

**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 )  
Missouri Metro for Permission and Approval )  
of a Certificate of Public Convenience and )  
Necessity for Natural Gas Electrical )  
Production Facilities )

**File No. EA-2025-0075**

**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 February 26, 2025, submits its *Statement of Positions*, as follows:

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

**A. Does the evidence establish that (1) the advanced 710 megawatt (“MW”) combined cycle gas turbine (“CCGT”) generating facility to be located in Sumner County, Kansas (“Viola”), (2) a 440 MW simple-cycle gas turbine (“SCGT”) generating facility located in Nodaway County, Missouri (“Mullin Creek #1”), and (3) the 710 MW CCGT generation facility to be located in Reno County, Kansas (“McNew”) (collectively, “Projects”) for which Evergy Missouri West is seeking a certificate of convenience and necessity (“CCN”) are necessary or convenient for the public service?**

**EMW POSITION:** Yes. The Commission should grant EMW CCNs for the Projects.

EMW has filed its Application to obtain CCNs to construct, install, own, operate, manage, maintain, and control the Projects, pursuant to Sections 393.170.1<sup>3</sup> and 393.140(4), 20 CSR 4240-2.060, and 20 CSR 4240-0.045(1)-(3) and (6). Additionally, based on substantial evidence on the

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<sup>1</sup> Order Setting Procedural Sched., No. EA-2025-0075 (Feb. 26, 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.

whole record and herein, the Commission should grant EMW decisional prudence for the Projects pursuant to 20 CSR 4240-0.045(2)(C).

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 to provide EMW's customers with safe and adequate service. The Projects were self-developed by pursuing a competitive bid process for major equipment and a balance of plant EPC contract.

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, 63839 (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's 2024 Triennial IRP identified the need for the Projects. See C. VandeVelde Surrebuttal at 2-3; J. Humphrey Surrebuttal at 4-5. "Viola corresponds to the 325 MW need for thermal generation identified in year 2029 of EMW's Preferred Plan, while Mullin Creek #1 corresponds to 440 MW for EMW by 2030." See App. at 11. The IRP assessed and determined EMW's capacity needs based on increased Southwest Power Pool ("SPP") resource adequacy requirements, SPP's proposal to revise its accreditation capacity methodology, the need for responsible generation transition, and requests from the Commission and other parties

to reduce reliance on the SPP wholesale energy market by building generation. See Staff Report & Recommendation (“Staff Rec.”) at 9, 12-16, 14; C. VandeVelde Surrebuttal at 9, 17; J. Seaver Rebuttal at 5.<sup>4</sup> In EMW’s concurrent CCN proceeding, No. EA-2024-0292, Staff agrees with EMW that “additional capacity is effectively a necessity because of the lack of the service is such an inconvenience.” See Staff Rec. at 46, No. EA-2024-0292.

Additionally, as discussed in Evergy witness Cody VandeVelde’s Supplemental Direct testimony, Evergy’s additional modeling analysis determined that a surge in large industrial and commercial loads in EMW’s service area has placed significant strain on existing infrastructure, necessitating proactive planning and expansion to ensure reliability, capacity, and flexibility. As a result, EMW has been allocated and proposes to obtain a 50% equity interest in McNew to satisfy its existing and potential customers’ capacity needs, and to ensure safe and adequate service. See K. Gunn Supp. Direct at 1-2, 4-7.

Further, the Projects’ superior heat rates, lower capital costs per kilowatt, and operational flexibility make them a highly cost-effective generation asset to satisfy EMW’s need. See J. Humphrey Surrebuttal at 15; K. Olson Surrebuttal at 3-4. As energy demand fluctuates due to factors like weather, time of day, and changing customer requirements, the facilities’ flexibility ensures that the Company can reliably meet those needs. Id. Furthermore, the Projects’ efficiency and adaptability will help EMW reduce reliance on less efficient, more expensive energy sources, ultimately benefiting customers through more reliable service and potentially lower costs. Id. Ultimately, 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”).

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<sup>4</sup> Mr. Seaver filed testimony on behalf of the Office of the Public Counsel (“OPC”).

**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, CCN Supplemental Direct modeling analysis, and the Company's 2025 Annual IRP Update, the Projects are economically feasible. See C. VandeVelde Surrebuttal at 4. For a project to be considered economically feasible, the applicant should "provide credible evidence regarding the 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 6. 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 3-5.

