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Staff – Exhibit 106
Rebuttal Testimony of Brodrick Niemeier
Case No. EA-2026-0154

Exhibit No.:
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Witness: *Brodrick Niemeier*
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MISSOURI PUBLIC SERVICE COMMISSION

INDUSTRY ANALYSIS DIVISION

ENGINEERING ANALYSIS DEPARTMENT

REBUTTAL TESTIMONY

OF

BRODRICK NIEMEIER

EVERGY METRO, INC.,
d/b/a EVERGY MISSOURI METRO

CASE NO. EA-2026-0154

Jefferson City, Missouri
September 2026

** Denotes Confidential Information **

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BRODRICK NIEMEIER

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REBUTTAL TESTIMONY

OF

BRODRICK NIEMEIER

EVERGY METRO, INC., d/b/a EVERGY MISSOURI METRO

CASE NO. EA-2026-0154

Q. Please state your name and business address.

A. My name is Brodrick Niemeier and my business address is Public Service Commission, P.O. Box 360, Jefferson City Missouri 65102.

Q. By whom are you employed and in what capacity?

A. I am employed by the Missouri Public Service Commission ("Commission") as an Associate Engineer in the Engineering Analysis Department of the Industry Analysis Division.

Q. Please describe your educational background and work experience.

A. In 2021, I graduated from the Missouri University of Science and Technology with a Bachelor of Science degree in Chemical Engineering. Following my graduation, I began working for the Commission in Staff's Engineering Analysis Department, where I currently remain.

Q. Have you previously filed testimony before the Commission?

A. Yes. Schedule BN-r1 contains a list of cases in which I have filed testimony before the Commission.

EXECUTIVE SUMMARY

Q. What is the purpose of your rebuttal testimony?

A. The purpose of my testimony is to discuss the in-service criteria proposed by Evergy Missouri Metro ("EMM") Witness J Kyle Olson for Mullin Creek #2, and propose Staff's recommended in-service criteria. I will also discuss whether EMM has met the requirements for its Application for a Certificate of Convenience and Public Necessity ("CCN") for Mullin Creek #2.

Q. Do you have any recommendations to make to the Commission within this case?

A. Yes. I recommend the Commission order Staff's set of in-service criteria to be used in a future case to determine whether Mullin Creek #2 can be considered in-service and included in rate base. Additionally, I recommend the Commission condition approval of this CCN on EMM filing as-built drawings within 60 days of Mullin Creek #2 being placed in-service.

IN-SERVICE CRITERIA

Q. What are in-service criteria?

A. In-service criteria are a set of criteria that are used to judge whether or not a utility's plant additions are "fully operational and used for service" under Section 393.135, RSMo. 2000. If a transmission line cannot move electricity or a power plant cannot produce power in the ways it was described as being able to do within its CCN case, it is not "fully operational and used for service". For plant that does not satisfy its in-service criteria, Staff has recommended either partial disallowances, or not adding the costs associated with plant additions to rate base until it can satisfy its in-service criteria.

Q. What in-service criteria has EMM proposed?

A. On pages 26 and 27 of Olson's direct testimony, EMM proposed the same set of in-service criteria that were proposed by Evergy Missouri West ("EMW") for Mullin Creek #1 in EA-2025-0075.

Q. Does Staff agree with the in-service criteria proposed by EMM for this case?

A. No. Staff recommended a different set of in-service criteria in Case No. EA-2025-0075 than the in-service criteria proposed by EMW. The in-service criteria recommended by Staff were included in the Stipulation and Agreement and approved by the Commission on July 31, 2025, in EA-2025-0075. Mullin Creek #2 will be located on the same site as Mullin Creek #1, and generally uses the same equipment, such as the same model of turbine. Mullin Creek #1's agreed upon in-service criteria should apply to Mullin Creek #2 as well.

Q. Do you have any modifications to make to Mullin Creek #1's agreed upon in-service criteria for Mullin Creek #2's in-service criteria?

