

**BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI**

In the Matter of the Application of Evergy )  
Missouri West, Inc. d/b/a Evergy Missouri )  
West for Permission and Approval of ) **File No. EA-2024-0292**  
Certificates of Convenience and Necessity )  
Authorizing It to Construct, Install, Own )  
Operate, Manage, Maintain, and Control )  
Two Solar Generation Facilities )

**EVERGY MISSOURI WEST’S STATEMENT OF POSITIONS**

**COMES NOW**, Evergy Missouri West, Inc. d/b/a Evergy Missouri West (“EMW” or the “Company”) and, pursuant to the Missouri Public Service Commission’s (“Commission”) *Order Setting Procedural Schedule* (“Order”)<sup>1</sup> issued April 24, 2025, submits its *Statement of Positions*, as follows:

**ISSUES & POSITIONS**<sup>2</sup>

**A. Does the evidence establish that the 65 megawatt (“MW”) solar generation facility to be constructed in Wilson County, Kansas ("Sunflower Sky") and the 100 MW solar generation facility to be constructed in Jasper County, Missouri (“Foxtrot”) (collectively, “Projects”) for which Evergy Missouri West is seeking a certificate of convenience and necessity (“CCN”) is necessary or convenient for the public service?**

**EMW POSITION:** Yes. The Commission should grant EMW CCNs for the Projects, as discussed herein and throughout Evergy’s Application and supporting testimony. EMW has filed its Application and witness testimony with the Commission to obtain CCNs to construct, install, own, operate, manage, maintain, and control the Projects, pursuant to Sections 393.170.1 and 393.190.1,<sup>3</sup> 20 CSR 4240-2.060, 20 CSR 4240-0.045(1)-(3) and (6), and 20 CSR 4240-10.115.

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<sup>1</sup> Order Setting Procedural Sched., No. EA-2024-0292 (Apr. 24, 2025).

<sup>2</sup> The Company does not necessarily agree with the wording of some issues or inclusion of all of the issues set out herein. The inclusion of an issue and the Company’s position thereon in the list below does not mean all parties agree with such issue’s characterization, that such issue identified is actually in dispute, and/or that a Commission decision on such issue is proper or necessary in this case.

<sup>3</sup> All citations are to the Revised Statutes of Missouri (2016), as amended.

For Sunflower Sky, EMW has agreed to purchase development assets from Savion, LLC (“Savion”) and EMW will manage the construction for the approximately 65 MW single-axis tracking photovoltaic solar facility. See App. at 5, 7. For Foxtrot, EMW has agreed to purchase the approximately 100 MW single-axis photovoltaic solar facility from Invenergy Solar Development North America LLC (“Invenergy”). Id. The Company’s 2024 Triennial Integrated Resource Plan (“IRP”) determined that the Projects were the most reasonable generation assets to pursue to satisfy the Company’s capacity need also provide EMW’s customers with safe and adequate service. The Projects were ultimately selected through a competitive request for proposal (“RFP”) process, including comparative valuations of other similar projects available to the Company.

In determining whether an applicant meets the statutory standards of the Commission’s CCN Rule and the requested CCN “is necessary or convenient for the public service,” the Commission has frequently used the five following factors as guidelines, known as the Tartan factors. In re Tartan Energy Co., 1994 Mo. PSC LEXIS 26 at \*9-10, \*17-46, 1994 WL 762882 at \*6-15, No. GA-94-127 (1994). See Missouri Landowners Alliance v. PSC, 593 S.W.3d 632, 638-39 (Mo. App. E.D. 2019); In re KCP&L Greater Mo. Operations Co., 2016 WL 946579, No. EA-2015-0245 (2016), aff’d, United for Missouri v. PSC, 515 S.W.3d 754 (Mo. App. W.D. 2016). EMW has met the requirements of each of these five factors.

