

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

ORDER DENYING MOTION TO STRIKE AND DENYING LEAVE TO FILE SURREPLY

Issue Date: July 27, 2026

Effective Date: July 27, 2026

On July 13, 2026,¹ Evergy Missouri West, Inc. d/b/a Evergy Missouri West (“Evergy”) filed its *Motion to Strike, or in the Alternative, For Leave to File the Attached Verified Surreply* (Motion). The Motion objects to the Office of the Public Counsel’s (OPC’s) use in its Reply Brief filed July 9 of the Southwest Power Pool’s (SPP’s) Resource Adequacy Report, East Balancing Authority Area, 2026 Summer Season (“2026 Report”).

In its Motion, Evergy states that the 2026 Report was issued on June 15, after the closing of the evidentiary record in this case on May 26. Evergy argues that administrative notice of the 2026 Report without foundation and the opportunity for cross-examination would deny Evergy’s due process rights. Thus, it asks the Commission to strike from OPC’s Reply Brief the excerpt of the 2026 Report reproduced on pages 6-7 of the Reply Brief, as well as the arguments on pages 8-9, 11-12, and 17 that depend on the 2026 Report. Alternatively, should the Commission choose to consider the 2026 Report, Evergy requests that the Commission only take administrative notice of the report itself, not take administrative

¹ Unless otherwise noted, all references are to the year 2026.

notice of OPC's excerpt or references to the excerpt, and grant leave for Evergy to file surreply testimony of witness James (JP) Meitner.

On July 17, OPC filed 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* (Response). In its Response, OPC pointed out that the sole point from the 2026 Report that it cited in its Reply Brief was that Evergy currently has more capacity than it is obliged to have by SPP – a fact already established in the record – and that it only cited that point to rebut Evergy's assertion in its initial brief that OPC witness Dr. Geoff Marke's testimony regarding excess capacity lacked foundation.

Given its issuance after the close of the evidentiary record, the Commission will not take administrative notice of the 2026 Report. The Commission will base its decision in this matter on the relevant facts submitted on the record. As such, the Commission will disregard references to the 2026 Report in OPC's Reply Brief, deny Evergy's Motion, and deny Evergy's motion for leave to file surreply testimony.

THE COMMISSION ORDERS THAT:

1. Evergy Missouri West's motion to strike is denied, as is its alternative motion for leave to file surreply testimony.
2. This order shall be effective when issued.



BY THE COMMISSION

A handwritten signature in black ink that reads "Nancy Dippell".

Nancy Dippell
Secretary

Kenneth J. Seyer, Senior Regulatory
Law Judge, by delegation of authority
pursuant to Section 386.240, RSMo 2016.

Dated at Jefferson City, Missouri
on this 27th day of July, 2026.

STATE OF MISSOURI

OFFICE OF THE PUBLIC SERVICE COMMISSION

Pursuant to 386.290, RSMo., I have compared the preceding copy with the original on file in this office and I do hereby certify the same to be a true copy therefrom and the whole thereof.

WITNESS my hand and seal of the Public Service Commission, at Jefferson City, Missouri, this 27th day of July, 2026.



Nancy Dippell

Nancy Dippell
Secretary

MISSOURI PUBLIC SERVICE COMMISSION

July 27, 2026

Case No: EO-2026-0129

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Enclosed find a certified copy of an Order or Notice issued in the above-referenced matter(s).¹

Sincerely,

A handwritten signature in black ink that reads "Nancy Dippell". The signature is written in a cursive, flowing style.

Nancy Dippell
Secretary

1

Recipients listed above with a valid e-mail address will receive electronic service. Recipients without a valid e-mail address will receive paper service.