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 Nucor Steel Sedalia, LLC Agreement	))))))	Case No. EO-2026-0129

RESPONSE TO EVERGY MISSOURI WEST'S MOTION TO STRIKE, OR IN THE ALTERNATIVE, FOR LEAVE TO FILE THE ATTACHED VERIFIED SURREPLY AND OBJECTION TO OFFERED SURREPLY

COMES NOW the Office of the Public Counsel ("OPC") and for its *Response to Evergy Missouri West's Motion to Strike, or in the Alternative, for Leave to File the Attached Verified Surreply and Objection to Offered Surreply*, states as follows:

Introduction

On July 13, 2026, Evergy Missouri West, Inc. d/b/a Evergy Missouri West ("Evergy" or "the Company") filed a motion in the above styled case requesting the Commission strike portions of the reply brief previously filed by the OPC on the basis that said brief included a request for the Commission to take administrative notice of Southwest Power Pool ("SPP")'s 2026 Summer Resource Adequacy Report[1] and included citations to the same in its argument. The Company further requested, in the alternative, leave to file additional surreply testimony in this case. The OPC now files this response to Evergy's motion. Evergy's arguments for striking portions of the OPC's brief are legally unfounded and rest on misrepresentations of the OPC's request while its alternative relief is unjustified and would further violate both state

[1] A copy of which can be found at this web address:
https://www.spp.org/documents/76932/2026%20spp%20summer%20resource%20adequacy%20report.pdf

law and constitutional due process. For the reasons set forth in this response, the Company's request should be denied in its entirety.

This Entire Dispute is Trivial

The OPC wishes to begin by stressing the triviality of the issue Evergy now seeks to raise. The sole fact cited by the OPC from the SPP 2026 Summer Resource Adequacy Report was that Evergy currently has more capacity than it is obliged to have by SPP (*i.e.* that it has "excess capacity"). That fact, however, was already established elsewhere in the evidentiary record. During the evidentiary hearing, the OPC's witness Dr. Geoff Marke took the stand and stated that very point clearly on the record. Here is the full excerpt from the transcript:

> Q. Thank you for that response. But to be clear, for the sake of the record, literally **what does the word "long" mean**?
>
> A. **They have more generation than they will be able to utilize**.
>
> Q. Thank you very much. And do you happen to know numerically what that looks like?
>
> A. **I looked at the winter and summer SPP resource adequacy reports. The summer has the company long over**
>
> (Court Reporter clarification.)
>
> MR. CLIZER: Well, no. One second.
>
> Q. (By Mr. Clizer) Would that information be confidential?
>
> A. No.
>
> Q. Okay, please continue. I apologize.
>
> A. **So I had had an opportunity to do -- to -- to effectively look at the resource adequacy numbers that have been filed with SPP. In the summer it's -- it's north of a hundred. That's just the Evergy Missouri**. And if you throw in the Evergy Kansas with it, it's well over a thousand. The winter was over a thousand.
>
> Q. And you throw out numbers without units. A thousand what?
>
> A. **Megawatts**. Sorry. Or a gig, so –

Q. Thank you very much.

[Tr. vol. 1 pg. 256 ln. 21 – pg. 257 ln. 25 (emphasis added)]. The established evidentiary record clearly shows that Dr. Marke, utilizing the publicly available SPP resource adequacy reports, determined that Evergy Missouri had 100 MW of capacity more than it would need to meet SPP resource adequacy requirements. As the OPC explained in its reply brief, Dr. Marke was relying on the 2025 SPP Summer Resource Adequacy Report, which was the most recent report available at the time he gave his testimony.[2] [*see Id.* at pg. 257 lns. 4 – 5 ("I looked at the winter and summer SPP resource adequacy reports.")].

Because the fact that Evergy currently has more capacity than is required by SPP is unequivocally stated in evidentiary record, the OPC's initial brief relied exclusively on this testimony:

> Allowing Nucor to participate in the existing BDR program will categorically not result in Evergy avoiding having to build additional generation. We know this because Evergy is already "long" on generation, meaning that "they have more generation than they will be able to utilize." [**Tr. Vol. 1 pg. 248 lns. 15 – 25, pg. 256 lns. 21- 25**]. Evergy Missouri alone, for example, has exceeded its resource adequacy requirements by more than 100 MW. [***Id.* at pg. 257 lns. 1 – 24**]. If Evergy Kansas is also considered, that number jumps to more than 800 MW. [***Id.* at pg. 258 lns. 4 – 6**]. Because it already has more generation than it needs while currently serving Nucor, the Company has no reason to build additional generation to serve Nucor.