A. Yes. Staff had concerns about natural gas transport to Mullin Creek #1, and those concerns have grown with Mullin Creek #2, as discussed in the rebuttal testimony of Staff witnesses Trevor Rucker and David M. Sommerer. Therefore, in addition to the in-service criteria approved by the Commission for Mullin Creek #1, Staff recommends adding a criterion that ensures a natural gas lateral pipeline is in place and capable of operating before Mullin Creek #2 can enter service, as well as modifying Criteria 9 and 10 to specify using the unit's primary fuel for the tests within Criteria 9 and 10. These additions will ensure that Mullin Creek #2 can operate as

designed: using natural gas as the primary fuel source and fuel oil as a back-up. The full list of in-service criteria is attached as Schedule BN-r2.

APPLICATION REQUIREMENTS

Q. What Commission rules cover application requirements for this case?

A. Commission rules 20 CSR 4240-2.060 and 20 CSR 4240-20.045 each include requirements concerning CCN applications. The specific requirements, as well as an analysis of how EMM met each requirement, are included within Confidential Schedule BN-r3.

Q. Does EMM's Application meet the application requirements?

A. No. However, EMM requested variances, as allowed by Section (3)(C) of 20 CSR 4240-20.045 ("CCN Rule"), to provide an overview of plans for operating and maintaining the Project, and an overview of plans for restoration of safe and adequate service, as required under Sections (6)(I) and (6)(J) of the CCN Rule, in a later submission. The requested variances are discussed in more detail by Staff witness Trevor Rucker.

Q. Do you have any other conditions you would like to recommend the Commission condition approval of the Mullin Creek #2 CCN on?

A. Staff recommends the Commission condition approval of this CCN on EMM providing as-built drawing within 60 days of Mullin Creek #2 entering into service. Staff typically requests the provision of as-built drawings, including Mullin Creek #1's

CCN case[1]. Timely access to as-built drawings benefits Staff in its future work, including review of in-service documentation.

CONCLUSION

Q. What are Staff's recommendations regarding the application requirements and in-service criteria within this case?

A. Staff recommends the Commission condition approval of this CCN on the following conditions to provide Staff with information useful in future cases and ensure Mullin Creek #2 is fully operational and used for service:

- As-Built drawings shall be provided within 60 days of Mullin Creek #2 entering service,
- The in-service criteria contained within Schedule BN-r2 shall be used within a future case to determine if Mullin Creek #2 is fully operational and used for service.

Q. Does this conclude your rebuttal testimony?

A. Yes it does.

[1] On Page 37 of the Commission's Report and Order of Case No. EA-2025-0075, "Evergy Missouri West is granted variance from 20 CSR 4240-20.045(3)(C) to provide plans for restoration of safe/adequate service and as-built design drawings in a later submission.

BEFORE THE PUBLIC SERVICE COMMISSION

OF THE STATE OF MISSOURI

In the Matter of Application of Evergy Metro, Inc. d/b/a Evergy Missouri Metro for Permission and Approval of a Certificate of Convenience and Necessity Authorizing it to Construct, Install, Own, Operate, Manage, Maintain, and Control a Natural Gas Electrical Production Facility	)))))))	Case No. EA-2026-0154

AFFIDAVIT OF BRODRICK NIEMEIER

STATE OF MISSOURI)
) ss.
COUNTY OF COLE)

COMES NOW BRODRICK NIEMEIER and on his oath declares that he is of sound mind and lawful age; that he contributed to the foregoing *Rebuttal Testimony of Brodrick Niemeier*; and that the same is true and correct according to his best knowledge and belief.

Further the Affiant sayeth not.

Brodrick Niemeier
BRODRICK NIEMEIER

JURAT

Subscribed and sworn before me, a duly constituted and authorized Notary Public, in and for the County of Cole, State of Missouri, at my office in Jefferson City, on this 14th day of September 2026.

Dianna L. Vaught
Notary Public

DIANNA L. VAUGHT
Notary Public - Notary Seal
State of Missouri
Commissioned for Cole County
My Commission Expires: July 18, 2027
Commission Number: 15207377

CREDENTIALS AND CASE PARTICIPATION OF

BRODRICK NIEMEIER

Present Position:

I am an Associate Engineer in the Engineering Analysis Department, Industry Analysis Division, of the Missouri Public Service Commission.