Here, the Projects are wholly consistent with EMW's Preferred Plan, were received and selected as a part of the 2023 all-source RFP, and "have gone through a competitive, multi-step process including competitive solicitations for an Owner's Engineer ("OE"), Power Island Equipment ("PIE"), Generator Step-Up ("GSU") transformer, and an Engineering, Procurement, and Construction ("EPC") contractor." See J. Humphrey Surrebuttal at 5. EMW has now finalized fixed-price PIE Supply Agreements with Mitsubishi Power Americas, and is in the final stages of executing a final fixed price EPC agreement. See K. Olson Surrebuttal 3-4. Those cost figures are consistent with the estimated costs provided in direct testimony and are notably cheaper when compared to similar projects in the market. Id. Additionally, and contrary to opposing parties' positions on the uncertainty of natural gas prices forecasted in the IRP, the U.S. Energy Information Administration's forecasts reasonably support EMW's 2024 and 2025 IRP. See C. VandeVelde Surrebuttal at 9.

Some parties argue that the Projects are not economically feasible because of the uncertainty in the domestic and international markets. However, EMW's contingency fund will be used to mitigate unplanned increases in the Projects' costs, whether caused by known or unforeseen risks. See K. Olson Surrebuttal at 3. EMW's natural gas procurement efforts are securing "firm fuel transport from natural gas pipelines for the combined cycle sites, along with onsite diesel storage as a backup fuel for the simple cycle site." See J. Humphrey Direct at 9-10; K. Olson Direct at 34-35. "Evergy intends to reserve firm transport for the full amount of gas required by the combined cycle units... [which] will ensure that Evergy's gas supply is available whenever needed for its customers." Id.; K. Olson Surrebuttal at 4-5; J. Humphrey Surrebuttal at 8. However, "[u]ncertainty in markets manifests itself as risk, and risk always carries a price. Because of the uncertainty caused by the tariffs, as well as the demand for natural gas facilities globally, it is important to secure these projects at this time before additional risk is priced in." See J. Humphrey Surrebuttal at 6-7.

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

**EMW POSITION:** Yes. This is not disputed by the parties. EMW has the financial ability to construct, install, own, operate, maintain, and otherwise control and manage the Projects. See K. Gunn Surrebuttal at 4.

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

**EMW POSITION:** Yes. This is not disputed by the parties. EMW is qualified to construct, install, own, operate, maintain, and otherwise control and manage the Projects. See K. Gunn Surrebuttal at 4.

**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.” In re Tartan Energy Co., 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.

**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, opposing parties have proposed several conditions and recommendations upon which the CCNs should be granted. As discussed below, EMW agrees to some of the proposed conditions, but disagrees with others.

EMW agrees to provide quarterly reporting of the Projects’ construction progress and to utilize the in-service criteria set forth in Confidential Schedule 4 to Appendix A. See K. Olson Surrebuttal at 2. Additionally, the “Company agrees to file in this docket a site-specific Emergency Action Plan as well as Operations and Maintenance Plans for the Projects, but requests that those plans be filed within ninety (90) days of the facility being placed in service as opposed to Staff’s recommendation of sixty (60) days.” K. Olson Surrebuttal at 2. However, EMW disagrees with the following conditions.

EMW does not agree to re-model the capacity expansion aspect of its IRP to allow the model to select retirement dates for assets. Such remodeling would waste resources and would have no “material impact on EMW’s need for firm dispatchable resources to meet its customer’s energy and capacity needs.” See C. VandeVelde Surrebuttal at 14-15. The updated Preferred Plan in EMW’s 2025 IRP Annual Update includes the retirement of a single coal resource prior to 2039: EMW’s 8% ownership stake in Jeffrey 3, which represents a capacity of 59 MW. Id. Additionally, “utilizing the IRP’s capacity expansion process to analyze various retirements dates would be impractical and unreasonable as there would be countless variables that each alternative plan would have to determine based upon theoretical asset retirement dates. The IRP model is not designed to select a specific asset retirement date.” Id. The IRP must maintain its flexibility surrounding retirement of generation assets as each facility has unique variables to evaluate, such as age of the equipment, major capital costs needed in the middle of the time horizon of the asset, and environmental compliance obligations. Id. “Aligning potential retirement dates with the expected timing of large spends is a practical way to analyze the economic advantage of avoiding such investments.” Id.

Additionally, EMW does not agree to delay the retirement dates of its generation assets to conform to the model’s selected date. While postponing unit retirements may help mitigate cost concerns in the short term, it represents only one of several measures Evergy is exploring in response to the significant increase in load growth, rapid changes to resource adequacy requirements, and the urgent need for additional resources. See C. VandeVelde Surrebuttal at 15-16. The IRP process ensures the identification of an economically viable solution to meet the Company’s capacity needs, capable of addressing a variety of resource planning scenarios. Id. The

retirement dates assumed in the Company's IRP remain adaptable as it seeks to balance reliability and affordability. Id.