[OPC Initial Brief, pg. 8 (emphasis added)]. Given this, one might naturally ask why the OPC felt it necessary to cite the 2026 SPP Summer Resource Adequacy Report in its reply brief. There are two simple reasons.

First, Evergy's initial brief sought to discredit Dr. Marke's testimony cited above. Specifically, Evergy claimed Dr Marke's "'long on capacity' assertion lacks

[2] These reports were published to SPP's website on June 16, 2025. [SPP Documents & Filings, https://www.spp.org/spp-documents-filings/?id=159640 (last visited July 16, 2026)].

foundation . . . ." [Evergy Initial Brief, pg. 9]. It should be noted that this is a ridiculous assertion to make as Dr. Marke provided the foundation for his numbers in the testimony he gave. [Tr. vol. 1 pg. 257 lns. 4 – 5 ("I looked at the winter and summer SPP resource adequacy reports.")]. More than that, though, the OPC believed it was unjustifiable for Evergy to so dishonestly attempt to discredit the <u>verifiable</u> and <u>objectively true</u> fact that Evergy Missouri has more capacity than it is required to maintain <u>based on SPP's own reporting</u>. The OPC therefore sought to emphasize just how obvious the truth of Dr. Marke's statement was by citing directly to the SPP resource adequacy reports he had been relying on when he provided his testimony on the stand. This is why the report was not cited in the initial brief; it was brought up to reply to Evergy's false assertion that Dr. Marke had provided some "unfounded" or otherwise untrue statement.

The second reason was simply that the 2026 report had been issued since Dr. Marke testified on the stand and the OPC wanted the Commission to be supplied with the most up-to-date version of the report information on which Dr. Marke had already testified.[3] The OPC further felt it important to emphasize that the 2026 report showed the capacity excess for Evergy Missouri had increased from 100 MW to 300 MW, as demonstrated in this excerpt:

> As shown with the red box the OPC supplied, the amount of excess capacity that Evergy Missouri currently possesses has increased from the more than 100 MW the company had for summer season 2025 to over 300 MW of excess capacity for summer season 2026.

[OPC Reply Brief, pg. 7]. For all the reasons already laid out in the OPC's initial and reply briefs, the existence of this increase to Evergy's excess capacity is highly relevant to this case. However, the increase from 100 MW to 300 MW was never actually <u>necessary</u> to the OPC's point.

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[3] The 2026 report was published to SPP's website on June 23, 2026. [SPP Documents & Filings, https://www.spp.org/spp-documents-filings/?id=159640 (last visited July 16, 2026)].

Whether it is 100 MW or 1,000 MW of excess capacity, it is only truly necessary to prove that Evergy has more capacity than it requires while already serving Nucor. This is important because it establishes that Evergy has no reason to either purchase additional capacity or build additional generation to serve Nucor. This, in turn, demonstrates there is no additional cost that would be incurred to secure capacity due to providing service for Nucor and hence no "avoided costs" associated with reducing Nucor's capacity demand. [Ex. 101, *Rebuttal Testimony of Mark Kiesling*, pg. 5 lns. 9 – 11 ("Unless [Evergy] can avoid additional capacity purchases or reduces the amount of new generation needed to serve [Evergy] customers, non-Nucor ratepayers will not benefit from Nucor participation in BDR in 2026.")].

To summarize, the fact that Evergy Missouri is long on capacity as reported by SPP is already firmly established in the record regardless of whether the Commission takes administrative notice of the 2026 SPP Summer Resource Adequacy Report. All the inclusion of the 2026 SPP Summer Report does is: (1) further demonstrate how dishonest Evergy's brief is; and (2) show that the amount of Every Missouri's excess capacity is increasing, not decreasing. These are relevant but not necessary facts for the Commission to consider. And that is what makes this whole thing so trivial. Even if the Commission declines to take administrative notice, the OPC's arguments will not change and will continue to have just as much evidentiary support as before.