**1. Should the Commission find that the Projects satisfy the first *Tartan* Factor of need?**

**EMW POSITION:** Yes. EMW seeks CCNs for the Projects to satisfy the Company’s capacity need, per EMW’s 2024 IRP. The Staff of the Commission (“Staff”) agrees that “additional capacity is effectively a necessity because of the lack of the service is such an inconvenience.” Staff Report & Recommendation at 14 (“Staff Rec.”). The Projects are supportive of EMW’s compliance with

the Southwest Power Pool’s resource adequacy requirements and “specifically correspond to the 150 MW of solar addition that is identified in year 2027 in EMW’s IRP Preferred Plan.” See C. VandeVelde Surrebuttal at 4.

“Additionally, EMW determined the need for solar generation compared to other assets as a source of emission-free energy and a hedge against market prices for coal, natural gas, and power prices.” Id. Staff’s argument that such a hedge against the associated risks and commodities market is not relevant to the question of need overlooks the benefits of diversification. See Staff Rec. at 14. “[N]ecessity’ does not mean ‘essential’ or ‘absolutely indispensable,’ but that a CCN is appropriate if the ‘additional service would be an improvement justifying its cost.’” United for Missouri v. PSC, 515 S.W.3d at 759. Based on the Commission’s recent finding that adding solar generation “provides a hedge against risks associated with power prices, carbon prices, and fuel prices,”<sup>4</sup> the Company contends that a need for this service has been demonstrated.

The Projects are part of the Company’s comprehensive, diversified resource generation asset portfolio necessary to supply EMW’s customers with safe and adequate service at the lowest net present value revenue requirement (“NPVRR”). The solar facilities permit the Company to optimize free photons to provide on-peak, carbon-free energy from the sun when commodity prices are high. See C. VandeVelde Surrebuttal at 4-6; J. Humphrey Surrebuttal at 3-4.

**2. Should the Commission find that the Projects satisfy the second *Tartan* Factor of economic feasibility?**

**EMW POSITION:** Yes. As demonstrated by EMW’s 2024 IRP and additional factors discussed herein, the Projects are economically feasible. For a project to be considered economically feasible, the party proponent should “provide credible evidence regarding the

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<sup>4</sup> Report & Order at 30-31, In re Union Elec. Co. Applic. for a CCN for a Solar Facility, No. EA-2022-0245 (Apr. 12, 2023) (Boomtown Solar Project).

construction costs and revenue expectations associated with the proposed expansion.” See Report & Order at 5, In re Empire Dist. Elec. Co., No. EA-99-172, 2000 WL 228658 (Feb. 17, 2000); K. Gunn Surrebuttal at 4-5. The most credible evidence and “best measurement of economic feasibility in the regulated utility environment is to compare the NPVRR of the various alternatives” in the Company’s IRP. See C. VandeVelde Surrebuttal at 6-7. Here, despite recent economy-wide inflation, the current expected costs for Sunflower Sky and Foxtrot, excluding allowance for funds used during construction, are very similar to the solar pricing assumptions modeled in the Company’s 2024 IRP and 2025 Annual IRP Update. See J. Carlson Surrebuttal at 6-7; C. VandeVelde Surrebuttal at 8-9. The Projects’ costs “are well within the +/- 25% construction cost risk scenarios.” Id.

Additionally, the Projects were selected through a highly competitive RFP process based on having the lowest levelized cost of energy (“LCOE”) of all proposed alternative resources. See K. Gunn Surrebuttal at 5. The Projects’ geographic proximity to EMW’s service territory, mature Southwest Power Pool (“SPP”) queue position, low permitting and environmental risk, ability to participate in tax credits, contracting status, low locational marginal price and curtailment risk, and overall project risk all contributed to EMW determining that the Projects are the most economically feasible assets. See J. Humphrey Surrebuttal at 6; J. Carlson Surrebuttal at 12. Further, EMW expects the Projects to have tax credits for the first ten (10) years of operation which will, in the rare instances where it occurs, help to mitigate the financial impact of negative nodal pricing. See J. Humphrey Surrebuttal at 8. These tax credits, and the value of Renewable Energy Credits (“REC”) will “contribute significantly to the overall revenue stream and cost-effectiveness of these projects.” Id.

**3. Should the Commission find that the Projects satisfy the third *Tartan* Factor of ability to finance?**

**EMW POSITION:** Yes. This issue is not disputed by the parties. The Company has the financial ability to purchase, operate, manage, maintain, and control the Projects. See J. Grace Surrebuttal at 2, 6; Staff Rec. at 18; J Luebbert Rebuttal at 3; J. Owen Rebuttal at 3; G. Marke Rebuttal at 1.

