

**BEFORE THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS**

In the Matter of the Joint Application of)
Everyg Kansas Central, Inc., Everyg Kansas)
South, Inc., and Everyg Metro, Inc. for) Docket No. 23-EKCE-775-RTS
Approval to Make Certain Changes in their)
Charges for Electric Service)

**MOTION FOR ORDER COMPELLING KIC TO PROVIDE FULL AND
COMPLETE ANSWERS AND DOCUMENTS RESPONSIVE TO DISCOVERY**

COME NOW Everyg Kansas Central, Inc. and Everyg Kansas South, Inc. (collectively referred to as “Everyg Kansas Central” or “EKC”) and Everyg Metro, Inc. (“Everyg Kansas Metro” or “EKM”) (together with Everyg Kansas Central referred to as “Everyg” or “Joint Applicants”) and move the Kansas Corporation Commission (the “Commission”) for an order compelling Kansas Industrial Consumers Group, Inc. (“KIC”) to provide full and complete answers and documents responsive to Everyg’s initial round of discovery.

BACKGROUND

1. On April 25, 2023, Everyg filed a Joint Application to make certain changes in its charges for electric service.
2. On May 1, 2023, Kansas Industrial Consumers Group, Inc. (“KIC”) filed a petition for intervention in this docket on behalf of itself and three other business entities: Lawrence Paper Company (“LPC”), Spirit AeroSystems, Inc. (“Spirit”), and Occidental Chemical Corporation (“Occidental”).¹ KIC’s petition identified LPC, Spirit, and Occidental as “Participating Members” of KIC and asserted that both KIC and its “Participating Members” were entitled to intervene and

¹ KIC Petition to Intervene (May 1, 2023).

participate fully as parties in this docket.² On May 3, 2023, Goodyear Tire & Rubber Company (“Goodyear”) filed a petition for intervention, seeking to participate fully in this proceeding as a “Participating Member” of KIC.³

3. On May 10, 2023, Evergy filed a motion asking the Commission to impose intervention conditions limiting the participation of KIC and its then-identified “Participating Members” based on service territory.⁴ The next day, Associated Purchasing Services (“APS”) filed a petition for intervention, seeking to participate fully in this proceeding as a “Participating Member” of KIC.⁵

4. On May 15, 2023, KIC responded to Evergy’s motion for participation conditions.⁶ In its response, KIC suggested it had a particularized interest in this proceeding separate and apart from the interests of its “Participating Members” because its “policy initiatives ... place its policy advocacy directly in line with the matters contained in the Joint Application.”⁷ KIC also recited its business purpose as set out in its articles of incorporation, to wit: “Representation, advancement, and protection of the interests of commercial, industrial, and other large volume users of energy (including natural gas, electric energy, and renewable resources) in matters before state and federal administrative agencies, state and federal courts, and before private and governmental entities, and in the public generally.”⁸ In addition, KIC noted that “[m]any policy advocacy groups have

² *Id.* at pp. 6-7.

³ Goodyear Petition to Intervene (May 3, 2023)

⁴ Evergy Motion for Order Imposing Conditions on Proceeding by KIC Petitioners (May 10, 2023).

⁵ APS Petition to Intervene (May 11, 2023)

⁶ Response of Intervenors to Evergy Motion for Order Imposing Conditions on Participation in Proceeding by KIC Petitioners (May 15, 2023).

⁷ *Id.* at ¶ 6.

⁸ *Id.*

historically been granted Intervention in KCC Dockets on dozens of occasion – including the Sierra Club, the American Association of Retired Persons (AARP), Climate and Energy Group, Earth Justice, and the Kansas Association of School Boards (KASB) ...[.]”⁹

5. On May 18, 2023, the Commission entered a non-final procedural order granting intervention to KIC along with LPC, Spirit, Occidental, Goodyear, and APS.¹⁰ In that order the Commission noted that “at any time during a proceeding, the Commission may impose limitations on an intervenor’s participation.”¹¹

6. Upon examination of KIC’s corporate filings with the Kansas Secretary of State, Evers learned the following: (1) KIC is a for-profit Kansas corporation organized in 2006 by two attorneys who historically have represented KIC and its “Participating Members” in proceedings before the Commission; (2) the two attorneys that organized KIC have served as the officers and directors of the corporation since its founding; and (3) the same two attorneys appear to have been the sole shareholders of KIC since its founding. Certified copies of KIC’s Articles of Incorporation, 2005 Annual Report, and 2023 Annual Report are attached as **Exhibit A**.

7. On July 7, 2023, Evers served its initial round of discovery on KIC. The discovery consists of 16 requests seeking information related to KIC’s organizational structure, ownership, membership, governance, and asserted interests and positions in this case.

⁹ *Id.*

¹⁰ Order Granting Intervention to Kansas Industrial Consumers Group, Lawrence Paper Company, Spirit Aerosystems, Inc., Occidental Chemical Corporation, Goodyear Tire & Rubber Company, USD #259, NRDC, and Associated Purchasing Services Corporation (May 18, 2023).

¹¹ *Id.* at ¶¶ 8, 12 and 16 (citing K.S.A. 77-521(c))

8. KIC responded to Evergy's discovery on July 17, 2023, providing information responsive to five requests (DRs 1-1, 1-2, 1-8, 1-14 and 1-15) and objecting to the other requests. A copy of Evergy's discovery requests and KIC's corresponding responses is attached as **Exhibit B**.

9. The discovery requests to which KIC objected asked the group to:

- Confirm the accuracy of the information reported in its corporate filings with the Kansas Secretary of State and, if necessary, correct any inaccuracies in those filings. (DRs 1-3 and 1-4)
- Identify its individual and corporate shareholders. (DR 1-5)
- Furnish copies of its bylaws and any shareholder agreements. (DR 1-6)
- Confirm whether it is taking the position that as a for-profit corporation its interests in this proceeding extend beyond the interests of its shareholders and, if so, to explain the factual and legal basis for that position. (DR-1-7)
- Explain the meaning of the term "Participating Member" and furnish copies of any membership agreements or other documents establishing the membership status for each KIC Intervenor. (DR 1-9)
- Identify any persons or entities other than the KIC Intervenors that are members of KIC and furnish any membership or other documents establishing the membership status of those persons or entities. (DR 1-10)
- Furnish copies of any documents setting out the general terms, conditions, obligations, benefits, rules or practices of membership in KIC. (DR 1-11)
- Furnish copies of any resolutions, meeting minutes or other corporate records related to KIC's intervention in this proceeding. (DR 1-12)
- Identify any for-profit policy advocacy groups (other than KIC) that have historically been granted intervention in KCC dockets. (DR 1-13)
- Furnish copies of any letters, agreements, or other documents related to compensation and/or the terms of engagement of any expert witness retained by KIC. (DR 1-16)

10. KIC lodged the following boilerplate objection to all but four of the unanswered discovery requests:¹²

Objection. This discovery request seeks information that is not relevant and will not lead to relevant information. This proceeding is the consideration of Evergy Kansas Central and Evergy Kansas Metro for an increase in their retail electric rates. KIC is not a focus of discovery in this KCC proceeding, subsequent to the consideration by the KCC of the Petition for Intervention of KIC. The KCC granted intervention to KIC in this Docket on May 18, 2023, and neither Evergy Kansas Central nor Evergy Kansas Metro sought reconsideration of this KCC Order Granting to KIC the status of Intervenor in this Docket.

11. On July 19, 2023, counsel for Evergy transmitted a detailed “Golden Rule” letter to one of the KIC attorneys (James A. Zakoura) explaining Evergy’s position regarding KIC’s objections. Evergy’s counsel asked Mr. Zakoura to reconsider his objections and offered available dates and times to discuss the matter. A copy of the letter is attached as **Exhibit C**.

12. KIC never responded to the “Golden Rule” letter, leaving Evergy with no choice but to ask the Commission to compel the group to provide full and complete answers to its discovery requests.

ARGUMENTS AND AUTHORITIES

13. Discovery in cases before the Commission “shall be limited to matters that are clearly relevant to the proceeding involved.”¹³ Under the Kansas rules of civil procedure, discovery is allowed on “any matter, not privileged, which is relevant to the subject matter involved in the

¹² In its objections to DRs 1-9, 1-11, and 1-12, KIC added the following: “KIC notes that each entity that has elected to participate through KIC, has been granted the separate and distinct right to Intervene in this Docket by the KCC.” In its objection to DR 1-13, KIC deleted the following language: “The KCC granted intervention to KIC in this Docket on May 18, 2023, and neither Evergy Kansas Central nor Evergy Kansas Metro sought reconsideration of this KCC Order Granting to KIC the status of Intervenor in this Docket.”

¹³ K.A.R. 82-1-234a(a).

pending action.”¹⁴ A party resisting discovery on relevancy grounds bears the burden of explaining how “each discovery request is irrelevant, not reasonably calculated to the discovery of admissible evidence, or burdensome.”¹⁵

14. KIC’s boilerplate objections are not well taken and should be overruled. The only explanation given by KIC for its relevancy objections is the offbeat assertion that Evergy’s discovery is somehow precluded or mooted by the Commission’s May 18, 2023 procedural order granting KIC intervention in this case. That order was non-final agency action,¹⁶ and it explicitly recognized the Commission’s prerogative to impose future limitations on intervenor participation.¹⁷ The order provides no grounds for KIC to resist discovery.