Regarding Procedure

Evergy's filing references the procedural requirements of RSMo. Section 536.070(6) on page 5 and argues that these procedural requirements either have not or cannot been met. This is wrong. First, the Commission can take administrative notice at any point "before findings are made after hearing." [RSMo. § 536.070(6)]. Because the Commission has not yet rendered its findings following the evidentiary hearing, it can still take administrative notice under this statute. Second, the Commission must indeed notify the parties and give "reasonable opportunity to contest such facts or otherwise show that it would not be proper for the agency to take such notice of them" before taking official notice, but there is still time for this to occur. The OPC expects that the Commission would order notice and give "reasonable opportunity to contest such facts or otherwise show that it would not be proper for the agency to take such notice of them" if it were inclined to grant the OPC's request.[4]

On a related point, the OPC would like to clear up a misunderstanding. Evergy's filing repeatedly suggests that it expects the OPC to file a separate motion for administrative notice. This will not occur. The footnote that the OPC included in its reply brief that discussed administrative notice concluded with this statement:

> While the OPC believes that this Commission can and should take administrative notice of these facts of its own volition, the OPC will further formally request the Commission take administrative notice of the SPP's Resource Adequacy Report for the East Balancing Authority Area 2026 Summer Season for the reasons set forth in this brief.

[OPC Reply Brief, pg. 6 fn. 1]. The OPC intended this statement to be the formal request for administrative itself. On further reflection, however, the OPC concedes that the phrasing used could be misconstrued by others to suggest some future filing by the OPC. That was a failure of communication on the part of the OPC. So, once again, the last sentence of the OPC's footnote six from the filed reply brief is the formal request for administrative notice. The OPC adopted this approach to be consistent with Evergy's past practices where the Company made similar requests in briefing without additional filings. [EO-2023-0277, *Evergy's Initial Post-Hearing Brief* (EFIS Item no. 89), pg. 20 fn. 93; EU-2020-0350, *Evergy Reply Brief* (EFIS Item no. 154), pg. 5 fns. 6, 9].

Evergy Misrepresents the OPC's Request

At various points the Company's filing attempt to suggest that the OPC is asking the Commission to take administrative notice not of the 2026 Summer

[4] The OPC would also point out that the request it is making is actually identical to similar requests that Evergy has made in the past. [*see*, *.e.g.*, EO-2023-0277, *Report and Order* (EFIS Item no. 93), pg. 3 fn. 93; EU-2020-0350, *Evergy Reply Brief* (EFIS Item no. 154), pg. 5 fns. 6, 9]. Evergy has also cited to sources outside the evidentiary record without seeking administrative notice. [ER-2022-0130, *Evergy Initial Post-Hearing Brief* (EFIS Item no. 644), pgs. 24 fns. 22, 23].

Resource Adequacy Report itself, but of the <u>conclusions</u> that the OPC argued should be drawn from that report. This leads the Company to argue, for example, that "even notice properly taken would reach only the 2026 Report itself, not OPC's annotated excerpt, and certainly not the inferences OPC draws from it." This is simply a strawman argument that misrepresents the OPC's request. The OPC has only ever asked that the Commission take administrative notice of the 2026 Summer Resource Adequacy Report and the data contained in that report. [OPC Reply Brief, pg. 6 fn. 1]. The OPC is categorically <u>not</u> asking for administrative notice of its arguments or conclusions.

The specific reason that Evergy is presenting this strawmen argument will be discussed below. For now, the OPC will simply attempt to clarify and explain what exactly will result from a request for official or administrative notice, if granted, and how that differs from what the Company is claiming.[5]

"The doctrine of judicial notice is a rule of evidence which presumes the matter subject to notice as true and so does away with the formal necessity to present proof." [*State v. Hall*, 751 S.W.2d 403, 406 (Mo. App. E.D. 1988) (citing *Newson v. Kan. City*, 606 S.W.2d 487, 490 (Mo. App. W.D. 1980))]. If the Commission were to take administrative notice of the SPP 2026 Summer Resource Adequacy Report, then that report would thus be presumed true and its contents would become a part of the evidentiary record. As it relates to the specific information that the OPC cited in its brief, that would include the fact that Evergy Missouri has 334 MW of excess capacity