**4. Should the Commission find that the Projects satisfy the fourth *Tartan* Factor of qualified to construct?**

**EMW POSITION:** Yes. This issue is not disputed by the parties. EMW is qualified to provide electric service for the Projects. See Staff Rec. at 18; J Luebbert Rebuttal at 3; J. Owen Rebuttal at 3 (Renew Mo.); G. Marke Rebuttal at 1 (OPC).<sup>5</sup>

**5. Should the Commission find that the Projects are in the public interest and satisfies the fifth *Tartan* Factor?**

**EMW POSITION:** Yes. As the Company has explained in its Application and in supporting testimony, it is in the public interest for the Commission to grant CCNs for the Projects.

In the Tartan case the Commission made the following observation regarding the public interest factor: “The requirement that an applicant’s proposal promote the public interest is in essence a conclusory finding as there is no specific definition of what constitutes the public interest. Generally speaking, positive findings with respect to the other four standards will in most instances support a finding that an application for a certificate of convenience and necessity will promote the public interest.” Tartan Energy Co., L.C., 1994 WL 762882, at \*14. As discussed above, EMW’s proposed Projects more than meet the four Tartan factors of (1) need, (2) operational qualifications, (3) financial capability, and (4) economic feasibility. Such evidence in the record on the whole in turn establishes that the Projects promote the public interest.

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<sup>5</sup> Office of the Public Counsel (“OPC”).

**B. If the Commission grants the CCN for the Projects, what conditions, if any, should the Commission impose on the CCN?**

**EMW POSITION:** None. However, Staff and OPC have proposed several conditions upon which the CCNs should be granted. As discussed herein and in the Company's Surrebuttal testimony, EMW agrees to some of the proposed conditions but disagrees with others.

**1. Staff's Proposed Economic Conditions.**

**EMW POSITION:** Staff proposes four (4) economic conditions on page 50 of its Recommendation. EMW agrees to "\*\*\* [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] \*\*\*" This condition is specific to Foxtrot's contract. See J. Carlson Surrebuttal at 2. However, EMW does not agree with the other proposed economic conditions. See Staff Rec. at 50.

EMW does not agree to provide justification for the Projects if any costs or assumptions change by more than 5% since the Company's Direct testimony, including any costs that exceed EMW's base amounts or changes to the expectation of the level of tax credit. See J Luebbert Surrebuttal at 2-3. As discussed in EMW's Application, supporting testimony, and herein, the Projects are economically feasible. EMW should not have to provide any later justification for the Commission to determine in this proceeding that the solar facilities are economically feasible, which is not required by the Commission's CCN Rule. Thus, the Commission should grant the Company the requested CCNs. See K. Gunn Surrebuttal at 7-8. To require EMW to continuously provide cost estimates or assumption updates to justify the Projects, no matter the percent increase from those provided in EMW's Application, is not consistent with the Commission's prudence standard. Id. Evergy Missouri West has provided the Commission with all of the information

necessary to evaluate the Projects under the prudence standard, pursuant to the Commission's CCN Rule. Id. at 7. EMW's conduct was reasonable, under all circumstances, given the information available to the Company at the time the decision was made to obtain CCNs for the Projects. Id.

Staff's proposed economic condition to provide Staff quarterly reports for a period of three years on negative prices published at the actual P-node, and its impact on revenue, would constitute a waste of resources. See Staff Rec. at 50. Staff and "parties to the fuel adjustment clause ("FAC") cases including OPC receive Locational Marginal Price ("LMP") pricing reports as part of those cases. This should provide an avenue for parties to review the data requested." See J. Humphrey Surrebuttal at 8.

Further, the Company respectfully disagrees that it should include contingency plans based on key inputs, such as market price changes, changes in tax incentives, and load assumptions. Such updates are not required to determine if a project is economically feasible or if a project meets the Commission's prudence standard. "These standards are not practical in the context of large, complex project construction given that many of the factors that impact market pricing, such as future transmission buildout and future SPP generation resource mixes, cannot be known with absolute precision." See J. Humphrey Surrebuttal at 6. Constantly re-evaluating such inputs and alternative "options mid-cycle introduces unnecessary risk, delays, and cost uncertainty." Id.

