, Section IV, Lines 19 – 23.

- A PSA was executed for the Sunflower Sky facility on August 16, 2024. The Project is expected to be fully operational, and used and useful for service by December 31, 2026.<sup>7</sup> EMW has scheduled the Sunflower Sky facility to have a 2027 In-Service date.
- EMW has satisfied this requirement.

20 CSR 4240-20.045(6)(E) requires a description of any common plant to be included in the construction project.

- EMW anticipates that an Operation and Maintenance (“O & M”) building will be included in the Sunflower Sky construction project.
- EMW has satisfied this requirement.

20 CSR 4240-20.045(6)(F) requires plans for financing the construction of the asset.

- EMW intends to finance the project using their existing debt and equity financing structure.<sup>8</sup>
- EMW has satisfied this requirement.

20 CSR 4240-045(6)(G) requires a description of how the proposed asset relates to the electric utility’s adopted preferred plan under 4 CSR 240-22.

- EMW’s 2024 Triennial Integrated Resource Plan (“IRP”) identified a 150 MWac need for solar capacity in plan year 2027. The Sunflower Sky facility is intended to produce 65 MWac of the 2024 IRP’s identified year 2027 need.<sup>9</sup>
- EMW has satisfied this requirement.

20 CSR 4240-045(6)(H) requires an overview of the electric utility’s plan for this project regarding competitive bidding, although competitive bidding is not required, for the design, engineering, procurement, construction management, and construction of the asset.

- EMW and their consultants from 1898 & Co. (a division of Burns & McDonnell Engineering Company, Inc.), solicited an all source RFP in January 2023. After the process of ranking the RFP’s by a uniform scorecard method, EMW and their consultant selected the Sunflower Sky site to be developed into a viable project.<sup>10</sup>
- EMW has satisfied this requirement.

20 CSR 4240-045(6)(I) requires an overview of plans for operating and maintaining an asset.

- EMW states in the CCN application that it (Evergy – of which EMW is a component) currently operates over 12,000 MW of generation facilities, which include wind and solar

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<sup>7</sup> EA-2024-0292 Application, Page 9, Section II, Paragraph 17.

<sup>8</sup> EA-2024-0292 Confidential Direct Testimony of Witness John M. Grace.

<sup>9</sup> EA-2024-0292 Confidential Direct Testimony of Witness Cody VandeVelde.

<sup>10</sup> EA-2024-0292 Application, Page 10, Section II, Paragraph 21.

assets<sup>11</sup> and the Sunflower Sky facility will be added to the generation portfolio. At the present time, detailed O & M plans have not been developed for the facility, and EMW has requested a variance from this particular provision per 20 CSR 4240-2.060(4) and CCN Rule Section 3(C). The Rule states that required items which are unavailable at the time applications are filed, may be filed prior to the granting of authority by the commission, or the commission may grant the certificate subject to the condition that the unavailable items be filed before authority under the certificate is exercised.

- EMW has not written its plan for operating and maintaining the asset (“O & M Plan”), but it has submitted an outline of what will be contained in the O & M Plan when written, as well as an example O & M plan from their Hawthorn Solar facility in Kansas City.<sup>12</sup>
- EMW has requested a variance to this requirement, and Staff does not oppose the request. To ensure the Commission and Staff receives the more detailed O&M Plan, Staff recommends the Commission order EMW to file the O&M Plan in this docket within 60-days of the facility being placed in service.

20 CSR 4240-20.045(6)(J) requires an overview of plans for safe and adequate service after significant, unplanned/forced outages of an asset.

- EMW has submitted a detailed outline of its plans to restore safe and adequate service after significant, unplanned/forced outages at the facility (see DR No. 0038).
- EMW has requested a variance from this particular provision per 20 CSR 4240-2.060(4) and CCN Rule Section 3(C), but plans to comply within 60-days of the facility being placed into service, and Staff does not oppose the request. To ensure the Commission and Staff receive a more site-specific Emergency Action Plan for the Sunflower Sky facility, Staff recommends the Commission order EMW to file in this docket a site-specific Emergency Action Plan within 60-days of the facility being placed in service.

20 CSR 4240-20.045(6)(K) requires an affidavit or other verified certification of compliance with the following notice requirements to landowners directly affected by electric transmission line routes or transmission substation locations proposed by the application. The proof of compliance shall include a list of all directly affected landowners to whom notice was sent.

- EMW states that Section (6)(K) is inapplicable since the projects will be constructed on vacant land.<sup>13</sup> However, 20 CSR 4240-20.045(6)(K)1. states in part “For purposes of this notice, land is directly affected if a permanent easement or other permanent property interest would be obtained over all or any portion of the land **or** if the land contains a habitable structure that would be within three hundred (300) feet of the centerline of an electric transmission line.” (*emphasis added*)

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<sup>11</sup> EA-2024-0292 Witness John Grace’s Confidential Direct Testimony states a figure of 16,000 MW of generating capacity, including reference to contracted generating capacity.

<sup>12</sup> Response to DR No. 0037.

<sup>13</sup> EA-2024-0292 Application, Page 11, Section II, Paragraph 24.

- \*\* [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED] \*\*. 14
- \*\* [REDACTED]  
[REDACTED]  
[REDACTED] \*\*. 15
- EMW has addressed this requirement.

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<sup>14</sup> Direct Testimony of John Carlson, JC-11, page 85-90.

<sup>15</sup> Response to DR No. 0039.

**Case No. EA-2024-0292**

**SCHEDULE 3**

**HAS BEEN DEEMED**

**CONFIDENTIAL**

**IN ITS ENTIRETY**

**Solar Electrical Generator  
In-Service Test Criteria**

1. All major construction work is complete.
2. All pre-operational tests have been successfully completed.
3. Facility successfully meets contract operational guarantees that are necessary for satisfactory completion of all other items in this list.
4. Upon observation of the facility for 72 consecutive hours the facility will have demonstrated that when sunlight was shining on it during that period it produces power in a standard operation mode.
5. Facility shall meet at least 95% of the guaranteed AC capacity based on the capacity test as outlined in this attachment. The capacity test shall determine the facility's corrected capacity at the design point conditions.
6. Sufficient transmission/distribution interconnection facilities shall exist for the total plant design net electrical capacity at the time the facility is declared fully operational and used for service.
7. Sufficient transmission/distribution facilities shall exist for the total plant design net electrical capacity into the utility service territory at the time the facility is declared fully operational and used for service.

**Capacity Test**

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[Redacted]



• [REDACTED]

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**Case No. EA-2024-0292**

**SCHEDULE 5**

**HAS BEEN DEEMED**

**CONFIDENTIAL**

**IN ITS ENTIRETY**