15. Evergy’s discovery requests are not unnecessarily burdensome; nor are they subject to any discovery privilege or immunity. The requests are narrowly tailored to address serious questions raised by KIC’s unique organizational structure – the details of which remain largely unknown – as well as the sweeping claims KIC made in petitioning the Commission for intervention as a party in this proceeding without condition or limitation.

16. To be clear, Evergy’s discovery requests are not designed to call into question the interventions of the entities KIC calls “Participating Members.” Nor are the requests designed to impugn the legitimacy of the legal representation the KIC attorneys are providing those entities. The purpose of Evergy’s discovery is to obtain sufficient information to ensure transparent intervenor

¹⁴ K.S.A. 60-226(b)(1).

¹⁵ See *Cont’l Ill. Nat’l Bank & Trust Co. of Chicago v. Caton*, 136 F.R.D. 682, 685 (D. Kan. 1991).

¹⁶ Order Granting Intervention to Kansas Industrial Consumers Group, Lawrence Paper Company, Spirit Aerosystems, Inc., Occidental Chemical Corporation, Goodyear Tire & Rubber Company, USD #259, NRDC, and Associated Purchasing Services Corporation (May 18, 2023), p. 7 (citing K.S.A. 77-602(b)(2)).

¹⁷ *Id.* at ¶¶ 8, 12 and 16 (citing K.S.A. 77-521(c)).

participation and to allow the Commission to establish participation limitations based on facts, not artful pleading.

17. The Commission has already recognized the relevance of defining KIC's interests vis-à-vis other parties represented by the KIC attorneys. In granting intervention to the Kansas and Wichita Chambers, the Commission said:

At this stage, the interests and positions of the Chamber and Wichita Chamber are not sufficiently defined to justify consolidation with each other or with KIC. However the Chamber acknowledges that if there is an indication that its interests are aligned with KIC and any other parties, the Commission has the authority to require KIC and the Chamber to combine their presentations of evidence and argument, cross-examination, discovery and other participation in the proceedings.¹⁸

18. The root problem here is that KIC appears to be over-claiming its organizational interests. KIC claims it has a particularized interest in this proceeding separate and apart from the interests of its "Participating Members." Yet it refuses to provide any factual support for that claim. The Commission has recognized the importance of "knowing the explicit identity of interests an intervening party represents."¹⁹ That inquiry is clearly relevant because if the identity of a party's interests are kept hidden, the Commission cannot assess the credibility of that party's contribution to the case or determine what influences might color the positions advanced by that party. Ascertaining whether an organizational intervenor actually speaks for the constituencies it purports to represent is crucial to preserving the integrity of any proceeding affecting the public interest.²⁰

¹⁸ Order Granting Intervention to Kansas Chamber of Commerce and the Wichita Regional Chamber of Commerce (July 6, 2023), ¶ 16.

¹⁹ Order Denying Petition to Intervene for Kansas Industrial Consumers Group, Inc., Docket No. 08-WSEE-1041-RTS (July 18, 2008), ¶ 9.

²⁰ See *Flast v Cohen*, 392 US 83, 99 (1968) (internal quotation marks omitted), quoting *Baker v Carr*, 369 US 186, 204 (1962) (noting the importance of "concrete adverseness which sharpens the presentation of issues upon which the court so largely depends for illumination of difficult . . . questions").

19. Notably, KIC attempts to support its claim to broad organizational standing by comparing itself to organizations like the Sierra Club, AARP, Climate and Energy Group, Earth Justice, and the Kansas Association of School Boards.²¹ But KIC’s own corporate filings belie any such comparison. Based on the information in those public records, KIC bears no resemblance to those member-based non-profit groups. Unless KIC provides evidence to the contrary, the Commission must assume that KIC is a fictive organization with no established membership interests to claim.²² It is important for the Commission, the parties, and the public to know whether KIC has a bona fide organizational interest separate and apart from the interests of its “Participating Members,” or whether the group is carrying a hollow mantle of broad organizational representation.²³ Without information responsive to Evergy’s discovery requests, that question will remain unanswered.

20. Based on its corporate filings, KIC appears to be little more than a marketing arm of a law firm that provides legal and lobbying services to commercial and industrial customers. As a general rule, a lawyer’s interests in a matter are co-terminus with the client’s interests. The fact that the KIC attorneys provide legal services to certain commercial and industrial customers in

²¹ See Response of Intervenors to Evergy Motion for Order Imposing Conditions on Participation in Proceeding by KIC Petitioners (May 15, 2023), ¶ 6; see, also, KIC Petition to Intervene.

²² See *Northeast Ohio Coalition for Homeless and Service Employees Intern. Union, Local 1199 v. Blackwell*, 467 F.3d 999, 1010 and n. 4 (6th Cir. 2006) (finding coalition lacked standing based interests of nonmembers the coalition purported to represent); see, also, *Individuals for Responsible Government, Inc. v. Washoe County By and Through the Bd. of County Com'rs*, 110 F.3d 699, 702 (9th Cir. 1997), cert. denied, 522 U.S. 966, 118 S. Ct. 411, 139 L. Ed. 2d 315 (1997) (holding that an organization without members cannot borrow standing from its membership); *Sierra Club v. Morton*, 405 U.S. 727, 739, 92 S.Ct. 1361, 1368, 31 L.Ed.2d 636 (1972) (stating “a mere ‘interest in a problem,’ no matter how longstanding the interest and no matter how qualified the organization is in evaluating the problem, is not sufficient by itself” to give the organization standing to sue”).

²³ See *Valley Forge Christian College v. Americans United for Separation of Church and State, Inc.*, 454 U.S. 464, 476–477 n. 14, (1982) (holding group claiming no injury to itself as an organization could present no claim to standing different from that of the members it sought to represent); *In re Holocaust Victim Assets Litigation*, 225 F.3d 191, 195-197 (2d Cir. 2000) (finding no organizational standing where group had no members other than the individuals who had intervened).

Kansas does not mean they should be recognized as private attorney generals for all commercial and industrial customers in Kansas.

21. The Commission has in past dockets recognized the lack of any independent basis for KIC's participation in KCC proceedings by denying the group intervention without identification of its purported interests.²⁴ This requirement creates a logical and legal conundrum for KIC and underscores why full and complete answers to the requested discovery should be ordered.

22. The logical conundrum: If KIC's right to intervene in a KCC proceeding is derivative of the interventions of the parties it represents in the proceeding, as the Commission has repeatedly held, then KIC's organizational interests must be co-extensive with the interests of those parties. The question then becomes: How can KIC's organizational interests, whatever they may be, not be adequately represented (through common counsel) by KIC's "Participating Members"? If KIC purports to represent any interests separate and apart from the interests of its "Participating Members" – which appears to be KIC's position in this case – then those interests must be explicitly identified. Likewise, if KIC's anticipated role in this proceeding will be delimited by the interests of its "Participating Members," that should be explicitly acknowledged. Every's discovery requests related to KIC's members, its membership terms and shareholder agreements, and its intervention in this proceeding will assist the Commission in identifying whether KIC has any independent legal interests at stake in this proceeding. KIC has not, as yet, disclosed any such interests.

²⁴ See, e.g., Docket No. 08-WSEE-1041-RTS, Order Denying Petition to Intervene for Kansas Industrial Consumers Group, Inc. (July 18, 2008), ¶ 9.

23. KIC's legal conundrum appears to be a matter of first impression. The group's corporate filings indicate that KIC is an attorney owned and attorney managed for-profit corporation. Generally, the interests of a for-profit corporation do not extend beyond the interests of its shareholders. So the question becomes: How can a for-profit corporation represent other corporate entities in a quasi-judicial proceeding? Certainly, the KIC attorneys can appear on behalf of those entities. However, as a matter of law, it is difficult to see how KIC (as a for-profit corporation) can assume that representative role or can claim any grounds to intervene in a formal administrative proceeding based on the interests of non-shareholding third-parties.²⁵ Evergy's discovery requests, which KIC claims to be objectionable, are intended to discover if there is some unique legal relationship between KIC and its "Participating Members" that would countenance such representation. In the absence of such a relationship, Evergy submits that KIC's intervention in this proceeding as a representative of other independent corporate entities poses significant and potentially disqualifying legal challenges.

24. Finally, KIC improperly objects to furnishing Evergy copies of letters, agreements, or other documents related to compensation and/or the terms of engagement of its retained expert witnesses.²⁶ The Kansas rules of civil procedure explicitly recognize the discoverability of communications with experts relating to compensation, facts or data that the expert "considered in forming the opinions to be expressed," or relating to assumptions "relied on" by the expert.²⁷ Such

²⁵ See *Fleck and Associates, Inc. v. Phoenix, City of, an Arizona Mun. Corp.*, 471 F.3d 1100, 1105-06 (9th Cir. 2006) (finding for-profit association lacked associational standing because there was no showing that the corporation's customers had "come together to form an organization for their mutual aid and benefit" and stating that "the purpose of the 'association' ... was 'to turn a profit'"); see, also, *Clonlara, Inc. v. Runkel*, 722 F. Supp. 1442, 1449-52 (E.D. Mich. 1989) (holding personal interest of director and founder of for-profit school could not transform her business into an organization with standing to advance parental rights).