Educational Background and Work Experience:

In December 2021, I received a Bachelor of Science Degree in Chemical Engineering from Missouri University of Science and Technology. I joined the Commission Staff in March 2022.

Testimony Filed:

Case Number	Utility	Testimony	Issue
GE-2018-0193	Summit Natural Gas of Missouri	Staff Report	Meter Inspections
EA-2022-0244	Ameren Missouri	Rebuttal	Qualifications and Report Requirements
EO-2022-0320	Evergy Missouri West	Staff Report	Change of Provider
WA-2022-0361	Missouri-American Water Company	Staff Report	Depreciation
WA-2023-0026	Confluence Rivers	Staff Report	Depreciation
WA-2023-0071	Missouri-American Water Company	Staff Report	Depreciation
EO-2023-0105	Evergy Missouri West	Staff Report	Change of Provider
GE-2023-0196	Liberty (Empire) Gas	Staff Report	Meter Inspections
GE-2023-0354	Spire Missouri	Staff Report	Meter Inspections
EO-2024-0035	Evergy Missouri West	Staff Report	Change of Provider
EO-2024-0142	Evergy Missouri West	Staff Report	Change of Provider
EO-2024-0161	Evergy Missouri West	Staff Report	Change of Provider

Case Number	Utility	Testimony	Issue
EA-2023-0131	Liberty (Empire) Electric	Staff Report	Application Requirements, Qualifications, Maintenance and Forced Outages, and Operating Plans
ER-2024-0189	Evergy Missouri West	Direct, Rebuttal, True-up	Fuel and Purchased Power Cost
GE-2024-0345	Summit Natural Gas of Missouri	Staff Report	Meter Inspections
EA-2024-0237	Ameren Missouri	Staff Report	Application Requirements
ER-2024-0319	Ameren Missouri	Direct, True-up	Solar In-service Criteria
EO-2025-0223	Liberty (Empire) Electric	Report	Territorial Agreement
EA-2025-0075	Evergy Missouri West	Report	Public Interest and Application Requirements
ER-2024-0261	Liberty (Empire) Electric	Direct, True-Up	Plant additions and Modifications, Riverton 10 Repair
EO-2025-0154	Evergy Missouri West Evergy Missouri Metro	Rebuttal Report, Surrebuttal	System Support Rider, Customer Capacity Rider, Demand Response & Local Generation Rider
ET-2025-0184	Ameren Missouri	Report	Electric Service Agreement
EA-2025-0238	Ameren Missouri	Report	BESS In-Service Criteria
ER-2026-0143	Evergy Missouri Metro	Direct, Surrebuttal, True-Up	Variable Fuel and Purchased Power Cost
EA-2026-0183	Ameren Missouri	Report, Surrebuttal	BESS In-Service Criteria

Mullin Creek #2 In-Service Criteria

1. All major construction work is complete.

2. All preoperational tests have been successfully completed.

3. Unit successfully meets all contract operational guarantees.

4. Unit is in compliance with air permit requirements for operation.

5. Unit successfully demonstrates its ability to initiate the proper start sequence resulting in the unit operating from zero (0) rpm (or turning gear) to full load when prompted at a location (or locations) from which it is normally operated.

6. If unit has fast start capability, the unit demonstrates its ability to meet the fast start capability.

7. Unit successfully demonstrates its ability to initiate the proper shutdown sequence from full load resulting in zero (0) rpm (or turning gear) when prompted at a location (or locations) from which it is normally operated.

8. Unit successfully demonstrates its ability to operate at minimum load for one (1) hour.

9. Unit successfully demonstrates its ability to operate at or above 95% of nominal capacity for four (4) continuous hours using the unit's primary fuel source.

10. Unit successfully demonstrates its ability to produce an amount of energy (MWh) using the unit's primary fuel source within a 72-hour period that results in a capacity factor of at least 50% during the period when calculated by the formula: capacity factor = (MWh generated in 72 hours) / (nominal capacity x 72 hours).

11. Sufficient transmission interconnection facilities shall exist for the total plant design net electrical capacity at the time the unit is declared fully operational and used for service.

12. Sufficient transmission facilities shall exist for the total plant design net electrical capacity from the generating station into the utility service territory at the time the unit is declared fully operational and used for service.

