

**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)

THE OFFICE OF THE PUBLIC COUNSEL’S STATEMENT OF POSITION

COMES NOW, the Office of the Public Counsel (“OPC”), and for its Statement of Position states the following:

I. List of Issues

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 (“EMW”, “Company”, or “Evergy West”) is seeking a certificate of convenience and necessity (“CCN”) is necessary or convenient for the public service?

Yes. The Public Service Commission (“Commission”) should grant both of the CCNs that EMW has requested, subject to the conditions listed in Public Service Commission Staff’s (“Staff’s”) testimony, as well as the testimony of OPC witness Dr. Geoff Marke.

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

Yes. Per the testimony of OPC witness Dr. Geoff Marke, “The Company has been resource-constrained since the premature retirement of the 524-megawat Sibley Power Plant in 2018.”¹

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

The OPC takes no position at this time but reserves the right to do so based on the evidence presented at hearing.

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

The OPC takes no position at this time but reserves the right to do so based on the evidence presented at hearing.

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

The OPC takes no position at this time but reserves the right to do so based on the evidence presented at hearing.

¹ *Rebuttal Testimony of Geoff Marke*, p. 2 lns 3 & 4, Case No. EA-2024-0292, EFIS Item No. 35.

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

Yes, with the conditions that Staff and OPC witness Dr. Geoff Marke have discussed in testimony.

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

The Commission should grant these CCN applications, subject to the conditions that Staff and OPC Witness Dr. Geoff Marke have outlined in testimony.

- C. Is this an appropriate proceeding for the Commission to review Evergy Missouri West's Green Solution Connections Program?

The OPC takes no position at this time but reserves the right to do so based on the evidence presented at hearing.

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

The OPC takes no position at this time. However, the OPC notes that Missouri's electric utilities have a tendency to build renewable generation assets *then* solicit subscriptions, increasing asset cost to subscribers of this

program.² The OPC argues that EMW's approach to such programs should be considered in future prudence reviews, but reserves the right to stake a position based on the evidence presented at hearing.

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

The OPC takes no position at this time but reserves the right to do so based on the evidence presented at hearing.

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?

The OPC believes that any discussion of the decisional prudence of Evergy West's acquisition of these assets would be better served in a rate case. While 20 CSR 4240-20.045(2)(c) does *permit* the Commission to consider the Company's decisional prudence regarding the acquisition of these assets, it does not *require* such a discussion.

Discussing Evergy's decisional prudence around its handling of generation requires further consideration of the self-imposed resource constraints has endured since 2018, if not earlier. Such a widespread analysis of EMW's

² Id. at p/.8 ln, 17 to p. 9 ln. 2.

generational concerns is more appropriate to consider in a rate case.

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?

Having pointed out the issues with discussing decisional prudence in a CCN case, the OPC agrees with *Staff Recommendation* that “it is not possible to determine that moving forward with the project is a prudence decision.”³ The flaws in the Company's modeling and the uncertainty around project cost support a finding that EMW has not been prudent. Further, “Evergy West picked the worst time to decide to finally commit to building its own generation given the excess demand and lack of supply being experienced across the U.S. all at once.”⁴

- 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?

The OPC takes no position at this time but reserves the right to do so based

³ *Staff Recommendation*, p. 62 lns 13 & 14, Case No. EA-2024-0292, EFIS Item No. 26.

⁴ *Rebuttal Testimony of Geoff Marke*, p. 5 lns 5-7, Case No. EA-2024-0292, EFIS Item No. 35.

on the evidence presented at hearing.

Respectfully,

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Certificate of Service

I hereby certify that copies of the foregoing have been transmitted by electronic mail to all parties and/or counsel of record this 21st day of May, 2025.

/s/ Anna Kathryn Martin