## **2. Staff's Proposed Engineering Conditions**

**EMW POSITION:** Staff has proposed four (4) engineering conditions on page 51 of its Recommendation. EMW agrees to provide "a site-specific Emergency Action Plan Operations and Maintenance Plan for the Projects within 60-days of the facility being placed in service." See J. Carlson Surrebuttal at 3; Staff Rec. at 51.

Additionally, EMW agrees to “utilize the in-service criteria and capacity test procedures recommended by Staff in Confidential Schedule 4 of this report,” with the exception of Item #5. See J. Carlson Surrebuttal at 3-4; Staff Rec. at 51. Staff’s capacity test procedures attached to Confidential Schedule 4 are incorrect. Id. Thus, “EMW proposes that the specific methodology for determining the tested AC capacity of the site be consistent with typical industry standards.” Id.

Further, EMW agrees to quarterly reporting of the Projects’ construction progress, similar to the language proposed in the Unanimous Partial Settlement Agreement Regarding Solar Facility at 5-6, submitted in In re Evergy Kansas Central et al. for Determination of Ratemaking Principles for Certain Electric Generation Facilities, Docket No. 25-EKCE-207-PRE (Kan. Corp. Comm’n, Apr. 16, 2025). See J. Carlson Surrebuttal at 3.

However, EMW does not agree with Staff’s proposed condition that \*\* [REDACTED]

[REDACTED]

[REDACTED] \*\* EMW has reduced the inverter warranty to conform with the industry standard warranty duration and to reduce the Projects’ overall costs. See J. Carlson Surrebuttal at 4-5. The Company identified the elimination of the inverter warranty extension as an additional cost savings measure, thus, increasing the economic feasibility of the Projects. Id. Additionally, Staff provides no factual or legal basis to essentially penalize EMW by requiring it to [REDACTED] \*\*\* when a 5-year warranty period is the industry standard. Id.

### 3. OPC’s Proposed Conditions

**EMW POSITION:** EMW would likely agree to explore the feasibility of solar grazing for a limited time after the Commission approves the Projects, to allow the Company to assess the



potential benefits and risks of integrating sheep with solar facilities. See J. Carlson Surrebuttal at 11.

Additionally, EMW would likely agree to evaluate the sharing of land-use and conservation impact data with Renewable Energy Wildlife Institute's SolSource Database, depending on the circumstances and resources necessary to do so. Id.

Finally, EMW would likely agree to solicit feedback on solar grazing and the SolSource Database sharing from the U.S. Fish and Wildlife Service, the Missouri Department of Conservation, and the Kansas equivalent. Id. at 12.

**C. Is this an appropriate proceeding for the Commission to review Evergy Missouri West's Green Solution Connections ("GSC") Program?**

**EMW POSITION:** Yes. As discussed herein and on the whole record, EMW needs the GSC Program as there has been significant interest from commercial and industrial customers. See K. Winslow Surrebuttal at 30. Making such a program available to these customers does not harm EMW retail customers in any way. Id. at 13, 23. Even if the Program is not fully subscribed, EMW retail customers will continue to benefit from the Program's revenues because EMW will sell the current historical RECs in the market, as the Company does today. Id. Additionally, the Company's retail customers would benefit from the higher revenue stream for any subscriptions. Id.

**1. If so, should the Commission find that the GSC Program proposed by Evergy Missouri West is just, reasonable, and not unjustly discriminatory or unduly preferential, and otherwise is lawful?**

**EMW POSITION:** Yes. The GSC Program offers eligible EMW customers to subscribe to renewable attributes associated with new solar facilities, where such attributes are not needed to meet Renewable Portfolio Standard ("RPS") requirements for those customers. See K. Gunn Direct at 19. "An eligible customer may subscribe to renewable attributes under the Program in

single percentage increments up to 100% of their eligible annual usage” for a term of ten or fifteen years. Id. The Program offers a fixed rate per megawatt-hour for the term where the price is not tied to the wholesale market, unlike unbundled RECs. Id.; K. Winslow Direct at 31.