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[5] What is ironic is that the issue of administrative notice has already arisen in this case itself. During the hearing a dispute arose among parties regarding the interpretation of the *Report and Order* issued in Cases EO-2023-0369 and EO-2023-0370. To address this, the Commission took administrative notice of that *Report and Order*. [Tr. vol. 1 pg. 261 lns. 11 – 17]. That same report and order was later admitted as Exhibit 400, but according to the Commission that was only done "to facilitate ease of reference." [*Notice of Intent to Admit Previous Commission Order as an Exhibit* (EFIS Item no. 48), pg. 1]. Regardless of this action, once the Commission took administrative notice of the *Report and Order* from EO-2023-0369 and EO-2023-0370, all parties were then free to cite the document, quote and emphasize portions of it, and then argue the Commission should draw whatever inferences there were to draw from the same. The exact same logic applies to the SPP 2026 Summer Resource Adequacy Report.

as reported by SPP. This is no different than other reported figures that other Courts have taken notice of. [*Mo. Pub. Serv. Comm'n v. Office of the Pub. Counsel (In re Mo.-Am. Water Co.)*, 516 S.W.3d 823, 826 fn.4 (Mo. banc 2017) ("Missouri courts can take judicial notice of population figures listed in each U.S. census."); *Whitmoor Realty, LLC v. Beckerle*, 588 S.W.3d 573, 579 (Mo. App. E.D. 2019) ("The prime rates are a matter of common knowledge and may be reliably determined because the rates are set by the Board of Governors of the Federal Reserve System and are published by the Wall Street Journal.")].

Despite what should be a relatively simple concept, Evergy's filing makes several irrational arguments that certain things must be excluded from evidence. For example, Evergy states on page seven of its filing that "even if notice is taken of the 2026 Report itself, OPC's red box and its characterizations of the 2026 Report will remain outside the record." As for the "red box" Evergy is so concerned about, of course it is not part of the record. That box was included in the OPC's brief only to draw the reader's eye to the specific line on a table that was otherwise lifted verbatim from the report. It is a form of <u>emphasis</u>, no different than when certain segments of a larger quote are unlined and/or bolded to draw specific attention to those segments. That is why the OPC included the parenthetical stating "emphasis added" to its citation and then went further out of its way to refence that it had added the red box in the body of the brief. Again, the red box was added solely for the sake of <u>emphasis</u> and the OPC cannot see how anyone would think the OPC was asking it be made part of the evidentiary record or, to be quite frank, what that would even mean.

So what of the "characterizations" the company claims? It is completely unclear to the OPC what Evergy is even referring to here. The excerpt the OPC included in its brief consists of a table that was copied out of the report. [OPC Reply Brief, pg. 7]. This table is labeled with the name of Evergy Metro and Evergy West's predecessor companies. [*Id.*]. One of the sub-headings on that table reads "Requirement Summary." [*Id.*]. Two rows down from that sub heading (or eighteen down from the first row) is a row where the left column containing the words "Excess Capacity (MW)" and the right column containing the numbers "334.07." [*Id.*]. The only piece of information that the OPC discussed in its brief regarding this table was that Evergy Missouri had, on a combined basis, more than 300 MW of Excess Capacity. That is not a "characterization" as Evergy claims. Rather, it is simply reading information from a table.

Evergy's apparent assertion that the Commission would not be entitled to rely on the numbers presented in a report if it took administrative notice of that report is a nonsensical proposition that is not supported by any of the Company's legal citations.[6] Moreover, it directly contradicts the core purpose of taking official notice of the report, which is to presume "the matter subject to notice as true and so do[] away with the formal necessity to present proof." [*Hall*, 751 S.W.2d at 406]. Therefore, the OPC once again implores the Commission not to fall for Evergy's oft repeated false claim that the OPC is seeking administrative notice of anything other than the SPP 2026 Summer Resource Adequacy Report.

If the Commission Determines it Will Not Take Administrative Notice, then no Further Action is Necessary

In the absence of the Commission taking the affirmative step to take administrative notice, the SPP 2026 Summer Resource Adequacy Report is not a part of the evidentiary record and thus cannot be stricken from the evidentiary record. Likewise, the OPC's brief is not part of the evidentiary record and hence there is no point in striking any part of it either. If the Commission chooses not to take administrative notice of the SPP 2026 Summer Resource Adequacy Report, it can simply disregard those citations and not include them in its findings of fact. It is not as though this Commission is made of lay jurors who would need to be instructed as to what evidence it can or cannot consider.[7]

[6] The OPC is also unaware of any law or legal opinion that would yield such a result.