EMW does not agree to establish a range of values for each level of critical uncertain factors in the IRP. "Staff has provided no specifics about what was deficient with the probabilities given to any specific variable in the alternative resource plans" in EMW's 2024 IRP or the 2025 IRP Annual Update. See C. VandeVelde Surrebuttal at 5-6. The IRP analyzed twenty-seven deterministic future endpoints, combining the risks of each identified critical uncertain factor forecast, which is discussed at length on pages 73-105 of the 2024 IRP. Id. See Triennial IRP Report, Vol. 6 at 68-69, In re Evergy Mo. West 2024 Triennial Compliance Filing, No. EO-2024-0154 (Apr. 2024). Additionally, the Company applies its extensive knowledge of the utility industry to assign probabilities to various levels of identified critical uncertainties, thereby evaluating the robustness of different resource plans. When applicable, these levels are informed by reliable third-party data sources, and the probabilistic analysis is grounded in reasonable weighting factors established by Evergy's utility decision-makers. See VandeVelde Surrebuttal at 5-6.

Further, the Company does not agree to lower the annual capacity factor in the capacity expansion model for the Projects to no greater than the maximum allowable to comply with the EPA Greenhouse Gas ("GHG") regulation and allow the model to select alternative generation resources. "While the GHG Rule's restrictions on emissions were not modeled in Evergy's 2024 Triennial IRP, they were included in Evergy's 2025 Annual IRP Update." See EMW 2025 Annual IRP Update at 108 (Mar. 2025); C. VandeVelde Supp. Direct at 3-4. The 2025 IRP determined that implementing the GHG compliance plans would incur substantial costs with minimal effect on capacity expansion, and that the GHG expansion plans were essentially the same, aside from a few minor capacity purchases. See C. VandeVelde Surrebuttal at 7-8. Additionally, the "IRP's capacity



expansion modeling was based on the mid-carbon constraint forecast level.” Id. Although EMW did not study carbon capture, as the technology will unlikely be available in 2032, Evergy chose to study specific Alternative Resource Plans (“ARP”) in accordance with GHG Rule compliance. Id. The analysis concluded that “all six ARPs that studied GHG Rule compliance included the Projects in capacity expansion modeling.” Id.

The Company does not agree to provide resource-specific economic analysis which utilizes reasonable assumptions beyond the IRP results, LCOE estimates, and installed capacity costs in future CCN proceedings. The best measurement to evaluate EMW’s long term resource-planning is to compare the NPVRR of the various alternatives in the Company’s IRP. See C. VandeVelde Surrebuttal at 3-4. “The Policy Objectives of Missouri’s Chapter 22 – Electric Utility Resource Planning state in Section (2)(B): ‘The fundamental objective requires that the utility shall... use minimization of the present worth of long-run utility costs as the primary selection criteria in choosing the preferred resource plan.’” See 20 CSR 4240-22; C. VandeVelde Surrebuttal at 3-4.

Mr. Goggin (Sierra Club) makes several recommendations that should not be adopted, as well, as discussed herein.

Mr. Goggin claims that EMW’s IRP analysis failed to capture the impact of transmission congestion on the Projects because the IRP did not adequately model geographic or chronological constraints that limit the economic value. See M. Goggin Rebuttal at 29-30. However, it is important to recognize that the assets involved in this case have not yet been built and therefore do not have an existing SPP pricing node to use for IRP modeling. See C. VandeVelde Surrebuttal at 12-13. Instead, new-build resources are modeled at an aggregated pricing node for generation resources, which is a reasonable estimate for modeling purposes, given that the locations of the natural gas resources were not finalized at the time of the 2024 IRP. Id. Furthermore, these

resources will require transmission network upgrades that will enhance the available transfer capacity at their connection points, thereby reducing congestion, ensuring grid reliability, and enabling the Projects to meet the firm, dispatchable power needs of the region. Id.; J. Humphrey Surrebuttal at 11 (addressing SPP’s Definitive Interconnection System Impact Study process). For IRP purposes, even if the asset locations were known at the time of the 2024 IRP, using an existing pricing node from the current system near the new-build natural gas resources would not be sufficient. See C. VandeVelde Surrebuttal at 12-13. The current system does not account for the transmission upgrades that will be made to ensure the grid can accommodate the firm, dispatchable power provided by these three new plants. Id.

Next, Mr. Goggin recommends that EMW should consider SPP capacity purchases. “Mr. Goggin’s preference for capacity purchases is contrary to the position of Staff and OPC who generally believe that EMW should rely less on the SPP wholesale energy market and more on building generation for both capacity and energy.” See C. VandeVelde Surrebuttal at 19. Capacity purchases are not valuable to satisfy long-term resource adequacy planning. Id. Additionally, because of the Projects’ combined cycle combustion turbines’ advanced technology and EMW’s natural gas procurement plan, the natural gas market price volatility will ultimately be mitigated when compared to short term/spot purchasing. See J. Humphrey Surrebuttal at 14.

