

In the Matter of the Application of Evergy Missouri Metro, Inc. and Evergy Missouri West, Inc. for Certificates of Convenience and Necessity Authorizing Construction, Ownership, Operation, and Maintenance of a Natural Gas-Fired Electric Generating Facility

Case No. EA-2026-0343

ARGUMENT AGAINST GRANTING A CERTIFICATE OF CONVENIENCE AND NECESSITY FOR THE PROPOSED 710-MW NATURAL GAS-FIRED COMBINED-CYCLE GENERATING FACILITY - BUCHANAN BLUFFS ENERGY CENTER

I. INTRODUCTION

Section 393.170.3, RSMo, provides that the Missouri Public Service Commission may authorize construction of an electric plant only after a hearing and a determination that the proposed construction is **“necessary or convenient for the public service.”**

The Commission's CCN requirements likewise require an applicant to provide facts demonstrating that the proposed construction is necessary or convenient for the public service. Missouri decisions recognize that the Commission evaluates whether a proposed project is needed, economically feasible, financially supportable, qualified, and consistent with the public interest.

The proposed 710-megawatt combined-cycle natural-gas generating facility should not receive a Certificate of Convenience and Necessity because the evidence does not establish that this particular facility is necessary to serve the public, that its costs are justified by its benefits, or that placing a major fossil-fuel generating facility in this agricultural and rural landscape promotes the public interest.

To the contrary, construction would impose substantial and long-lasting costs on the surrounding community through the conversion of productive agricultural land, disruption of wildlife habitat and rural landscape, air emissions, water consumption and related environmental impacts, greenhouse-gas emissions, industrial traffic and infrastructure, and potentially increased costs borne by utility customers.

The Commission should therefore deny the requested CCN.

II. THE APPLICANT MUST ESTABLISH THAT THIS PROJECT IS NECESSARY OR CONVENIENT FOR THE PUBLIC SERVICE

Section 393.170.3 does not authorize construction merely because a utility can identify a future possibility of increased electricity demand. The Commission must determine whether the proposed construction itself satisfies the statutory standard.

Missouri courts have explained that, in the context of an electric generating facility, “necessity” concerns whether existing generating resources are sufficient to satisfy anticipated demand and whether the cost of increasing generating capacity can be justified. The courts have also recognized that the proposed improvement must provide a public benefit sufficient to justify its cost.

Accordingly, the relevant question is not simply:

“Could additional electricity eventually be useful?”

The relevant questions are:

1. Is the proposed 710-MW facility actually needed?
2. What specific and demonstrated load will require this capacity?
3. When will that demand materialize?
4. Is the demand sufficiently certain to justify a major long-lived fossil-fuel investment?
5. Are existing generation, transmission, purchased power, demand response, energy efficiency, storage, renewable generation, or other resources capable of satisfying the identified need?
6. Is this particular location necessary?
7. Is the project's full cost—including environmental, infrastructure, fuel, operating, and long-term customer costs—justified by its demonstrated public benefits?

Unless those questions are answered with competent evidence, the statutory showing has not been made.

III. THE PROPOSED 710-MW FACILITY HAS NOT BEEN SHOWN TO BE NECESSARY

The Commission should require a rigorous demonstration of actual need rather than accepting generalized projections of future electricity consumption.

The current docket identifies **“Need”** as a specific CCN issue, and Evergy has filed direct testimony addressing that issue. The Commission should scrutinize the assumptions underlying those projections, including the identity, timing, magnitude, and certainty of anticipated new loads.

This is particularly important where projected demand is associated with large industrial or data-center loads rather than established residential or commercial demand.

A speculative future load should not automatically justify construction of a 710-MW generating facility years in advance.

The Commission should require the applicant to demonstrate:

- the specific customers or loads requiring the additional capacity;
- whether those customers have binding commitments;
- the expected timing and magnitude of their electricity requirements;
- whether proposed projects responsible for the projected load are actually proceeding;
- whether the load forecasts have changed since the original planning assumptions;
- whether existing generation and purchased-power resources can meet the forecast;
- whether demand-side resources can reduce the need;
- whether battery storage and renewable resources can satisfy some or all of the identified need; and
- whether a smaller, phased, or geographically different resource could meet the demonstrated requirement.