Phase 1 of the program would provide an estimated \$47.3 million in benefits to EMW customers. See K. Winslow Direct at 31-32. The Company would then credit those revenues to EMW’s Fuel Adjustment Clause (“FAC”) for the benefit of all its customers. Id. Additionally, the Program fulfills several EMW goals for its commercial and industrial customers’ demand, including but not limited to: “(a) the Program is designed to be flexible and aligned with large customer demands; (b) it provides the opportunity to acquire renewable energy attributes with long-term price certainty; and (c) it includes renewables that are local and positively impacts non-participants.” See K. Winslow Direct at 31.

**D. If the Commission approves the GSC Program proposed by Evergy Missouri West what, if any, conditions should the Commission impose on such approval?**

**EMW POSITION:** None. opposing parties have proposed several conditions and, as discussed in the Company’s Surrebuttal testimony, while EMW agrees that the Green Solution Connections Program only applies to the Company it disagrees with other proposed conditions. Staff Rec. at 59.

Staff suggests that the Renewable Energy Credits (“REC”) should only be sold at the price per REC agreed to by the Commission in this proceeding. Id. However, the revenues generated from the GSC Program should be credited to the FAC for the benefit of all Evergy Missouri West customers. According to the interpretation of the FERC Uniform System of Accounts, the term “RECs sold” refers to a market sale. See K. Winslow Surrebuttal at 27. The key difference is that the RECs within the GSC Program will be retired on behalf of the participating customers rather than sold. Id. Thus, EMW proposes that the condition read: “Subscription prices for the GSC

Program can only be sold to eligible customers at the price schedule approved by the Commission in this docket.” Id. On page 4 of Conner's surrebuttal, Staff claims that EMW is now proposing program changes associated with the GSC Program RECs that were not proposed in its direct testimony. EMW is not making program changes. The GSC program was always intended to retire RECs on the customers' behalf and to have those retail revenues flow through the FAC. The change proposed by the Company relates to clarification on how those revenues would flow through the FAC.

Regarding Staff's proposed condition that EMW should include the RECs sold in the Company's FAC monthly reports, the GSC Program's RECs will not be sold on the open market, as the revenues from the GSC Program are set to be credited to the FAC and the RECs will be retired for the benefit of participating customers. See K. Winslow Surrebuttal at 28. A more appropriately “worded condition would read: The subscribed/unsubscribed portion of the RECs available within the program will be reported in the monthly FAC report. Since RECs are retired on an annual basis, RECs retired from eligible customer participation from the GSC Program must will be included in the first EMW's FAC Reports following retirement, and shall be detailed to include, but not limited to, the RECs that were subscribed/unsubscribed, the price per REC collected from the participating customer, the vintage date of the retired REC, and the date the REC was retired.” Id.

Additionally, EMW opposes Staff's revised recommendation regarding the GSC Program tariff reflecting Program revenues as a regulatory liability, with the value of such regulatory liability to be allocated in future rate cases against the rate base associated with the solar farm(s) from which program RECs were generated. See S. Lange Surrebuttal at 3-4. The GSC Program revenues associated with the Projects should flow through the FAC back to customers, similar to

the renewable attributes from RECs do today. See K. Winslow Surrebuttal at 13, 23. The Company's proposal is consistent with these renewable attributes and permits the Company to monetize such attributes not needed by retail customers for the benefit of all EMW customers without harming EMW or its shareholders. Id. Further, EMW does not agree that language should be added to the Green Solution Connections Program tariff to reflect REC revenues included in the FAC. A more appropriately "worded condition would read: Language shall be added in the GSC tariff to reflect that the revenues from the GSC Program will be included in the FAC, and the Company shall begin to include the revenues from GSC Program in the FAC as of the effective date of the GSC tariff." See K. Winslow Surrebuttal at 28-29.