[7] The Commission has previously relied on this basis for the admission of evidence over objection:

On the other hand, though, If the Commission were to strike portions of the OPC's reply brief, despite this having quite literally no meaningful impact in any evidentiary context, it could result in potentially reversible error if accidently extended such strikes to information that was included on the record. As explained earlier, the fact that Evergy has more than 100 MW of excess capacity is an unrefuted piece of evidence that is already in the record. [Tr. vol. 1 pg. 256 ln. 21 – pg. 257 ln. 25]. The only thing that would even potentially merit being struck would be the additional fact that this 100 MW has expanded to 300 MW over the course of one year. That is it.

Response and Objection to Evergy's Request for Additional Testimony

In addition to moving to strike portions of the OPC's brief, Evergy makes a request for an "alternative relief" wherein the Company seeks to enter into the record a new piece of testimony evidence provided by witness James (JP) Meitner. This alternative relief is unjustified, incompatible with the law, and unconstitutional. It should therefore not be granted.[8] To demonstrate this, it is necessary to once again review the concept of judicial and administrative notice.

> MR. CLIZER: I understand, and my potential objection would be hearsay to the extent that it's being offered to prove the truth of what's being asserted in those documents. However, if it's simply being offered to establish that those are statements made by the party representing to have made them, I don't have an objection.
>
> MR. LOWERY: Well, Judge, if I can get a little latitude, I think I can link this up.
>
> JUDGE WALKER: Well, actually, I think I can solve this problem. I'm going to note the hearsay objection for the record. **And, again, assure you that the Commission will give this evidence the weight that it deserves. I have every confidence in their competence, not just because they're my bosses**. And, so, I'm going to admit 710.

[EO-2025-0154, Tr. vol 3 pg. 192 lns. 2 – 19 (emphasis added)].

[8] Also, out of an abundance of caution, the OPC now formally objects to the additional "surreply" testimony offered by Evergy for the reasons stated below.

Judicial notice is a legal method by which a Court may assume the truth "of a fact which is common knowledge of people of ordinary intelligence" or of a fact that is "not commonly known, but which can be reliably determined by resort to a readily available, accurate and credible source." [*Whitmoor Realty, LLC v. Beckerle*, 588 S.W.3d 573, 578 (Mo. App. E.D. 2019 (quoting *State v. Weber*, 814 S.W.2d 298, 303 (Mo. App. E.D. 1991))]. "[I]f the court chooses to take judicial notice of a fact, admission of evidence of that fact is unnecessary because the proper taking of judicial notice dispenses with the need to prove the fact in question, in accordance with the maxim that '**<u>what is known need not be proved</u>**.'" [*Id.* at 579 (quoting *City of Kansas City v. Mullen*, 690 S.W.2d 421, 423 (Mo. App. W.D. 1985))(emphasis added)]. The power of taking notice of such facts has been given to state agencies through section 536.070, though the term changes to "official" or sometimes "administrative" notice. [RSMo. § 536.070(6) ("Agencies shall take official notice of all matters of which the courts take judicial notice")]. In addition to providing the legal means for agencies to take official notice, section 537.070 also expands the scope to include "technical or scientific facts, not judicially cognizable, within [the agency's] competence[.]" [*Id.*].

In the present case, where what is to be noticed is the contents of a technical report prepared by the regional transmission organization to which Evergy belongs, the critical question for this Commission is whether the SPP 2026 Summer Resource Adequacy Report is a "readily available, accurate and credible source." [*Whitmoor*, 588 S.W.3d 578]. Evergy's filing makes no effort to contest either the availability, accuracy, or credibility of the SPP Summer Resource Adequacy Report. On the contrary. Evergy's filing admits on page 5 that "[r]esource-adequacy reporting is technical material within the Commission's competence, and Section 536.070(6) permits official notice of such facts." So the issue clearly is not with taking official notice of that information. Instead, what Evergy <u>really</u> wants is to contest the arguments the OPC is making <u>based</u> on that information. This is the critical legal and logical flaw in Evergy's filing.

As just stated, Evergy does not want to challenge the facts or data in the 2026 Summer Resource Adequacy Report. What it is asking for is the ability to produce new evidence to challenge the arguments the OPC made based on the fact that the Company is long on capacity.[9] But the OPC's arguments are not evidence, they are just arguments.[10] The fact that Evergy does not have the evidence in the record to rebut the arguments the OPC presented does not create a justification for the Company to just file new testimony. And even if it did, due process would require that same right be extended to all parties, not just Evergy.