If the need depends substantially upon uncertain future development, the Commission should not treat that speculative demand as equivalent to demonstrated public necessity.

IV. “NECESSARY” CANNOT BE SEPARATED FROM COST JUSTIFICATION

The applicant's burden is not satisfied merely by demonstrating that electricity has value.

Missouri precedent recognizes that necessity involves whether an additional improvement would justify its cost and serve the public welfare.

The Commission therefore should evaluate the **full economic cost** of the project rather than considering only its initial construction price.

That analysis should include:

- construction costs;
- financing costs;
- return on invested capital;
- operation and maintenance expenses;
- natural-gas fuel costs;
- gas transportation and infrastructure costs;
- transmission and interconnection costs;
- water supply and treatment costs;
- environmental compliance costs;

- future carbon-related or other regulatory costs;
- decommissioning costs;
- property and infrastructure impacts;
- costs associated with environmental mitigation;
- risks associated with future fuel-price volatility; and
- the portion of those costs ultimately borne by Missouri ratepayers.

The Commission should also compare the proposed facility against realistic alternatives on an equivalent basis.

A project cannot reasonably be characterized as economically feasible merely because the utility can finance it. **Financial ability to construct a project is different from demonstrating that customers should pay for it.**

The docket separately identifies **economic feasibility** as a CCN issue, and Evergy has filed direct testimony addressing that issue. The Commission should independently evaluate whether the proposed investment produces benefits that justify these long-term costs.

V. THE PROJECT IS NOT CONVENIENT FOR THE PUBLIC SERVICE WHEN ITS LOCATION IMPOSES DISPROPORTIONATE LOCAL COSTS

Even if additional generation were eventually determined to be necessary somewhere within the regional electric system, that does not establish that this particular location is convenient for the public service.

The proposed facility would place a very large industrial operation in an agricultural and rural landscape.

The Commission should therefore consider whether the selected site:

- unnecessarily converts productive agricultural land;
- fragments farms and agricultural operations;
- interferes with farm access and field operations;
- introduces industrial traffic into rural transportation networks;
- creates noise, lighting, visual, and operational impacts;
- affects surrounding property;
- disrupts wildlife habitat;
- alters the rural landscape;
- creates additional water demand;
- requires additional gas and electric infrastructure; and
- imposes local environmental and community costs disproportionate to the benefits received locally.

The Commission has historically considered factors including land use, environmental impacts, air and water quality, noise, location, existing generation, projected load, and transmission considerations when evaluating generating-facility CCNs.

Thus, site-specific consequences are directly relevant to whether the proposed facility is actually convenient for public service.

VI. THE PROJECT WOULD REMOVE PRODUCTIVE AGRICULTURAL LAND FROM AGRICULTURAL USE

The proposed project is not being constructed on an abandoned industrial site. It would introduce a major industrial facility into a rural agricultural landscape.

Agricultural land is itself a public resource.

Farmland provides food production, economic activity, wildlife habitat, open space, groundwater infiltration, carbon storage, and other ecosystem services. Converting productive agricultural land to industrial use creates a permanent or effectively permanent change in land use.

The impacts extend beyond the acreage physically occupied by the plant.

Construction can affect:

- field drainage;
- soil structure;
- erosion;
- farm access;
- field configuration;
- irrigation or water availability;
- drainage patterns;
- neighboring agricultural operations;
- livestock operations;
- crop production;
- aerial application;
- farm equipment movement; and
- future agricultural viability.

A CCN analysis that considers only the acreage inside the plant fence line would therefore underestimate the project's agricultural consequences.

The Commission should require a comprehensive assessment of direct and indirect agricultural impacts before finding that this project serves the public convenience.

VII. THE PROJECT WOULD IMPAIR WILDLIFE HABITAT AND THE RURAL LANDSCAPE

A 710-MW generating facility is an industrial-scale development.

Its impacts are not limited to the physical footprint of the generating equipment. Construction and operation can involve roads, transmission infrastructure, gas infrastructure, substations, lighting, security fencing, noise, grading, stormwater controls, and other permanent alterations.

EPA recognizes that centralized electric generation can produce land-use impacts and that transmission infrastructure also requires land. EPA further recognizes that fossil-fuel power generation can affect air, water, and land resources.