²⁶ See KIC Response to Evergy DR 1-16.

²⁷ K.S.A. 60-226(b)(4)(C).

information is clearly relevant, and without a valid claim of privilege or immunity, KIC must produce the requested documents.

CONCLUSION

KIC's relevancy objections should be overruled and the group should be ordered to provide full and complete answers and documents responsive to all of Evergy's discovery requests. The non-privileged information Evergy is requesting is relevant and discoverable in this proceeding, just as it would be in any judicial or quasi-judicial proceeding.

Based on the foregoing, and for the reasons stated, Evergy requests that the Commission issue an order compelling KIC to provide full and complete answers and documents to Evergy DRs 1-3, 1-4, 1-5, 1-6, 1-7, 1-9, 1-10, 1-11, 1-12, 1-13, and 1-16.

Respectfully submitted,

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STATE OF KANSAS)
) ss:
COUNTY OF SHAWNEE)

VERIFICATION

I, Glenda Cafer, verify under penalty of perjury that I have caused the foregoing pleading to be prepared; that I have read and reviewed the same; and that the contents thereof are true and correct to the best of my information, knowledge, and belief.

Glenda Cafer

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and correct copy of the foregoing **Motion for Order Compelling KIC to Provide Full and Complete Answers and Documents Responsive to Discovery** was electronically served this 15th day of August 2023 to:

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**KANSAS SECRETARY OF STATE
For Profit Articles of Incorporation**

CF

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All information must be completed or this document will not be accepted for filing.

1. Name of the corporation:

Kansas Industrial Consumers Group, Inc.

04-14-2005	08:44:00
051	\$90.00
0282	01
3771185	PP

2. Address of registered office in Kansas:

Address must be a street address. A post office box is unacceptable.

7400 West 110th Street, Suite 750

Overland Park

Kansas

66210

Street address

City

State

Zip



Name of resident agent at above address:

James P. Zakoura

3. Nature of corporation's business or purpose:

Representation, advancement, and protection of the interests of commercial, industrial, and other large volume users of energy (oil, natural gas, electric energy, renewable energy resources) in matters before state and federal administrative agencies, state and federal courts, and before other private and governmental entities, and in the public generally.

4. Total number of shares that this corporation is authorized to issue:

- 10,000 shares of Common stock, class A par value of \$1.00 dollars each
- 10,000 shares of Common stock, class B par value of \$1.00 dollars each
- _____ shares of _____ stock, class _____ without nominal or par value
- _____ shares of _____ stock, class _____ without nominal or par value

State any designations, powers, rights, limitations or restrictions applicable to any class of stock or any special grant of authority to be given to the board of directors:

None

5. Name and mailing address of incorporator(s):

Name	Street address	City	State	Zip
James P. Zakoura	7400 West 110th Street, Suite 750	Overland Park	Kansas	66210

6. Name and mailing address of each person who is to serve as a director:

Name	Street address	City	State	Zip
James P. Zakoura	7400 West 110th Street, Suite 750	Overland Park	Kansas	66210
Lee M. Smithyman	7400 West 110th Street, Suite 750	Overland Park	Kansas	66210

7. Is this corporation perpetual? Yes No

If *no*, the term for which this corporation is to exist _____
 Month Day Year

• Tax closing date, if known _____
 December 31st
 Month Day

I declare under penalty of perjury under the laws of the state of Kansas that the foregoing is true and correct.

Executed on the 11th of April, 2005.
 Day Month Year

(Signatures must correspond exactly to the names of the incorporators listed in number 5)

James P. Zakoura _____

Mailing Information

Where would you like the Secretary of State's office to send official mail? If no address is given, the mail will be sent to the registered office.

7400 West 110th Street, Suite 750 Overland Park, Kansas 66210 Johnson
 Street address City State Zip Country

The mail should be addressed to the following named individual: James P. Zakoura



I hereby certify this to be a true and correct copy of the original on file.
 Certified on this date: Aug 9, 2023
 SCOTT SCHWAB
 Secretary of State Scott Schwab

Instruction

Submit this form with the \$90 filing fee.

Notice: There is a \$25 service fee for all returned checks.

For Profit Corporation Annual Report

1. Corporation Name: KANSAS INDUSTRIAL CONSUMERS GROUP, INC.
2. Business Entity ID Number: 3771185
3. Tax Closing Date: December 2005
4. State of Incorporation: KS
5. Official Mailing Address:
JAMES P. ZAKOURA, 7400 W 110TH ST STE 750, OVERLAND PARK KS 66210

6. Location of Principal Office:
7400 West 110th Street Suite 750, Overland Park KS 66210

7. Officers

James P. Zakoura - President or equivalent (This officer is also a director)
7400 West 110th Street Suite 750 Overland Park, KS 66210
Lee M. Smithyman - Secretary or equivalent (This officer is also a director)
7400 West 110th Street Suite 750 Overland Park, KS 66210

8. Directors

9. Nature and Kind of Business

"To engage in any lawful act or activity for which the entity may be organized under the laws of Kansas."

Representation, advancement and protection of the interests of commercial, industrial, and other large volume users of energy in matters before state and federal administrative agencies, state and federal courts, and before other private and governmental entities, and in the public generally.

10. Total number of shares of capital stock issued: 100

11. Does this corporation hold more than 50% equity ownership in any other business entity on file with the Kansas Secretary of State? No

12. Does this corporation own or lease land in Kansas suitable for use in agriculture? No

Federal Employer Identification Number (FEIN): 0000000000

I declare under penalty of perjury pursuant to the laws of the state of Kansas that the foregoing is true and correct.

Executed on the 14 of April, 2006

Signature of authorized officer: James P. Zakoura

Title/Position of the signer: President
Contact phone number: 913-661-9800
E-mail: jim@smizak-law.com

Electronically Filed
04/14/2006



I hereby certify this to be a true and correct copy of the original on file.

Certified on this date: Aug 9, 2023
SCOTT SCHWAB
Secretary of State *Scott Schwab*

For Profit Corporation Annual Report



1. Corporation Name: KANSAS INDUSTRIAL CONSUMERS GROUP, INC.
2. Business Entity ID No.: 3771185
3. Tax Closing Date: December 2022
4. State of Incorporation: KS
5. Official Mailing Address:
JAMES P. ZAKOURA, 7500 College Blvd STE 1400 ,
OVERLAND PARK KS 66210
6. Location of Principal Office:
7500 College Blvd Suite 1400, Overland Park KS 66210

Electronic File Stamp
Information:

Filed

- Date:05/05/2023
- Time:
02:46:01 PM

7. Officers:

James P. Zakoura - President or equivalent (This officer is also a director)
7500 College Blvd Suite 1400 Overland Park, KS 66210

Lee M. Smithyman - Secretary or equivalent (This officer is also a director)
7500 College Blvd Suite 1400 Overland Park, KS 66210

8. Directors:

9. Nature and kind of business:

Representation, advancement and protection of the interests of commercial, industrial, and other large volume users of energy in matters before state and federal administrative agencies, state and federal courts, and before other private and governmental entities, and in the public generally.

10. Total number of shares of capital stock issued: 100

11. Does this corporation hold more than 50% equity ownership in any other business entity on file with the Kansas Secretary of State? No

12. Does this corporation own or lease land in Kansas suitable for use in agriculture? No

"I declare under penalty of perjury pursuant to the laws of the state of Kansas that the foregoing is true and correct."

Executed on May 05, 2023

Signature of Authorized Officer: James P Zakoura

Title/Position of the signer: President



I hereby certify this to be a true and correct copy of the original on file.
Certified on this date: *Aug 9, 2023*
SCOTT SCHWAB
Secretary of State *Scott Schwab*

KANSAS INDUSTRIAL CONSUMERS GROUP (KIC)
Docket No. 23-EKME-775-RTS

Response Provided by James P. Zakoura on
July 17, 2023

Evergy 1-1: Please identify all persons who provided assistance, information, or documents in connection with answering these discovery requests.

RESPONSE: James P. Zakoura

Information provided by: James P. Zakoura, Attorney for KIC

Confidentiality: PUBLIC

Statement: This response is Public. No Confidential Statement is needed.

Verification:

I have read the Information Request and answer thereto and find answer to be true, accurate, full and complete and contain no material misrepresentations or omissions to the best of my knowledge and belief; and I will disclose to the Commission Staff any matter subsequently discovered which affects the accuracy or completeness of the answer(s) to this Information Request(s).

Signature: /s/ James P. Zakoura
Attorney for KIC

Dated: July 17, 2023

KANSAS INDUSTRIAL CONSUMERS GROUP (KIC)
Docket No. 23-EKME-775-RTS

Response Provided by James P. Zakoura on
July 17, 2023

Evergy 1-2: Please provide the current business address and main telephone number for KIC.

RESPONSE: 10886 Nieman Rd., Overland Park, KS 66210, telephone: 913-944-2263

Information provided by: James P. Zakoura, Attorney for KIC.

Confidentiality: PUBLIC

Statement: This response is Public. No Confidential Statement is needed.

