

**STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION**

At a session of the Public Service Commission held by telephone and internet audio conference on the 12<sup>th</sup> day of November, 2020.

In the Matter of an Agreement	)	
Between Evergy, Inc., and Elliott	)	<b><u>File No. EO-2021-0032</u></b>
Management, Inc.	)	

**ORDER DENYING APPLICATION TO INTERVENE**

Issue Date: November 12, 2020

Effective Date: November 12, 2020

On August 6, 2020, the Commission’s Staff (Staff) filed a motion asking the Commission to open an investigation into the agreement between Evergy, Inc. and Elliott Management Corporation and related activities, including the Sustainability Transformation Plan announced on August 5, 2020. The Commission opened the case to facilitate Staff’s investigation and to give Staff an opportunity to report to the Commission as appropriate.

In its August 12, 2020 order opening the investigation, the Commission indicated this is only a fact-finding investigation and is not a contested case. The Commission will not take any action regarding Evergy or its agreement with Elliott Management within the confines of this investigation. If the investigation reveals that any such action is appropriate, Staff may file a formal complaint or other appropriate pleading within a new file to institute contested case procedures. Staff has been directed to file its report regarding its investigation by January 29, 2021.

On October 23, 2020, AARP filed an application to intervene. AARP indicates its concern about Evergy’s announced investment plan and asks the Commission to “order

the parties to develop a proposed procedural schedule that includes an evidentiary hearing allowing an opportunity to fully explore the issues presented by the Company's Application." No one has responded to AARP's request to intervene.

Commission Rule 20 CSR 4240-2.075(3) indicates the Commission may grant a request to intervene on two grounds. First, intervention is appropriate if the proposed intervenor has an interest that differs from that of the general public and if that interest may be adversely affected by a final order arising from the case. Second, in the alternative, intervention may be appropriate if granting the proposed intervention would serve the public interest.

As previously indicated, this case exists to facilitate Staff's investigation and its only result will be a report, and perhaps a recommendation from Staff for further Commission action. Evergy has not filed an application and has not sought any other relief or authority from the Commission. Consequently, AARP has no interest in Staff's investigation that could be adversely affected. Further the public interest would not be served by allowing AARP or anyone else to intervene in Staff's investigation. If Staff's investigation leads to the filing of a complaint, or the filing of an application by Evergy, AARP may apply to intervene in that new proceeding. But its application to intervene in this investigation is not appropriate and will be denied.

**THE COMMISSION ORDERS THAT:**

1. AARP's Application to Intervene is denied.
2. This order shall be effective when issued.



**BY THE COMMISSION**

A handwritten signature in black ink that reads "Morris L. Woodruff". The signature is written in a cursive style.

Morris L. Woodruff  
Secretary

Silvey, Chm., Kenney, Rupp, Coleman, and  
Holsman CC., concur.

Woodruff, Chief Regulatory Law Judge