The Commission should therefore require evidence addressing:

- wildlife habitat loss;
- habitat fragmentation;
- migratory and resident bird impacts;
- impacts on pollinators;
- impacts on wetlands and waterways;
- nighttime lighting;
- noise impacts;
- vegetation removal;
- stormwater runoff;
- erosion and sedimentation;
- cumulative impacts from associated infrastructure; and
- impacts to surrounding ecological systems.

These impacts must be considered alongside the claimed benefits of the project.

VIII. THE PROJECT CREATES SIGNIFICANT AIR-QUALITY AND PUBLIC-HEALTH CONCERNS

Natural-gas combustion does not mean zero pollution.

EPA identifies fossil-fuel power plants as significant sources of air pollution and identifies nitrogen oxides (NO_x) as an important pollutant associated with power generation. NO_x contributes to the formation of ground-level ozone and fine particulate pollution. EPA also identifies adverse respiratory effects associated with exposure to nitrogen oxides.

This is particularly important for a large generating facility located in a rural community where residents, agricultural workers, children, elderly persons, and other sensitive populations may live or work nearby.

The Commission should require the record to address:

- expected NOx emissions;
- ozone formation;
- particulate matter;
- carbon monoxide;
- hazardous air pollutants;
- secondary pollutants;
- cumulative emissions from existing and proposed generating units;
- dispersion modeling;
- sensitive receptors;
- construction-related dust;
- truck traffic emissions; and
- long-term changes in local and regional air quality.

Compliance with minimum environmental regulations does not automatically establish that a facility is “necessary or convenient for the public service.”

The statutory question is broader: whether the public benefits of this particular project justify the project and its consequences.

IX. THE PROJECT WOULD CREATE HEALTH AND ENVIRONMENTAL CONCERNS FOR CHILDREN AND OTHER SENSITIVE POPULATIONS

Particular attention should be given to nearby schools, childcare facilities, farms, homes, and other locations where children and other sensitive populations spend substantial amounts of time.

The proposed facility is reported in the public record as being approximately two miles from an early childhood facility. Public comments in the Commission's docket have specifically raised concerns about the proposed plant's proximity to the Joy of Learning Farm School and other nearby residents and schools.

The existence of a nearby early-childhood facility warrants a site-specific assessment rather than reliance upon generalized conclusions about regional air quality.

Children should not be treated merely as another point on an emissions model.

The Commission should require evaluation of the potential cumulative effects of air pollution, construction activity, traffic, noise, light, and other environmental exposures on sensitive populations before determining that the facility is convenient for public service.

X. THE PROJECT WOULD PRODUCE SUBSTANTIAL GREENHOUSE-GAS EMISSIONS

A combined-cycle natural-gas facility is more efficient than many older fossil-fuel generating technologies, but it remains a fossil-fuel generating facility.

EPA reports that electricity generation from fossil fuels produces carbon dioxide, methane, and nitrous oxide, with carbon dioxide constituting the overwhelming majority of electric-power-sector greenhouse-gas emissions.

EPA also identifies new natural-gas combustion turbines as significant new sources of greenhouse-gas emissions.

Consequently, approval of a 710-MW gas plant would commit the region to decades of fossil-fuel infrastructure and associated greenhouse-gas emissions.

The Commission should consider whether that long-term commitment is justified when evaluating the project's public-interest consequences and alternatives.

The applicant should provide a transparent estimate of:

- annual CO₂ emissions;
- methane emissions;
- upstream natural-gas emissions;
- expected operating hours;
- lifetime greenhouse-gas emissions;
- emissions associated with gas production and transportation; and
- the cost and feasibility of reducing those emissions.

XI. WATER RESOURCES MUST BE EVALUATED AS A PUBLIC COST

Electric generating facilities can require substantial water resources for cooling, steam production, treatment, and related processes.

EPA recognizes that centralized power plants can affect water resources through water withdrawals, consumption, thermal discharge, and other impacts.

In an agricultural area, water cannot be evaluated solely as an industrial input.

Water resources also support:

- crop production;
- livestock;
- domestic wells;
- rural communities;
- aquatic ecosystems;
- wildlife;
- wetlands; and
- future agricultural development.