Verification:

I have read the Information Request and answer thereto and find answer to be true, accurate, full and complete and contain no material misrepresentations or omissions to the best of my knowledge and belief; and I will disclose to the Commission Staff any matter subsequently discovered which affects the accuracy or completeness of the answer(s) to this Information Request(s).

Signature: /s/ James P. Zakoura
Attorney for KIC

Dated: July 17, 2023

KANSAS INDUSTRIAL CONSUMERS GROUP (KIC)
Docket No. 23-EKME-775-RTS

Response Provided by James P. Zakoura on
July 17, 2023

Evergy 1-3: KIC's Articles of Incorporation as well as its subsequent filings with the Kansas Secretary of State indicate that KIC is a for-profit corporation. Please confirm the accuracy of this public information and, if necessary, correct any inaccuracies.

RESPONSE: Objection. This discovery request seeks information that is not relevant and will not lead to relevant information. This proceeding is the consideration of Evergy Kansas Central and Evergy Kansas Metro for an increase in their retail electric rates. KIC is not a focus of discovery in this KCC proceeding, subsequent to the consideration by the KCC of the Petition for Intervention of KIC. The KCC granted intervention to KIC in this Docket on May 18, 2023, and neither Evergy Kansas Central or Evergy Kansas Metro sought reconsideration of this KCC Order Granting to KIC the status of Intervenor in this Docket.

Information provided by: James P. Zakoura, Attorney for KIC.

Confidentiality: PUBLIC

Statement: This response is Public. No Confidential Statement is needed.

Verification:

I have read the Information Request and answer thereto and find answer to be true, accurate, full and complete and contain no material misrepresentations or omissions to the best of my knowledge and belief; and I will disclose to the Commission Staff any matter subsequently discovered which affects the accuracy or completeness of the answer(s) to this Information Request(s).

Signature: /s/ James P. Zakoura
Attorney for KIC

Dated: July 17, 2023

KANSAS INDUSTRIAL CONSUMERS GROUP (KIC)
Docket No. 23-EKME-775-RTS

Response Provided by James P. Zakoura on
July 17, 2023

Evergy 1-4: KIC's annual reports on file with the Kansas Secretary of State indicate that at all times since KIC's incorporation James P. Zakoura has served as president of KIC, Lee M. Smithyman has served as secretary of KIC, and both James P. Zakoura and Lee M. Smithyman have served as directors of KIC. Please confirm the accuracy of this public information and, if necessary, correct any inaccuracies in the information.

RESPONSE: Objection. This discovery request seeks information that is not relevant and will not lead to relevant information. This proceeding is the consideration of Evergy Kansas Central and Evergy Kansas Metro for an increase in their retail electric rates. KIC is not a focus of discovery in this KCC proceeding, subsequent to the consideration by the KCC of the Petition for Intervention of KIC. The KCC granted intervention to KIC in this Docket on May 18, 2023, and neither Evergy Kansas Central or Evergy Kansas Metro sought reconsideration of this KCC Order Granting to KIC the status of Intervenor in this Docket.

Information provided by: James P. Zakoura, Attorney for KIC.

Confidentiality: PUBLIC

Statement: This response is Public. No Confidential Statement is needed.

Verification:

I have read the Information Request and answer thereto and find answer to be true, accurate, full and complete and contain no material misrepresentations or omissions to the best of my knowledge and belief; and I will disclose to the Commission Staff any matter subsequently discovered which affects the accuracy or completeness of the answer(s) to this Information Request(s).

Signature: /s/ James P. Zakoura
Attorney for KIC

Dated: July 17, 2023

KANSAS INDUSTRIAL CONSUMERS GROUP (KIC)
Docket No. 23-EKME-775-RTS

Response Provided by James P. Zakoura on
July 17, 2023

Evergy 1-5: Please identify all individual and corporate shareholders of KIC.

RESPONSE: Objection. This discovery request seeks information that is not relevant and will not lead to relevant information. This proceeding is the consideration of Evergy Kansas Central and Evergy Kansas Metro for an increase in their retail electric rates. KIC is not a focus of discovery in this KCC proceeding, subsequent to the consideration by the KCC of the Petition for Intervention of KIC. The KCC granted intervention to KIC in this Docket on May 18, 2023, and neither Evergy Kansas Central or Evergy Kansas Metro sought reconsideration of this KCC Order Granting to KIC the status of Intervenor in this Docket.

Information provided by: James P. Zakoura, Attorney for KIC.

Confidentiality: PUBLIC

Statement: This response is Public. No Confidential Statement is needed.

Verification:

I have read the Information Request and answer thereto and find answer to be true, accurate, full and complete and contain no material misrepresentations or omissions to the best of my knowledge and belief; and I will disclose to the Commission Staff any matter subsequently discovered which affects the accuracy or completeness of the answer(s) to this Information Request(s).

Signature: /s/ James P. Zakoura
Attorney for KIC

Dated: July 17, 2023

KANSAS INDUSTRIAL CONSUMERS GROUP (KIC)
Docket No. 23-EKME-775-RTS

Response Provided by James P. Zakoura on
July 17, 2023

Evergy 1-6: Please furnish copies of KIC's bylaws and any KIC shareholder agreements currently in effect.

RESPONSE: Objection. This discovery request seeks information that is not relevant and will not lead to relevant information. This proceeding is the consideration of Evergy Kansas Central and Evergy Kansas Metro for an increase in their retail electric rates. KIC is not a focus of discovery in this KCC proceeding, subsequent to the consideration by the KCC of the Petition for Intervention of KIC. The KCC granted intervention to KIC in this Docket on May 18, 2023, and neither Evergy Kansas Central or Evergy Kansas Metro sought reconsideration of this KCC Order Granting to KIC the status of Intervenor in this Docket.

Information provided by: James P. Zakoura, Attorney for KIC.

Confidentiality: PUBLIC

Statement: This response is Public. No Confidential Statement is needed.

Verification:

I have read the Information Request and answer thereto and find answer to be true, accurate, full and complete and contain no material misrepresentations or omissions to the best of my knowledge and belief; and I will disclose to the Commission Staff any matter subsequently discovered which affects the accuracy or completeness of the answer(s) to this Information Request(s).

Signature: /s/ James P. Zakoura
Attorney for KIC

Dated: July 17, 2023

KANSAS INDUSTRIAL CONSUMERS GROUP (KIC)
Docket No. 23-EKME-775-RTS

Response Provided by James P. Zakoura on
July 17, 2023

Evergy 1-7: Is it KIC's position that as a for-profit corporation its interests in this proceeding extend beyond the interests of its shareholders? If so, please provide the factual and legal basis for that position.

RESPONSE: Objection. This discovery request seeks information that is not relevant and will not lead to relevant information. This proceeding is the consideration of Evergy Kansas Central and Evergy Kansas Metro for an increase in their retail electric rates. KIC is not a focus of discovery in this KCC proceeding, subsequent to the consideration by the KCC of the Petition for Intervention of KIC. The KCC granted intervention to KIC in this Docket on May 18, 2023, and neither Evergy Kansas Central or Evergy Kansas Metro sought reconsideration of this KCC Order Granting to KIC the status of Intervenor in this Docket.

Information provided by: James P. Zakoura, Attorney for KIC.

Confidentiality: PUBLIC

Statement: This response is Public. No Confidential Statement is needed.

Verification:

I have read the Information Request and answer thereto and find answer to be true, accurate, full and complete and contain no material misrepresentations or omissions to the best of my knowledge and belief; and I will disclose to the Commission Staff any matter subsequently discovered which affects the accuracy or completeness of the answer(s) to this Information Request(s).

Signature: /s/ James P. Zakoura
Attorney for KIC

Dated: July 17, 2023

KANSAS INDUSTRIAL CONSUMERS GROUP (KIC)
Docket No. 23-EKME-775-RTS

Response Provided by James P. Zakoura on
July 17, 2023

Evergy 1-8: Is it KIC's position that it is authorized to represent the interests of any persons or entities other than the KIC Intervenors in this proceeding? If so, please identify all such persons or entities and state the legal and factual basis for KIC's asserted authority.

RESPONSE: No.

Information provided by: James P. Zakoura, Attorney for KIC.

Confidentiality: PUBLIC

Statement: This response is Public. No Confidential Statement is needed.

Verification:

I have read the Information Request and answer thereto and find answer to be true, accurate, full and complete and contain no material misrepresentations or omissions to the best of my knowledge and belief; and I will disclose to the Commission Staff any matter subsequently discovered which affects the accuracy or completeness of the answer(s) to this Information Request(s).

Signature: /s/ James P. Zakoura
Attorney for KIC

Dated: July 17, 2023

KANSAS INDUSTRIAL CONSUMERS GROUP (KIC)
Docket No. 23-EKME-775-RTS

Response Provided by James P. Zakoura on
July 17, 2023

Evergy 1-9: In its Petition to Intervene KIC identifies the KIC Intervenors as “Participating Members.” Please explain the meaning of the term “Participating Member” and furnish copies of any membership agreements or other documents establishing the membership status for each of the KIC Intervenors.

