

**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 and Evergy Metro, Inc. d/b/a Evergy)	File No. EA-2025-0075
Missouri Metro for Permission and Approval)	
of a Certificate of Public Convenience and)	
Necessity for Natural Gas Electrical)	
Production Facilities)	

**SIERRA CLUB’S OBJECTIONS TO THE NON-UNANIMOUS
STIPULATION AND AGREEMENT**

Pursuant to 20 CSR 4240-2.115(2)(B), Sierra Club objects to the *Non-Unanimous Stipulation and Agreement* filed on May 29, 2025. In support of these objections, Sierra Club states:

1. On May 29, 2025, counsel for Evergy Missouri West, Inc. d/b/a Evergy Missouri West, Staff for the Missouri Public Service Commission (“Commission”), and Midwest Energy Consumers Group filed a *Non-Unanimous Stipulation and Agreement* (the “Agreement”).

2. Also on May 29, 2025, counsel for the parties in this docket filed a *Revised List of Issues*, wherein Sierra Club indicated that it would oppose the Agreement. Further, Sierra Club stated that it would waive its right to a hearing and, instead, litigate the case via briefing if the RLJ and Commissioners did not wish to question Sierra Club’s witness, Mr. Michael Goggin. The RLJ and Commissioners did not wish to question Mr. Goggin at the evidentiary hearing held on May 29, 2025.

3. Paragraphs 3 through 5 of the Agreement set out cost estimates for the projects, and Paragraph 6 states that only amounts spent *in excess* of those cost estimates will be

subject to cost prudence review in a future general rate case. Together, these paragraphs suggest that the cost estimates themselves are reasonable or prudent.

4. Sierra Club takes the position that Evergy has not met its burden to show that building the proposed gas generators is a cost-effective use of customers' money. As demonstrated in Mr. Goggin's testimony, the proposed generators are located in an area of significant grid congestion. Mr. Goggin's testimony demonstrates that Evergy's case for approval of these generators is fatally flawed due to its failure to account for this congestion. Sierra Club contends that Evergy be required to account for grid congestion at the locations of the proposed plants in updated modeling before the Commission grants any requested certificate.

5. Further, Sierra Club shows that Evergy has not satisfied three *Tartan* factors focusing on the need, economic feasibility, and public interest characteristics of the projects. First, Sierra Club argues that Evergy has not demonstrated the need for the proposed plants, as the plants are proposed for sites that are already experiencing severe transmission-grid congestion. Second, Sierra Club asserts that Evergy has not demonstrated the proposed plants are economically feasible, as Evergy has failed to appropriately evaluate in its modeling the ability of the proposed gas plants to earn revenues in the SPP energy market, given the congested state of the grid at those locations. Moreover, the failure to account for grid congestion precluded Evergy from coming forward with the least-cost suite of generation resources to meet its energy and capacity requirements. Third, Sierra Club maintains that the proposed plants are not in the public interest because Evergy has failed to demonstrate that building the proposed plants in the proposed locations, in the face of severe existing transmission congestion, will be a cost-effective use of customers' money.

6. Accordingly, Sierra Club objects to Paragraphs 3 through 6 of the Agreement because they purport to contend that the cost estimates themselves are reasonable and to the extent that they suggest the projects—at those cost estimates or otherwise—would be prudent expenditures. Sierra Club further objects to any other provision of the Agreement to the extent it suggests that the projects would satisfy the three contested *Tartan* factors described above or otherwise suggest that decisional prudence is warranted without having first evaluated congestion and the related re-evaluation of generation solutions.

7. Sierra Club will expound on these arguments via post-hearing briefing.

Respectfully Submitted,

/s/ Sarah Rubenstein

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CERTIFICATE OF SERVICE

I hereby certify that on this 5th day of June, 2025, a true and correct copy of the foregoing pleading was filed on EFIS and sent by email to all counsel of record.

/s/ Sarah Rubenstein

Sarah Rubenstein