13. If unit has dual fuel capability, the unit successfully demonstrates its ability to start on the back up/secondary fuel as described in Item No. 5.

14. If unit has dual fuel capability, the unit successfully demonstrates its ability to transfer between the two fuels while on line.

15. A sufficient natural gas pipeline lateral shall supply natural gas as required by the total plant design, at the time the unit is declared fully operational and used for service. A pipeline interconnection agreement should be provided as further proof of this.

Schedule BN-r3 Application Requirements

20 CSR 4240-20.045

(3) In addition to requirements in 4 CSR 240 2.060(1) [20 CSR 4240-2.060] the following must also be met:

(A) The application shall include facts showing that granting the application is necessary or convenient for the public service;

- Evergy Metro, Inc. ("Evergy Metro") provides a discussion in support of this project being necessary or convenient for the public service within Section C of its Application.

(B) If an asset to be operated or constructed is outside Missouri, the application shall include plans for allocating costs, other than regional transmission organization/independent system operator cost sharing, to the applicable jurisdiction; and

- Mullin Creek #2 is located within Missouri. This requirement does not apply.

(C) If any of the items required under this rule are unavailable at the time the application is filed, the unavailable items may be filed prior to the granting of authority by the commission, or the commission may grant the certificate subject to the condition that the unavailable items be filed before authority under the certificate is exercised.

- Evergy Metro requested to provide an overview of plans for operating and maintaining the Project, and an overview of plans for restoration of safe and adequate service, as required under Sections (6)(I) and (6)(J) of the Certificate of Convenience and Necessity ("CCN") Rule, in a later submission. The requested variances are discussed in more detail by Staff witness Trevor Rucker.

(4) If the application is for authorization to provide electric service to retail customers in a service area for the electric utility under section 393.170.2, RSMo, the application shall also include:

- This section of the rule does not apply as Evergy Metro is not requesting to serve additional customers within this case.

(5) If the application is for authorization to operate assets under section 393.170.2, RSMo, the application shall also include:

- This section of the rule does not apply as Evergy Metro is requesting to construct the asset, not acquire and operate a pre-existing asset.

(6) If the application is for authorization to construct an asset under section 393.170.1, RSMo, the application shall also include:

(A) A description of the proposed route or site of construction;

- A preliminary site plan is available within Schedule JKO-2 of Olson's direct testimony.

(B) A list of all electric, gas, and telephone conduit, wires, cables, and lines of regulated and nonregulated utilities, railroad tracks, and each underground facility, as defined in section 319.015, RSMo, which the proposed construction will cross;

- Paragraph 12 of Evergy Metro's Application states that no outside utilities cross the site.

(C) A description of the plans, specifications, and estimated costs for the complete scope of the construction project that also clearly identifies what will be the operational features of the asset once it is fully operational and used for service;

- Preliminary site plans are available within Schedule JKO-2 of Olson's direct testimony, while specifications and project cost are included in paragraph 13 of Evergy Metro's Application.

(D) The projected beginning of construction date and the anticipated fully operational and used for service date of the asset;

- Evergy Metro plans to begin construction in early 2027 and complete construction by October 2030.

(E) A description of any common plant to be included in the construction project;

- Operations building, service water, and fire water are common plant

(F) Plans for financing the construction of the asset;

- Evergy Metro plans to finance the project using the Company's existing debt and equity financing structure, similar to other capital investments made by Evergy Metro.

(G) A description of how the proposed asset relates to the electric utility's adopted preferred plan under 4 CSR 240-22 [20 CSR 4240-22.060];

- Evergy Metro states that the project corresponds to 440 MW of thermal generation included within the 2025 and 2026 annual Integrated Resource Plan ("IRP") updates.

(H) An overview of the electric utility's plan for this project regarding competitive bidding, although competitive bidding is not required, for the design, engineering, procurement, construction management, and construction of the asset;

- Evergy Metro stated that it is using the same process as within EA-2025-0075. An Request for Proposal ("RFP") was used for Power Island Equipment ("PIE") supplier and Engineering, Procurement, and Construction ("EPC") contractor,

** [redacted] **

(I) An overview of plans for operating and maintaining an asset;

- Evergy Metro states that it will operate the unit similar to other natural gas plants, but has requested a variance from this requirement. Staff has recommended a condition for Evergy Metro to provide operation and maintenance plans. Please see pages 16 through 18 of Staff witness Trevor Rucker's Rebuttal testimony for a discussion of this condition.