RESPONSE: Objection. This discovery request seeks information that is not relevant and will not lead to relevant information. This proceeding is the consideration of Evergy Kansas Central and Evergy Kansas Metro for an increase in their retail electric rates. KIC is not a focus of discovery in this KCC proceeding, subsequent to the consideration by the KCC of the Petition for Intervention of KIC. The KCC granted intervention to KIC in this Docket on May 18, 2023, and neither Evergy Kansas Central or Evergy Kansas Metro sought reconsideration of this KCC Order Granting to KIC the status of Intervenor in this Docket. KIC notes that each entity that has elected to participate through KIC, has been granted the separate and distinct right to Intervene in this Docket by the KCC.

Information provided by: James P. Zakoura, Attorney for KIC.

Confidentiality: PUBLIC

Statement: This response is Public. No Confidential Statement is needed.

Verification:

I have read the Information Request and answer thereto and find answer to be true, accurate, full and complete and contain no material misrepresentations or omissions to the best of my knowledge and belief; and I will disclose to the Commission Staff any matter subsequently discovered which affects the accuracy or completeness of the answer(s) to this Information Request(s).

Signature: /s/ James P. Zakoura
Attorney for KIC

Dated: July 17, 2023

KANSAS INDUSTRIAL CONSUMERS GROUP (KIC)
Docket No. 23-EKME-775-RTS

Response Provided by James P. Zakoura on
July 17, 2023

Evergy 1-10: Does KIC's membership include any persons or entities other than the KIC Intervenor? If so, please identify those persons or entities and furnish copies of any membership agreements or other documents establishing the membership status for each of those persons or entities.

RESPONSE: Objection. This discovery request seeks information that is not relevant and will not lead to relevant information. This proceeding is the consideration of Evergy Kansas Central and Evergy Kansas Metro for an increase in their retail electric rates. KIC is not a focus of discovery in this KCC proceeding, subsequent to the consideration by the KCC of the Petition for Intervention of KIC. The KCC granted intervention to KIC in this Docket on May 18, 2023, and neither Evergy Kansas Central or Evergy Kansas Metro sought reconsideration of this KCC Order Granting to KIC the status of Intervenor in this Docket.

Information provided by: James P. Zakoura, Attorney for KIC.

Confidentiality: PUBLIC

Statement: This response is Public. No Confidential Statement is needed.

Verification:

I have read the Information Request and answer thereto and find answer to be true, accurate, full and complete and contain no material misrepresentations or omissions to the best of my knowledge and belief; and I will disclose to the Commission Staff any matter subsequently discovered which affects the accuracy or completeness of the answer(s) to this Information Request(s).

Signature: /s/ James P. Zakoura
Attorney for KIC

Dated: July 17, 2023

KANSAS INDUSTRIAL CONSUMERS GROUP (KIC)
Docket No. 23-EKME-775-RTS

Response Provided by James P. Zakoura on
July 17, 2023

Evergy 1-11: Please furnish copies of any documents setting out the general terms, conditions, obligations, benefits, rules or practices of membership in KIC.

RESPONSE: Objection. This discovery request seeks information that is not relevant and will not lead to relevant information. This proceeding is the consideration of Evergy Kansas Central and Evergy Kansas Metro for an increase in their retail electric rates. KIC is not a focus of discovery in this KCC proceeding, subsequent to the consideration by the KCC of the Petition for Intervention of KIC. The KCC granted intervention to KIC in this Docket on May 18, 2023, and neither Evergy Kansas Central or Evergy Kansas Metro sought reconsideration of this KCC Order Granting to KIC the status of Intervenor in this Docket. KIC notes that each entity that has elected to participate through KIC, has been granted the separate and distinct right to Intervene in this Docket by the KCC.

Information provided by: James P. Zakoura, Attorney for KIC.

Confidentiality: PUBLIC

Statement: This response is Public. No Confidential Statement is needed.

Verification:

I have read the Information Request and answer thereto and find answer to be true, accurate, full and complete and contain no material misrepresentations or omissions to the best of my knowledge and belief; and I will disclose to the Commission Staff any matter subsequently discovered which affects the accuracy or completeness of the answer(s) to this Information Request(s).

Signature: /s/ James P. Zakoura
Attorney for KIC

Dated: July 17, 2023

KANSAS INDUSTRIAL CONSUMERS GROUP (KIC)
Docket No. 23-EKME-775-RTS

Response Provided by James P. Zakoura on
July 17, 2023

Evergy 1-12: Please furnish copies of any resolutions, meeting minutes or other corporate records related to KIC's intervention in this proceeding.

RESPONSE: Objection. This discovery request seeks information that is not relevant and will not lead to relevant information. This proceeding is the consideration of Evergy Kansas Central and Evergy Kansas Metro for an increase in their retail electric rates. KIC is not a focus of discovery in this KCC proceeding, subsequent to the consideration by the KCC of the Petition for Intervention of KIC. The KCC granted intervention to KIC in this Docket on May 18, 2023, and neither Evergy Kansas Central or Evergy Kansas Metro sought reconsideration of this KCC Order Granting to KIC the status of Intervenor in this Docket. KIC notes that each entity that has elected to participate through KIC, has been granted the separate and distinct right to Intervene in this Docket by the KCC.

Information provided by: James P. Zakoura, Attorney for KIC.

Confidentiality: PUBLIC

Statement: This response is Public. No Confidential Statement is needed.

Verification:

I have read the Information Request and answer thereto and find answer to be true, accurate, full and complete and contain no material misrepresentations or omissions to the best of my knowledge and belief; and I will disclose to the Commission Staff any matter subsequently discovered which affects the accuracy or completeness of the answer(s) to this Information Request(s).

Signature: /s/ James P. Zakoura
Attorney for KIC

Dated: July 17, 2023

KANSAS INDUSTRIAL CONSUMERS GROUP (KIC)
Docket No. 23-EKME-775-RTS

Response Provided by James P. Zakoura on
July 17, 2023

Evergy 1-13: Is KIC aware of any *for-profit* policy advocacy groups (other than KIC) that have historically been granted intervention in KCC dockets? If so, please identify those *for-profit* advocacy groups.

RESPONSE: Objection. This discovery request seeks information that is not relevant and will not lead to relevant information. This proceeding is the consideration of Evergy Kansas Central and Evergy Kansas Metro for an increase in their retail electric rates. KIC is not a focus of discovery in this KCC proceeding, subsequent to the consideration by the KCC of the Petition for Intervention of KIC.

Notwithstanding the foregoing objection, and without waiving this objection, KIC does not have information responsive to this Discovery Request.

Information provided by: James P. Zakoura, Attorney for KIC.

Confidentiality: PUBLIC

Statement: This response is Public. No Confidential Statement is needed.

Verification:

I have read the Information Request and answer thereto and find answer to be true, accurate, full and complete and contain no material misrepresentations or omissions to the best of my knowledge and belief; and I will disclose to the Commission Staff any matter subsequently discovered which affects the accuracy or completeness of the answer(s) to this Information Request(s).

Signature: /s/ James P. Zakoura
Attorney for KIC

Dated: July 17, 2023

KANSAS INDUSTRIAL CONSUMERS GROUP (KIC)
Docket No. 23-EKME-775-RTS

Response Provided by James P. Zakoura on
July 17, 2023

Evergy 1-14: Has KIC entered into a joint defense agreement, common interest agreement, or other similar agreement with any intervenor(s) in this proceeding? If so, please identify all parties to the agreement, describe the common interest(s) covered by the agreement, and state the date the agreement was made.

RESPONSE: No.

Information provided by: James P. Zakoura, Attorney for KIC.

Confidentiality: PUBLIC

Statement: This response is Public. No Confidential Statement is needed.

Verification:

I have read the Information Request and answer thereto and find answer to be true, accurate, full and complete and contain no material misrepresentations or omissions to the best of my knowledge and belief; and I will disclose to the Commission Staff any matter subsequently discovered which affects the accuracy or completeness of the answer(s) to this Information Request(s).

Signature: /s/ James P. Zakoura
Attorney for KIC

Dated: July 17, 2023

KANSAS INDUSTRIAL CONSUMERS GROUP (KIC)
Docket No. 23-EKME-775-RTS

Response Provided by James P. Zakoura on
July 17, 2023

Evergy 1-15: Please identify all expert witnesses who either have been retained or will be retained to provide testimony in this proceeding on behalf of KIC and/or its members, and for each such witness

- a. describe the subject matter(s) of his or her anticipated testimony; and
- b. identify the member(s) on whose behalf the witness will be testifying.

RESPONSE: Brubaker & Associates.

- (a) An analysis of the request for rate increase as filed in this docket by Evergy Kansas Central and Evergy Kansas Metro;
- (b) Michael Gorman and as yet undetermined expert consultants of Brubaker & Associates, Inc. (BAI)

Information provided by: James P. Zakoura, Attorney for KIC.

Confidentiality: PUBLIC

Statement: This response is Public. No Confidential Statement is needed.

Verification:

I have read the Information Request and answer thereto and find answer to be true, accurate, full and complete and contain no material misrepresentations or omissions to the best of my knowledge and belief; and I will disclose to the Commission Staff any matter subsequently discovered which affects the accuracy or completeness of the answer(s) to this Information Request(s).

Signature: /s/ James P. Zakoura
Attorney for KIC

Dated: July 17, 2023

KANSAS INDUSTRIAL CONSUMERS GROUP (KIC)
Docket No. 23-EKME-775-RTS

Response Provided by James P. Zakoura on
July 17, 2023

Evergy 1-16: Please furnish copies of any letters, agreements, or other documents related to compensation and/or the terms of engagement of any expert witness retained by KIC.