Finally, Mr. Goggin claims EMW should evaluate similar solar, wind, battery, and other alternative generation resources in its IRP. “Mr. Goggin simply ignores EMW’s 2024 Triennial IRP, the Company’s CCN Supplemental Direct modeling, and the 2025 Annual IRP Update, as all the models included alternatives resources, such as wind, solar, batteries, market purchases, or any other alternative.” See J. Humphrey Surrebuttal at 11. Additionally, he ignores EMW’s current proceeding in No. EA-2024-0292 where the Company is requesting CCNs for two solar facilities

with approximately 165 MW of combined capacity, which were also determined in the 2024 IRP. See J. Humphrey at 11.

Finally, Mr. Jones (Renew Missouri) makes several recommendations that also should not be adopted. Mr. Jones argues that EMW should adopt batteries instead of a portion of the Projects. However, “batteries were evaluated as part of EMW’s 2024 Triennial IRP and in its 2025 Update, but they were not selected in the Company’s Preferred Plan because they are not economically feasible to satisfy our capacity and energy needs.” See C. VandeVelde Surrebuttal at 21; EMW 2024 Triennial IRP, Vol. 4 at 58. Relying on batteries is neither prudent nor in the public interest because of their short-term duration. Id. Additionally, batteries consume rather than generate energy. Id. The 2024 IRP, CCN Supplemental Direct modeling analysis, and the 2025 IRP Annual Update determined that the Projects are the most prudent resources to satisfy EMW customers’ need. See J. Humphrey Surrebuttal at 13.

Mr. Jones also recommends that EMW evaluate customer subscription programs to fund incremental renewable projects. “As discussed in Case No. EA-2024-0292 and Case No. EO-2025-0154, EMW offers several renewable energy resource customer subscription programs.” See K. Gunn Surrebuttal at 12.

**C. Should the Commission grant Evergy Missouri West’s request that its decision to acquire, construct, own and operation 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, 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.

EMW's decision to obtain CCNs for the Projects is grounded in its prudent reliance on the analysis and results provided by the 2024 Triennial IRP and the RFP process. See K. Gunn Surrebuttal at 7-9. The IRP enabled EMW to evaluate and select the Projects, the most economically feasible and prudent assets in the RFP, to provide its 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 consistent with the prudence presumption or standard, and are unfounded. "Staff did not discuss the standard by which it considered the prudence of the Company's actions. Staff does not discuss the Company's decision-making process pursuant to EMW's 2024 IRP, CCN Supplemental Direct modeling analysis, the range of reasonable conduct based on other electric utilities' conduct, or even prior EMW CCN requests regarding gas generation facilities, and does not evaluate the quality of the Company's decisions for the CCNs based on what was reasonably known at the time any decision was made." See K. Gunn Surrebuttal at 14. OPC provides an analysis, but it is entirely based in improper hindsight. Id. OPC improperly and retroactively compares a roughly 10-year capital cost pricing difference for combined cycle combustion turbines to EMW's updated pricing in its Supplemental Direct. See J. Seaver Rebuttal at 17-18. Comparing current market results to the "current period impact" of a decision made over a decade ago is not relevant when evaluating the prudence of that decision. See K. Gunn Surrebuttal at 15-16. Through such analysis, OPC tries to repackage its argument, for the twelfth time, that EMW's resource planning for approximately a decade has been imprudent. However, the "Commission has never found EMW imprudent for

resource planning decisions that rely on the SPP integrated energy marketplace to meet the Company's energy needs in lieu of building or acquiring cost-effective generation." See Report & Order at 9, In re EMW Rate Case, No. ER-2024-0189 (Dec. 4, 2024); K. Gunn Surrebuttal at 15-16.

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.

**D. 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 drawings, 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.

**E. Should the Commission authorize Evergy Missouri West to implement construction accounting pursuant to Section 393.140(4), RSMo?**

**EMW POSITION:** EMW agrees with Staff that "with the passage of Senate Bill 4, electric utilities can utilize plant in service accounting (PISA) for new natural gas generating units. Senate Bill 4 will be effective August 28, 2025; therefore, the Commission does not need to grant EMW construction accounting since PISA will now be available for natural gas generating units." Staff Rec. at 4, 57. Staff is the only party that submitted Rebuttal testimony addressing the issue of construction accounting. Per Senate Bill No. 4, "construction for work in progress" ("CWIP") is permitted "for any new natural gas-generating unit in rate base." See Mo. Rev. Stat. § 393.135.2(1). Therefore, EMW intends to seek and utilize PISA and CWIP rate treatment for the Projects. K. Gunn Surrebuttal at 5.

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 23<sup>rd</sup> day of May 2025.

/s/ Roger W. Steiner

Attorney for Evergy Missouri West