To summarize, the OPC requested official notice of a report which contains numerical values showing Evergy's excess capacity. The OPC's brief then presented an argument based on testimony in the record that was only further supported by that data. This is no different than what every other party does in every case before this Commission: cite evidence and argue its implication. The OPC <u>never</u> asked for official notice to be taken of its argument and certainly is not doing so now. Evergy has not and apparently cannot rebut either Dr. Marke's testimony or the SPP report itself, so instead Evergy is now asking the Commission to allow it to present new evidence to rebut the OPC's <u>argument</u>. Again, the Company is not seeking to contest the underlying fact the OPC is asking the Commission to officially notice, the Company is asking to be permitted to introduce entirely new evidence based on what the OPC is arguing. That is completely outside the scope of any law the Company cites. Moreover, the OPC continues to point out that its argument was not new to the reply brief. <u>The argument that Evergy is long on capacity was made in the OPC's initial brief based on evidence already on the record and to which Evergy already responded</u>.

Because there is no legal authority for Evergy to just ask for the ability to file additional testimony simply because it does not care for the record before it, the

[9] A fact, the OPC must stress, which was <u>already in the record</u>. [Tr. vol. 1 pg. 256 ln. 21 – pg. 257 ln. 25]

[10] Albeit arguments the OPC stands behind and believes this Commission should agree with and adopt.

Commission should deny its alternative request for relief and deny admission of Evergy's newly offered testimony. Moreover, admission of that evidence would violate due process and constitute reversible error. Unlike the 2026 Summer Resource Adequacy Report, which Evergy admits "is technical material within the Commission's competence" and which constitutes "a readily available, accurate and credible source," testimony of a witness must be given under oath and must be subject to cross-examination.[11] [RSMo. 536.070(1), (2); *Doughty v. Dir. of Revenue*, 387 S.W.3d 383, 387 (Mo. 2013) ("[i]n almost every setting where important decisions turn on questions of fact, due process requires an opportunity to confront and cross-examine adverse witnesses.") (quoting *Grannis v. Ordean*, 234 U.S. 385, 394 (1914))].

The need for cross-examination is of particular importance here because the statements made in Evergy's offered testimony represent an attempt to obfuscate the record with meaningless irrelevancies and additional outright fabrications. Given the current length of this response, it would be unwise to attempt to rebut all that was said, so the OPC will stick with a simple example. The testimony points to the fact that Evergy's <u>existing</u> excess capacity also includes <u>existing</u> demand response and argues this refutes the OPC's position that "demand response has no value." However, the OPC never argued that demand response has no value. What the OPC has instead been very clearly arguing through two rounds of briefing is that adding Nucor as <u>additional</u> demand response will not result in <u>new</u> avoided costs. The fact that the 300 MW excess capacity Evergy already has was created in part because of existing demand response does not refute that point, it continues to prove it. If the existing demand response has already netted the Company excess capacity, then adding even more demand response on top <u>clearly is not going to do anything to further reduce costs</u>. This kind of erroneous thinking is not an exception but the rule for Mr. Meitner's "surreply," but, again, responding to all of it in this filing would be

[11] Given the posture of this filing, the OPC will again point out that this standard bears no impact on official notice as facts officially noticed are not developed through a witness but because "what is known need not be proved." [*Whitmoor*, 588 S.W.3d at 579].

excessive and unwise. Yet this does show the importance of permitting due process through cross examination, as required by law.

In addition to violating due process by admitting testimony evidence absent cross-examination, there would also be no legal basis to restrict the ability to introduce new testimony evidence to just Evergy. In other words, granting the Company's request would be tantamount to re-opening the evidentiary record in its entirety and should permit all parties to file testimony regarding the impact Evergy's excess capacity has the Company's filed request. This would obviously require the expenditure of a considerable amount of administrative resources for something that is wholly unnecessary as described above. For all these reasons, the Commission should deny Evergy's request to strike portions of the OPC's reply brief, deny Evergy request for alternative relief, and further deny admission of Evergy's newly offered testimony.

WHEREFORE, the Office of the Public Counsel respectfully requests the Commission deny all relief sought by Evergy in its July 13, 2026, *Motion to Strike, or in the Alternative, for Leave to File the Attached Verified Surreply*.

Respectfully submitted,

By: /s/ John Clizer

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CERTIFICATE OF SERVICE

I hereby certify that copies of the forgoing have been mailed, emailed, or hand-delivered to all counsel of record this seventeenth day of July, 2026.

/s/ John Clizer