RESPONSE: Objection. This discovery request does not seek relevant information, nor will it lead to the discovery of relevant information. The rate case expenses of KIC and all parties – except Evergy Kansas Central, Evergy Kansas Metro, the Staff of the Kansas Corporation Commission, and the Citizens’ Utility Ratepayer Board – are not recoverable from retail ratepayers of Evergy Kansas Central or Evergy Kansas Metro.

Information provided by: James P. Zakoura, Attorney for KIC.

Confidentiality: PUBLIC

Statement: This response is Public. No Confidential Statement is needed.

Verification:

I have read the Information Request and answer thereto and find answer to be true, accurate, full and complete and contain no material misrepresentations or omissions to the best of my knowledge and belief; and I will disclose to the Commission Staff any matter subsequently discovered which affects the accuracy or completeness of the answer(s) to this Information Request(s).

Signature: /s/ James P. Zakoura
Attorney for KIC

Dated: July 17, 2023



MORRIS LAING
L A W F I R M

Will B. Wohlfod
300 N. Mead, Suite 200
Wichita, KS 67202
P: 316.262.2671
F: 316.262.6226
wwohlfod@morrislaing.com

July 19, 2023

Jim Zakoura
Foulston Siefkin, LLP
Sent via email to jzakoura@foulston.com

RE: *Evergy KS Central and Evergy KS Metro, Docket No. 23-EKCE-775-RTS
KIC's Objections to Evergy's Data Requests*

Dear Jim,

Please consider this communication Evergy's attempt to resolve disputes related to KIC's objections to Evergy DRs 1-3 through 1-7, 1-9 through 1-13 and 1-16. A copy of KIC's responses to Evergy's first DRs to KIC, which includes these eleven requests identified above, and KIC's stated objections, is attached.

Specifically, as to DRs 1-3 through 1-7 and 1-9 through 1-12, KIC repeats the following as essentially the same objection to each request:

Objection. This discovery request seeks information that is not relevant and will not lead to relevant information. This proceeding is the consideration of Evergy Kansas Central and Evergy Kansas Metro for an increase in their retail electric rates. KIC is not a focus of discovery in this KCC proceeding, subsequent to the consideration by the KCC of the Petition for Intervention of KIC. The KCC granted intervention to KIC in this Docket on May 18, 2023, and neither Evergy Kansas Central or Evergy Kansas Metro sought reconsideration of this KCC Order Granting to KIC the status of Intervenor in this Docket.

As such, KIC has objected to the DRs on the basis that such discovery from KIC is not relevant and that the proceeding is for consideration of Evergy's proposed rates. Quite the contrary, in its order granting intervention by the Wichita Regional Chamber of Commerce, the Commission specifically noted Evergy's contention that KIC's stated interest in this proceeding may overlap with those of CURB, and in particular with those of the Kansas Chamber of Commerce and the Wichita Chamber of Commerce. Given the fact that KIC, and the two Chamber entities are all represented by the same counsel, if those interests substantially overlap, the Commission was concerned with the potential that entities represented by the same counsel and purporting to represent the same or substantially overlapping interests would be permitted the chance to present multiple cases at the hearing on this matter. In reserving the possibility that it

would require KIC and the Chamber entities at the very least to consolidate their presentations, the Commission expressly stated:

At this stage, the interests and positions of the Chamber and Wichita Chamber are not sufficiently defined to justify consolidation with each other or with KIC. However the Chamber acknowledges that if there is an indication that its interests are aligned with KIC and any other parties, the Commission has the authority to require KIC and the Chamber to combine their presentations of evidence and argument, cross-examination, discovery and other participation in the proceedings. Order, at Para. 16.

These requests are intended to further understand KIC's interests and positions, and further understand how they relate to those of other parties like the Chamber entities and CURB. KIC's corporate structure, membership and governance as established by the articles of incorporation, bylaws, shareholder agreements, as well as the other topics addressed in these DRs, are all clearly relevant to these issues. The Commission has already stated that these issues may be relevant and may be reason for specific measures to be taken in the presentation of evidence in this proceeding. Evergy is therefore entitled to this information.

Moreover, your contention that this proceeding is solely geared toward Evergy's rates is unavailing. KIC will ostensibly be presenting evidence and positions purportedly in advancement of its stated objectives and interests in this matter. Evergy's DRs are not proscribed by KAR 82-1-234a, nor by any other legal authority. And practically, Evergy certainly has the right to obtain basic discovery to ascertain the interests of KIC and other intervenors, to test these intervenors' positions, and for the purposes of cross examination. Indeed, the information requested by Evergy in these DRs is not onerous or burdensome. The documents and information should be readily available and able to be produced without substantial burden. When compared with the voluminous data and information Evergy has provided in this proceeding, Evergy's requests to KIC are more than reasonable.

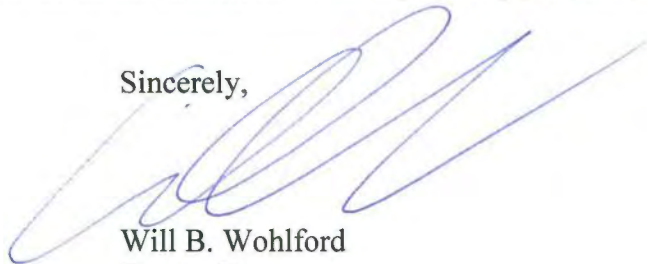
In addition, as to DR 1-13, KIC purports to lodge a relevance objection, but then seems to nevertheless answer the request, stating that it has no information responsive to DR 1-13. Generally, when a party provides a boilerplate objection followed by a purported response "notwithstanding" the stated objection, the objection is improper and is ignored. As such, please withdraw the objection to DR 1-13. Based on KIC's response, Evergy understands that KIC is not aware of any for profit policy advocacy groups other than KIC having been granted intervention in any KCC docket. Please confirm that Evergy's understanding of your response is accurate.

Finally, as to DR 1-16, Evergy is requesting standard discoverable information regarding compensation to experts. This type of information is relevant in every court or tribunal where experts are hired and paid to provide testimony. Such information is clearly relevant to issues related to credibility of such experts, and to the extent any expert or experts are testifying on behalf

of multiple parties, what parties are responsible for paying the experts' charges and fees. This is clearly relevant, and KIC's objection is unavailing. Everygy requests that you please withdraw your objection and respond to DR 1-16.

I am hopeful you will reconsider your position on these objections. Please advise if any of the following times will be available for us to discuss further: Friday 7/21 in the morning, Monday 7/24 in the morning, or Wednesday 7/26 in the afternoon. Thank you for your attention to these issues.

Sincerely,



Will B. Wohlford
For the Firm

WBW/las

KANSAS INDUSTRIAL CONSUMERS GROUP (KIC)
Docket No. 23-EKME-775-RTS

Response Provided by James P. Zakoura on
July 17, 2023

Evergy 1-1: Please identify all persons who provided assistance, information, or documents in connection with answering these discovery requests.

RESPONSE: James P. Zakoura

Information provided by: James P. Zakoura, Attorney for KIC

Confidentiality: PUBLIC

Statement: This response is Public. No Confidential Statement is needed.

Verification:

I have read the Information Request and answer thereto and find answer to be true, accurate, full and complete and contain no material misrepresentations or omissions to the best of my knowledge and belief; and I will disclose to the Commission Staff any matter subsequently discovered which affects the accuracy or completeness of the answer(s) to this Information Request(s).

Signature: /s/ James P. Zakoura
Attorney for KIC

Dated: July 17, 2023

KANSAS INDUSTRIAL CONSUMERS GROUP (KIC)
Docket No. 23-EKME-775-RTS

Response Provided by James P. Zakoura on
July 17, 2023

Evergy 1-2: Please provide the current business address and main telephone number for KIC.

RESPONSE: 10886 Nieman Rd., Overland Park, KS 66210, telephone: 913-944-2263

Information provided by: James P. Zakoura, Attorney for KIC.

Confidentiality: PUBLIC

Statement: This response is Public. No Confidential Statement is needed.

Verification:

I have read the Information Request and answer thereto and find answer to be true, accurate, full and complete and contain no material misrepresentations or omissions to the best of my knowledge and belief; and I will disclose to the Commission Staff any matter subsequently discovered which affects the accuracy or completeness of the answer(s) to this Information Request(s).

Signature: /s/ James P. Zakoura
Attorney for KIC

Dated: July 17, 2023

KANSAS INDUSTRIAL CONSUMERS GROUP (KIC)
Docket No. 23-EKME-775-RTS

Response Provided by James P. Zakoura on
July 17, 2023

Evergy 1-3: KIC's Articles of Incorporation as well as its subsequent filings with the Kansas Secretary of State indicate that KIC is a for-profit corporation. Please confirm the accuracy of this public information and, if necessary, correct any inaccuracies.

RESPONSE: Objection. This discovery request seeks information that is not relevant and will not lead to relevant information. This proceeding is the consideration of Evergy Kansas Central and Evergy Kansas Metro for an increase in their retail electric rates. KIC is not a focus of discovery in this KCC proceeding, subsequent to the consideration by the KCC of the Petition for Intervention of KIC. The KCC granted intervention to KIC in this Docket on May 18, 2023, and neither Evergy Kansas Central or Evergy Kansas Metro sought reconsideration of this KCC Order Granting to KIC the status of Intervenor in this Docket.

