

**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 Approval of an Amendment to) File No. EO-2026-0129
Nucor Steel Sedalia, LLC Agreement)

**POSITION STATEMENT OF
NUCOR STEEL SEDALIA, LLC**

COMES NOW, Nucor Steel Sedalia, LLC, a Division of Nucor Corporation (“Nucor”) and states its position regarding the issues identified in the *Joint Proposed List of Issues and Witnesses, Order of Opening Statements, and Order of Cross-Examination*, filed in this proceeding on May 15, 2026.

A. Should the Commission approve an amendment to the Special Rate for Incremental Load Service (“SIL”) dated July 11, 2019 (the “Nucor Agreement”) between EMW and Nucor Steel Sedalia, LLC (“Nucor”), which would allow Nucor to participate in any demand response programs offered by Evergy Missouri West, Inc. d/b/a Evergy Missouri West (“EMW”) (subject to the availability and terms of each specific program)?

- **Nucor Position:** Yes, the Commission should approve the amendment to the Nucor Agreement, as supplemented and modified by the Non-Unanimous Stipulation and Agreement, filed May 18, 2026.

1. In doing so, should the Commission approve an amendment permitting Nucor to participate in EMW’s business demand response (“BDR”) program pursuant to the Missouri Energy Efficiency Investment Act, RSMo § 393.1075 (“MEEIA”)?

- **Nucor Position:** The Commission should approve the amendment, as supplemented and modified by the Non-Unanimous Stipulation and Agreement, to

allow Nucor to participate in any demand response programs offered by Evergy, including MEEIA demand response programs and the BDR program.

a. If the Commission approves Nucor's participation in the MEEIA BDR program, what, if any, conditions should Nucor's participation in the MEEIA BDR program be subject to?

- **Nucor Position:** As laid out in the Non-Unanimous Stipulation and Agreement, the Commission should conditionally approve the contract amendment for 2027. If a financial analysis of Nucor's participation in Business Demand Response shows net benefit to all customers, Commission approval of the stipulation and contract amendment will be automatically extended for the term of the SIL contract term (currently through 2029), or any authorized extension. If a financial analysis shows a net cost to customers, the Commission approval of the Nucor SIL contract amendment will expire at end of 2027.

2. Would Nucor's participation in EMW's MEEIA BDR program produce benefits to all EMW customers?

- **Nucor Position:** Yes, Nucor's participation in Evergy demand response programs—specifically the BDR program—has shown it can produce benefits, and Nucor's future participation would produce benefits to all customers. As explained by Evergy witness Brian File, Nucor's previous participation in the BDR program resulted in avoided capacity cost benefits to all EMW customers totaling over

\$2.5 million.¹ Similar benefits would be expected in the future through Nucor's participation in the BDR program.

a. Do the quantified benefits of Nucor's participation in EMW's MEEIA BDR program exceed the quantified costs?

- **Nucor Position:** Yes, the benefit/cost ratio for Nucor's participation aligns with and exceeds the standards set by the MEEIA. Furthermore, the Non-Unanimous Stipulation and Agreement provides that Evergy will conduct a financial analysis of Nucor's participation in the BDR program after 2027 to compare the costs to benefits. If a financial analysis shows a net cost to customers, the Commission approval of the Nucor SIL contract amendment would expire at end of 2027.

b. Does EMW's MEEIA BDR program have a sufficient verification process for curtailments?

- **Nucor Position:** This issue is outside the scope of this proceeding. The general terms and conditions of the BDR program are not at issue. Those terms and conditions are more appropriately considered in EMW's MEEIA dockets. Notwithstanding the forgoing, as explained in Evergy witness James Meitner's surrebuttal testimony, the BDR program measurement and verification requirements are sufficient for the purpose of resource adequacy.²

¹ See EMW Direct Testimony of Brian File at 7:19-8:1.

² See EMW Surrebuttal Testimony of James (JP) Meitner at 3:10-21.

c. Are there other demand response participation pathways available for Nucor and what benefits or detriments, if any, do those alternative pathways have?

- **Nucor Position:** Whether or not there are other demand response pathways available, the contract amendment provides that Nucor will be allowed to participate in EMW demand response programs. The evidence in this case demonstrates that Nucor's participation in EMW demand response programs would provide benefits to Evergy's system. Furthermore, as witness Meitner explains, while SPP demand response programs are available, if Nucor participated in SPP programs directly, Evergy would not be able to claim the accredited capacity in the resource adequacy process, which would eliminate Evergy system benefits.³

B. Would the existing hold-harmless and cost-tracking protections in the Nucor Agreement, Schedule SIL, and the Stipulation approved in File No. EO-2019-0244 protect non-Schedule SIL customers from any cost shift attributable to Nucor's service under Schedule SIL if Nucor were to participate in any EMW demand response programs?

- **Nucor Position:** Yes. As Evergy witness File explains, participating in demand response should reduce the cost of providing service to Nucor, and as a result, any reduction in revenues received from Nucor as a result of Nucor's participation in demand response programs should be negligible compared to the benefit provided.⁴ However, in the event that the revenues Evergy receives from Nucor do not exceed the cost to serve Nucor as a

³ See *id.* at 2:16-3:9.

⁴ See EMW Surrebuttal Testimony of Brian File at 2:3-21; EMW Testimony in Support of Non-Unanimous Stipulation & Agreement of Brian File at 6:16-19.

result of Nucor's participation in demand response programs, the hold-harmless provisions of the Agreement, Schedule SIL, and the stipulation approved in File No. EO-2019-0244 will ensure that Evergy's other customers are protected from any cost shift.

C. If the Commission approves Nucor's participation in the MEEIA BDR program, what, if any, impact should that have on EMW's ability to receive an earnings opportunity for verified savings produced by Nucor's participation under § 393.1075.3(3), RSMo?

- **Nucor Position:** EMW should have the ability to receive an earnings opportunity for verified savings produced by Nucor's participation in the BDR program subject to the conditions specified in the Non-Unanimous Stipulation and Agreement, specifically: (i) any Nucor kW contributed to EMW 2027 demand response goals will not count towards Evergy meeting the 65% threshold of goal for Evergy's earnings opportunity to be vested, and (ii) Nucor kW contributed to the BDR goals will not be greater than 30% of final evaluation, measurement, and verification values. If Nucor's contribution is higher than 30%, Evergy's earnings opportunity will be reduced to reflect only 30% of the portfolio.

Respectfully submitted,

/s/ Marc H. Ellinger

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this day served the foregoing pleading by email, facsimile or First Class United States Mail to all parties by their attorneys of record as provided by the Secretary of the Commission.

/s/ Marc H. Ellinger
Marc H. Ellinger

Dated: May 20, 2026