



**Neutral Testimony Concerning HB 2591**  
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**For the House Committee on Energy, Utilities and Telecommunications**

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Thank you, Mr. Chairman and members of the committee for the opportunity to comment on HB 2591, which would exempt the current 3-person Kansas Corporation Commission from the Kansas Open Meetings Act when considering docketed proceedings before the Commission.

Evergy is filing neutral testimony because it believes this to be a matter of how the Commission operates within and among itself. However, based on our extensive interactions with the Corporation Commission through the years, and realizing the complexity of the issues that come before the Commission, we do recognize that there are benefits to allowing Commissioners to work together outside of formal meetings. This increased dialogue would likely aid Commissioners as they work through issues before preparing final orders. That said, years back, the Commissioners utilized their open meeting agenda sessions to have open, transparent discussion of their positions before finalizing orders in docketed proceedings. These discussions were held under existing statutes and could be a workable forum for the Commission to improve transparent dialogue of their individual positions should HB 2591 not advance.

However, for an example of the potential benefit of HB 2591, in 2023, the Commission faced a very complex issue with competing demands and orders around the Kansas Energy Efficiency Investment Act (KEEIA). We believe that the proposed changes in HB 2591, had they been in effect, would have aided Commissioners in allowing a candid discussion of the issues in the case earlier in the process, thus helping find a way forward more quickly.

Evergy would suggest that it is likely not necessary nor appropriate for legal counsel for KCC Staff to be exempted from ex parte. There is already ample opportunity for KCC technical staff to inform Commissioners during a proceeding. Staff legal counsel responsible for advocating in front of the Commission for specific outcomes that are often in conflict with the utilities and other stakeholders should not also be informing Commissioners during their decision-making process. Under existing statutes, the Commissioners could hold an open meeting to inquire of KCC Staff legal counsel, should they need to seek additional information from legal counsel. This process would help to ensure transparency to all docket participants. Evergy does not have concerns with non-KCC Staff ex parte communication addressed in this legislation, but believes it is important for stakeholders to be able to continue to meet with Commissioners on issues that are not a part of contested cases. An on-going dialogue with regulators is needed on many issues, and it is helpful when those conversations can occur in a timely manner.

Thank you for the opportunity to comment, and we are happy to answer any questions the committee may have.