Information provided by: James P. Zakoura, Attorney for KIC.

Confidentiality: PUBLIC

Statement: This response is Public. No Confidential Statement is needed.

Verification:

I have read the Information Request and answer thereto and find answer to be true, accurate, full and complete and contain no material misrepresentations or omissions to the best of my knowledge and belief; and I will disclose to the Commission Staff any matter subsequently discovered which affects the accuracy or completeness of the answer(s) to this Information Request(s).

Signature: /s/ James P. Zakoura
Attorney for KIC

Dated: July 17, 2023

KANSAS INDUSTRIAL CONSUMERS GROUP (KIC)
Docket No. 23-EKME-775-RTS

Response Provided by James P. Zakoura on
July 17, 2023

Evergy 1-4: KIC's annual reports on file with the Kansas Secretary of State indicate that at all times since KIC's incorporation James P. Zakoura has served as president of KIC, Lee M. Smithyman has served as secretary of KIC, and both James P. Zakoura and Lee M. Smithyman have served as directors of KIC. Please confirm the accuracy of this public information and, if necessary, correct any inaccuracies in the information.

RESPONSE: Objection. This discovery request seeks information that is not relevant and will not lead to relevant information. This proceeding is the consideration of Evergy Kansas Central and Evergy Kansas Metro for an increase in their retail electric rates. KIC is not a focus of discovery in this KCC proceeding, subsequent to the consideration by the KCC of the Petition for Intervention of KIC. The KCC granted intervention to KIC in this Docket on May 18, 2023, and neither Evergy Kansas Central or Evergy Kansas Metro sought reconsideration of this KCC Order Granting to KIC the status of Intervenor in this Docket.

Information provided by: James P. Zakoura, Attorney for KIC.

Confidentiality: PUBLIC

Statement: This response is Public. No Confidential Statement is needed.

Verification:

I have read the Information Request and answer thereto and find answer to be true, accurate, full and complete and contain no material misrepresentations or omissions to the best of my knowledge and belief; and I will disclose to the Commission Staff any matter subsequently discovered which affects the accuracy or completeness of the answer(s) to this Information Request(s).

Signature: /s/ James P. Zakoura
Attorney for KIC

Dated: July 17, 2023

KANSAS INDUSTRIAL CONSUMERS GROUP (KIC)
Docket No. 23-EKME-775-RTS

Response Provided by James P. Zakoura on
July 17, 2023

Evergy 1-5: Please identify all individual and corporate shareholders of KIC.

RESPONSE: Objection. This discovery request seeks information that is not relevant and will not lead to relevant information. This proceeding is the consideration of Evergy Kansas Central and Evergy Kansas Metro for an increase in their retail electric rates. KIC is not a focus of discovery in this KCC proceeding, subsequent to the consideration by the KCC of the Petition for Intervention of KIC. The KCC granted intervention to KIC in this Docket on May 18, 2023, and neither Evergy Kansas Central or Evergy Kansas Metro sought reconsideration of this KCC Order Granting to KIC the status of Intervenor in this Docket.

Information provided by: James P. Zakoura, Attorney for KIC.

Confidentiality: PUBLIC

Statement: This response is Public. No Confidential Statement is needed.

Verification:

I have read the Information Request and answer thereto and find answer to be true, accurate, full and complete and contain no material misrepresentations or omissions to the best of my knowledge and belief; and I will disclose to the Commission Staff any matter subsequently discovered which affects the accuracy or completeness of the answer(s) to this Information Request(s).

Signature: /s/ James P. Zakoura
Attorney for KIC

Dated: July 17, 2023

KANSAS INDUSTRIAL CONSUMERS GROUP (KIC)
Docket No. 23-EKME-775-RTS

Response Provided by James P. Zakoura on
July 17, 2023

Evergy 1-6: Please furnish copies of KIC's bylaws and any KIC shareholder agreements currently in effect.

RESPONSE: Objection. This discovery request seeks information that is not relevant and will not lead to relevant information. This proceeding is the consideration of Evergy Kansas Central and Evergy Kansas Metro for an increase in their retail electric rates. KIC is not a focus of discovery in this KCC proceeding, subsequent to the consideration by the KCC of the Petition for Intervention of KIC. The KCC granted intervention to KIC in this Docket on May 18, 2023, and neither Evergy Kansas Central or Evergy Kansas Metro sought reconsideration of this KCC Order Granting to KIC the status of Intervenor in this Docket.

Information provided by: James P. Zakoura, Attorney for KIC.

Confidentiality: PUBLIC

Statement: This response is Public. No Confidential Statement is needed.

Verification:

I have read the Information Request and answer thereto and find answer to be true, accurate, full and complete and contain no material misrepresentations or omissions to the best of my knowledge and belief; and I will disclose to the Commission Staff any matter subsequently discovered which affects the accuracy or completeness of the answer(s) to this Information Request(s).

Signature: /s/ James P. Zakoura
Attorney for KIC

Dated: July 17, 2023

KANSAS INDUSTRIAL CONSUMERS GROUP (KIC)
Docket No. 23-EKME-775-RTS

Response Provided by James P. Zakoura on
July 17, 2023

Evergy 1-7: Is it KIC's position that as a for-profit corporation its interests in this proceeding extend beyond the interests of its shareholders? If so, please provide the factual and legal basis for that position.

RESPONSE: Objection. This discovery request seeks information that is not relevant and will not lead to relevant information. This proceeding is the consideration of Evergy Kansas Central and Evergy Kansas Metro for an increase in their retail electric rates. KIC is not a focus of discovery in this KCC proceeding, subsequent to the consideration by the KCC of the Petition for Intervention of KIC. The KCC granted intervention to KIC in this Docket on May 18, 2023, and neither Evergy Kansas Central or Evergy Kansas Metro sought reconsideration of this KCC Order Granting to KIC the status of Intervenor in this Docket.

Information provided by: James P. Zakoura, Attorney for KIC.

Confidentiality: PUBLIC

Statement: This response is Public. No Confidential Statement is needed.

Verification:

I have read the Information Request and answer thereto and find answer to be true, accurate, full and complete and contain no material misrepresentations or omissions to the best of my knowledge and belief; and I will disclose to the Commission Staff any matter subsequently discovered which affects the accuracy or completeness of the answer(s) to this Information Request(s).

Signature: /s/ James P. Zakoura
Attorney for KIC

Dated: July 17, 2023

KANSAS INDUSTRIAL CONSUMERS GROUP (KIC)
Docket No. 23-EKME-775-RTS

Response Provided by James P. Zakoura on
July 17, 2023

Every 1-8: Is it KIC's position that it is authorized to represent the interests of any persons or entities other than the KIC Intervenors in this proceeding? If so, please identify all such persons or entities and state the legal and factual basis for KIC's asserted authority.

RESPONSE: No.

Information provided by: James P. Zakoura, Attorney for KIC.

Confidentiality: PUBLIC

Statement: This response is Public. No Confidential Statement is needed.

Verification:

I have read the Information Request and answer thereto and find answer to be true, accurate, full and complete and contain no material misrepresentations or omissions to the best of my knowledge and belief; and I will disclose to the Commission Staff any matter subsequently discovered which affects the accuracy or completeness of the answer(s) to this Information Request(s).

Signature: /s/ James P. Zakoura
Attorney for KIC

Dated: July 17, 2023

KANSAS INDUSTRIAL CONSUMERS GROUP (KIC)
Docket No. 23-EKME-775-RTS

Response Provided by James P. Zakoura on
July 17, 2023

Evergy 1-9: In its Petition to Intervene KIC identifies the KIC Intervenors as “Participating Members.” Please explain the meaning of the term “Participating Member” and furnish copies of any membership agreements or other documents establishing the membership status for each of the KIC Intervenors.

RESPONSE: Objection. This discovery request seeks information that is not relevant and will not lead to relevant information. This proceeding is the consideration of Evergy Kansas Central and Evergy Kansas Metro for an increase in their retail electric rates. KIC is not a focus of discovery in this KCC proceeding, subsequent to the consideration by the KCC of the Petition for Intervention of KIC. The KCC granted intervention to KIC in this Docket on May 18, 2023, and neither Evergy Kansas Central or Evergy Kansas Metro sought reconsideration of this KCC Order Granting to KIC the status of Intervenor in this Docket. KIC notes that each entity that has elected to participate through KIC, has been granted the separate and distinct right to Intervene in this Docket by the KCC.

Information provided by: James P. Zakoura, Attorney for KIC.

Confidentiality: PUBLIC

Statement: This response is Public. No Confidential Statement is needed.

Verification:

I have read the Information Request and answer thereto and find answer to be true, accurate, full and complete and contain no material misrepresentations or omissions to the best of my knowledge and belief; and I will disclose to the Commission Staff any matter subsequently discovered which affects the accuracy or completeness of the answer(s) to this Information Request(s).