Similarly, EMW does not agree that additional language should be added to the FAC tariff in EMW's general rate case to reflect RECs sold, as such condition suggests waiting to modify the FAC tariff until the next general rate case. See K. Winslow Surrebuttal at 27. The Commission has the ability to permit EMW to modify its FAC tariff outside of a rate case. Id. This recommendation creates a disconnect between items (c.) and (d.) in the Staff's Recommendation, where (c.) indicates that REC revenues (or program revenues as noted in item a. above) from the GSC program will be included in the FAC starting on the effective date of the GSC tariff, but (d.) states that the FAC tariff cannot be modified outside of a general rate case. Id. If the Commission decides otherwise, this requested change would not alter the FAC rate outside of a rate case. Id. Instead, it would only affect the components of the over/under calculation related to the FAC accumulation periods. Id.

Finally, EMW does not agree to value RECs before setting a price and update the price on an annual basis to account for market volatility. The valuation of the GSC Program is accurate, and Staff has failed to provide any evidence to the contrary. Moreover, this position is inconsistent

with item (a.), where Staff recommends that the value of the implied RECs be determined at the conclusion of this case. See K. Winslow Surrebuttal at 29. The suggestion that pricing be updated annually directly conflicts with the intent to establish pricing at the conclusion of this case. Id.

**E. Is this CCN docket the appropriate case to determine whether Evergy Missouri West's decision to acquire, construct, own and operate the Projects is prudent under Section 2(C) of Commission Rule 20 CSR 4240-20.045?**

**EMW POSITION:** Yes.

- 1. If this is the appropriate docket, should the Commission grant Evergy Missouri West's request that its decision to acquire, construct, own and operate the Projects is prudent under Section 2(C) of Commission Rule 20 CSR 4240-20.045?**

**EMW POSITION:** Yes. As described in the Company's Application, Direct, and Surrebuttal testimony, pursuant to 20 CSR 4240-20.045(2)(C), decisional prudence involves the Commission's assessment of the reasonableness of the decision-making process itself, ensuring that the utility's actions are grounded in sound judgment based upon a thorough evaluation of the available information at the time the decision was made to obtain CCNs for the Projects, while avoiding the bias of hindsight.

Here, EMW's decision to obtain CCNs for the Project was grounded in a prudent evaluation of the 2024 IRP and RFP process. See K. Gunn Surrebuttal at 12. The IRP enabled EMW to evaluate and select the Projects as the most economically feasible and prudent assets in the RFP that would provide customers with safe and adequate service. Id. The 2024 IRP included a detailed analysis of the Company's forecasted demand, resource availability, cost considerations, environmental impact, and market conditions which enabled EMW to select the Projects as part of its holistic and diversified generation asset portfolio. Id.

Staff's and OPC's arguments for rejecting EMW's request for decisional prudence are not in accordance with the prudence presumption or standard and are unfounded. Staff has not

appropriately assessed the quality of the Company's decision to request solar CCNs based on the knowledge available at the time of the decision. Id. at 9-10. Additionally, Staff has not conducted an analysis on the range of reasonable actions based on practices followed by other electric utilities, or even the Company's prior solar CCN requests. Id. Although OPC is in agreement with Staff's argument to reject decisional prudence, it failed to provide any analysis at all that would create a "serious doubt" in EMW's decision making. Id. at 13-14.

The Commission should grant EMW decisional prudence for the Projects, as they represent a prudent, well-reasoned, and justifiable investment in the Company's long-term resource planning, which is necessary to provide its customers with safe and adequate service.

**F. Should the Commission grant Evergy Missouri West's requested variances from Commission Rules 20 CSR 4240-20.045(3)(C), 6(I), and 6(J) so that Evergy Missouri West's plans for restoration of safe and adequate service, as well as as-built drawing, can be provided closer to the time when the Projects will commence commercial operations?**

**EMW POSITION:** Yes. No party has opposed EMW's request for variances.

Respectfully submitted,

/s/ Roger W. Steiner

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**Attorneys for Evergy Missouri West**

### **CERTIFICATE OF SERVICE**

I do hereby certify that a true and correct copy of the foregoing document has been hand-delivered, emailed, mailed postage-prepaid, or filed and served via EFIS, to the parties in this above-captioned proceeding, this 21<sup>st</sup> day of May 2025.

/s/ Roger W. Steiner

Attorney for Evergy Missouri West