(J) An overview of plans for restoration of safe and adequate service after significant, unplanned/forced outages of an asset; and

- Evergy Metro has requested a variance from this requirement, and Staff recommends a condition that Evergy Metro provide restoration plans. Please see pages 16 through 18 of Staff witness Trevor Rucker's Rebuttal testimony for a discussion of this condition.

(K) An affidavit or other verified certification of compliance with the following notice requirements to landowners directly affected by electric transmission line routes or transmission substation locations proposed by the application. The proof of compliance shall include a list of all directly affected landowners to whom notice was sent.

- No landowners will be directly affected by this project according to paragraph 23 of Evergy Metro's Application.

4 CSR 240 2.060 [20 CSR 4240-2.060]

(1) All applications shall have

(A) The legal name of each applicant, a brief description of the legal organization of each applicant, whether a Missouri corporation, foreign corporation, partnership, proprietorship, or other business organization, the street and mailing address of the principal office or place of business of each applicant and each applicant's electronic mail address, fax number and telephone number, if any;

- This information is provided in paragraphs 1 and 2 of Evergy Metro's Application.

(B) If any applicant is a Missouri corporation, a Certificate of Good Standing from the secretary of state;

- A reference to its Certificate of Good Standing is available in paragraph 1 of Evergy Metro's Application.

(C) If any applicant is a foreign corporation, a certificate from the secretary of state that it is authorized to do business in Missouri;

- Evergy Metro is not a foreign corporation, this does not apply.

(D) If any applicant is a partnership, a copy of the partnership agreement;

- This requirement does not apply.

(E) If any applicant does business under a fictitious name, a copy of the registration of the fictitious name with the secretary of state;

- Evergy Metro operates under its own name, this requirement does not apply.

(F) If any applicant is a political subdivision, a specific reference to the statutory provision and a specific reference to any other authority, if any, under which it operates;

- Evergy Metro is not a political subdivision. This requirement does not apply.

(G) If any applicant has submitted the applicable information as set forth in subsections (1)(B)–(F) of this rule in a previous application, the same may be incorporated by reference to the case number in which the information was furnished, so long as such applicable information is current and correct;

- Evergy Metro does use a reference for subsection B of this rule.

(H) A brief statement of the character of business performed by each applicant;

- A statement of character is made in paragraph 1 of Evergy Metro's Application.

(I) Name, title, address, and telephone number of the person to whom correspondence, communications, and orders and decision of the commission are to be sent, if other than to the applicant's legal counsel;

- Evergy Metro provides the information for three individuals in paragraph 4 of its Application.

(J) If any applicant is an association, other than an incorporated association or other entity created by statute, a list of all of its members;

- Evergy Metro is not an association. This requirement does not apply.

(K) A statement indicating whether the applicant has any pending action or final unsatisfied judgments or decisions against it from any state or federal agency or court which involve customer service or rates, which action, judgment, or decision has occurred within three (3) years of the date of the application;

- Evergy Metro lists a single case in paragraph 3 of its Application and states that there are no other cases that fall under this requirement.

(L) A statement that no annual report or assessment fees are overdue; and

- Evergy Metro states that is has no overdue annual report or assessment fees in paragraph 2 of its Application.

(M) All applications shall be subscribed and verified by affidavit under oath by one (1) of the following methods: if an individual, by that individual; if a

partnership, by an authorized member of the partnership; if a corporation, by an authorized officer of the corporation; if a municipality or political subdivision, by an authorized officer of the municipality or political subdivision; or by the attorney for the applicant if the application includes or is accompanied by a verified statement that the attorney is so authorized..

- An affidavit is attached on Page 21 of Evergy Metro's Application.

(2) If any of the items required under this rule are unavailable at the time the application is filed, they shall be furnished prior to the granting of the authority sought.

- Evergy Metro has provided all requirements to this rule.