Signature: /s/ James P. Zakoura
Attorney for KIC

Dated: July 17, 2023

KANSAS INDUSTRIAL CONSUMERS GROUP (KIC)
Docket No. 23-EKME-775-RTS

Response Provided by James P. Zakoura on
July 17, 2023

Evergy 1-10: Does KIC's membership include any persons or entities other than the KIC Intervenor? If so, please identify those persons or entities and furnish copies of any membership agreements or other documents establishing the membership status for each of those persons or entities.

RESPONSE: Objection. This discovery request seeks information that is not relevant and will not lead to relevant information. This proceeding is the consideration of Evergy Kansas Central and Evergy Kansas Metro for an increase in their retail electric rates. KIC is not a focus of discovery in this KCC proceeding, subsequent to the consideration by the KCC of the Petition for Intervention of KIC. The KCC granted intervention to KIC in this Docket on May 18, 2023, and neither Evergy Kansas Central or Evergy Kansas Metro sought reconsideration of this KCC Order Granting to KIC the status of Intervenor in this Docket.

Information provided by: James P. Zakoura, Attorney for KIC.

Confidentiality: PUBLIC

Statement: This response is Public. No Confidential Statement is needed.

Verification:

I have read the Information Request and answer thereto and find answer to be true, accurate, full and complete and contain no material misrepresentations or omissions to the best of my knowledge and belief; and I will disclose to the Commission Staff any matter subsequently discovered which affects the accuracy or completeness of the answer(s) to this Information Request(s).

Signature: /s/ James P. Zakoura
Attorney for KIC

Dated: July 17, 2023

KANSAS INDUSTRIAL CONSUMERS GROUP (KIC)
Docket No. 23-EKME-775-RTS

Response Provided by James P. Zakoura on
July 17, 2023

Evergy 1-11: Please furnish copies of any documents setting out the general terms, conditions, obligations, benefits, rules or practices of membership in KIC.

RESPONSE: Objection. This discovery request seeks information that is not relevant and will not lead to relevant information. This proceeding is the consideration of Evergy Kansas Central and Evergy Kansas Metro for an increase in their retail electric rates. KIC is not a focus of discovery in this KCC proceeding, subsequent to the consideration by the KCC of the Petition for Intervention of KIC. The KCC granted intervention to KIC in this Docket on May 18, 2023, and neither Evergy Kansas Central or Evergy Kansas Metro sought reconsideration of this KCC Order Granting to KIC the status of Intervenor in this Docket. KIC notes that each entity that has elected to participate through KIC, has been granted the separate and distinct right to Intervene in this Docket by the KCC.

Information provided by: James P. Zakoura, Attorney for KIC.

Confidentiality: PUBLIC

Statement: This response is Public. No Confidential Statement is needed.

Verification:

I have read the Information Request and answer thereto and find answer to be true, accurate, full and complete and contain no material misrepresentations or omissions to the best of my knowledge and belief; and I will disclose to the Commission Staff any matter subsequently discovered which affects the accuracy or completeness of the answer(s) to this Information Request(s).

Signature: /s/ James P. Zakoura
Attorney for KIC

Dated: July 17, 2023

KANSAS INDUSTRIAL CONSUMERS GROUP (KIC)
Docket No. 23-EKME-775-RTS

Response Provided by James P. Zakoura on
July 17, 2023

Evergy 1-12: Please furnish copies of any resolutions, meeting minutes or other corporate records related to KIC's intervention in this proceeding.

RESPONSE: Objection. This discovery request seeks information that is not relevant and will not lead to relevant information. This proceeding is the consideration of Evergy Kansas Central and Evergy Kansas Metro for an increase in their retail electric rates. KIC is not a focus of discovery in this KCC proceeding, subsequent to the consideration by the KCC of the Petition for Intervention of KIC. The KCC granted intervention to KIC in this Docket on May 18, 2023, and neither Evergy Kansas Central or Evergy Kansas Metro sought reconsideration of this KCC Order Granting to KIC the status of Intervenor in this Docket. KIC notes that each entity that has elected to participate through KIC, has been granted the separate and distinct right to Intervene in this Docket by the KCC.

Information provided by: James P. Zakoura, Attorney for KIC.

Confidentiality: PUBLIC

Statement: This response is Public. No Confidential Statement is needed.

Verification:

I have read the Information Request and answer thereto and find answer to be true, accurate, full and complete and contain no material misrepresentations or omissions to the best of my knowledge and belief; and I will disclose to the Commission Staff any matter subsequently discovered which affects the accuracy or completeness of the answer(s) to this Information Request(s).

Signature: /s/ James P. Zakoura
Attorney for KIC

Dated: July 17, 2023

KANSAS INDUSTRIAL CONSUMERS GROUP (KIC)
Docket No. 23-EKME-775-RTS

Response Provided by James P. Zakoura on
July 17, 2023

Evergy 1-13: Is KIC aware of any *for-profit* policy advocacy groups (other than KIC) that have historically been granted intervention in KCC dockets? If so, please identify those *for-profit* advocacy groups.

RESPONSE: Objection. This discovery request seeks information that is not relevant and will not lead to relevant information. This proceeding is the consideration of Evergy Kansas Central and Evergy Kansas Metro for an increase in their retail electric rates. KIC is not a focus of discovery in this KCC proceeding, subsequent to the consideration by the KCC of the Petition for Intervention of KIC.

Notwithstanding the foregoing objection, and without waiving this objection, KIC does not have information responsive to this Discovery Request.

Information provided by: James P. Zakoura, Attorney for KIC.

Confidentiality: PUBLIC

Statement: This response is Public. No Confidential Statement is needed.

Verification:

I have read the Information Request and answer thereto and find answer to be true, accurate, full and complete and contain no material misrepresentations or omissions to the best of my knowledge and belief; and I will disclose to the Commission Staff any matter subsequently discovered which affects the accuracy or completeness of the answer(s) to this Information Request(s).

Signature: /s/ James P. Zakoura
Attorney for KIC

Dated: July 17, 2023

KANSAS INDUSTRIAL CONSUMERS GROUP (KIC)
Docket No. 23-EKME-775-RTS

Response Provided by James P. Zakoura on
July 17, 2023

Evergy 1-14: Has KIC entered into a joint defense agreement, common interest agreement, or other similar agreement with any intervenor(s) in this proceeding? If so, please identify all parties to the agreement, describe the common interest(s) covered by the agreement, and state the date the agreement was made.

RESPONSE: No.

Information provided by: James P. Zakoura, Attorney for KIC.

Confidentiality: PUBLIC

Statement: This response is Public. No Confidential Statement is needed.

Verification:

I have read the Information Request and answer thereto and find answer to be true, accurate, full and complete and contain no material misrepresentations or omissions to the best of my knowledge and belief; and I will disclose to the Commission Staff any matter subsequently discovered which affects the accuracy or completeness of the answer(s) to this Information Request(s).

Signature: /s/ James P. Zakoura
Attorney for KIC

Dated: July 17, 2023

KANSAS INDUSTRIAL CONSUMERS GROUP (KIC)
Docket No. 23-EKME-775-RTS

Response Provided by James P. Zakoura on
July 17, 2023

Evergy 1-15: Please identify all expert witnesses who either have been retained or will be retained to provide testimony in this proceeding on behalf of KIC and/or its members, and for each such witness

- a. describe the subject matter(s) of his or her anticipated testimony; and
- b. identify the member(s) on whose behalf the witness will be testifying.

RESPONSE: Brubaker & Associates.

- (a) An analysis of the request for rate increase as filed in this docket by Evergy Kansas Central and Evergy Kansas Metro;
- (b) Michael Gorman and as yet undetermined expert consultants of Brubaker & Associates, Inc. (BAI)

Information provided by: James P. Zakoura, Attorney for KIC.

Confidentiality: PUBLIC

Statement: This response is Public. No Confidential Statement is needed.

Verification:

I have read the Information Request and answer thereto and find answer to be true, accurate, full and complete and contain no material misrepresentations or omissions to the best of my knowledge and belief; and I will disclose to the Commission Staff any matter subsequently discovered which affects the accuracy or completeness of the answer(s) to this Information Request(s).

Signature: /s/ James P. Zakoura
Attorney for KIC

Dated: July 17, 2023

KANSAS INDUSTRIAL CONSUMERS GROUP (KIC)
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Response Provided by James P. Zakoura on
July 17, 2023

Evergy 1-16: Please furnish copies of any letters, agreements, or other documents related to compensation and/or the terms of engagement of any expert witness retained by KIC.

RESPONSE: Objection. This discovery request does not seek relevant information, nor will it lead to the discovery of relevant information. The rate case expenses of KIC and all parties – except Evergy Kansas Central, Evergy Kansas Metro, the Staff of the Kansas Corporation Commission, and the Citizens’ Utility Ratepayer Board – are not recoverable from retail ratepayers of Evergy Kansas Central or Evergy Kansas Metro.

Information provided by: James P. Zakoura, Attorney for KIC.

Confidentiality: PUBLIC

Statement: This response is Public. No Confidential Statement is needed.

Verification:

I have read the Information Request and answer thereto and find answer to be true, accurate, full and complete and contain no material misrepresentations or omissions to the best of my knowledge and belief; and I will disclose to the Commission Staff any matter subsequently discovered which affects the accuracy or completeness of the answer(s) to this Information Request(s).

Signature: /s/ James P. Zakoura
Attorney for KIC

Dated: July 17, 2023