The Commission should therefore require a detailed, independently verifiable analysis of the project's water requirements and demonstrate that those requirements will not adversely affect existing agricultural, residential, or ecological uses.

XII. THE PROJECT'S ECONOMIC BENEFITS MUST BE COMPARED AGAINST ITS FULL COMMUNITY COSTS

The fact that construction would create temporary jobs or generate some local economic activity does not establish that the project is economically beneficial overall.

The Commission should evaluate the project's **net public benefit**, including both benefits and costs.

Potential costs include:

- ratepayer costs;
- infrastructure costs;
- fuel-price exposure;
- environmental compliance;
- agricultural land conversion;
- reduced agricultural productivity;
- environmental mitigation;
- public infrastructure demands;
- health-related impacts;
- property impacts;
- water-resource impacts;
- wildlife and habitat impacts;
- construction disruption; and
- long-term financial risk.

The Commission should also consider whether alternatives could provide comparable reliability and capacity without imposing the same concentration of costs on one rural community.

XIII. ALTERNATIVES MUST BE SERIOUSLY EVALUATED

The existence of an asserted need for electricity does not establish the need for this particular plant.

Before authorizing a 710-MW fossil-fuel facility, the Commission should require a transparent comparison with alternatives, including combinations of:

- existing generation;
- purchased power;
- renewable generation;

- battery storage;
- demand response;
- energy efficiency;
- transmission improvements;
- distributed generation;
- smaller generating resources; and
- phased additions of capacity.

The appropriate comparison is not simply “plant versus nothing.”

It is:

“What combination of resources provides the required reliability and capacity at the lowest reasonable total cost and with the least adverse impact on the public?”

That comparison is necessary to determine whether construction of this particular plant is truly necessary or convenient for the public service.

XIV. THE PROJECT FAILS THE PUBLIC-INTEREST COMPONENT OF THE CCN ANALYSIS

The public interest encompasses more than the interests of the utility or a subset of future electricity customers.

The public includes:

- existing ratepayers;
- rural residents;
- farmers;
- agricultural businesses;
- children;
- schools and childcare facilities;
- property owners;
- wildlife and natural resources;
- businesses;
- future generations; and
- electricity consumers throughout the utility's service territory.

The Commission must therefore weigh the project's claimed electric-system benefits against the costs imposed upon these groups.

Where a project requires the permanent conversion of agricultural land, creates significant environmental and health concerns, commits customers to long-term fossil-fuel infrastructure, and has not been demonstrated to be required by a sufficiently certain need, the evidence does not support a finding that the project promotes the public interest.

XV. CONCLUSION

Section 393.170.3 requires the Commission to determine, after hearing, whether the proposed construction is **necessary or convenient for the public service**.

The applicant should not receive a CCN based upon generalized assertions of future electricity demand.

For this 710-MW combined-cycle natural-gas facility, the Commission should require affirmative evidence demonstrating:

1. a specific and reasonably certain need for 710 MW of additional generating capacity;
2. that existing resources cannot satisfy that need;
3. that alternatives cannot satisfy the need at lower total cost or with fewer public impacts;
4. that the full cost of the project is justified by measurable public benefits;
5. that the selected location is appropriate and convenient for public service;
6. that agricultural production will not suffer unacceptable direct or indirect impacts;
7. that wildlife habitat and the rural landscape will be adequately protected;
8. that air-quality and public-health consequences have been fully evaluated;
9. that nearby children and other sensitive populations have been adequately considered;
10. that water consumption will not impair agricultural, residential, or ecological resources;
11. that the project's long-term greenhouse-gas consequences have been fully considered;
- and
12. that Missouri ratepayers will receive benefits sufficient to justify the financial and environmental risks they would assume.

On the present record, these requirements have not been demonstrated merely by establishing that a 710-MW plant could generate electricity.

The relevant question under Section 393.170.3 and the CCN Rule is whether this facility is necessary or convenient for the public service. A project that imposes substantial agricultural, environmental, health, water, wildlife, climate, and economic costs without a demonstrated need and without a showing that its benefits justify those costs should not receive a Certificate of Convenience and Necessity.

Accordingly, the Commission should **deny the requested Certificate of Convenience and Necessity** for the proposed 710-MW combined-cycle natural-gas generating facility.