

CURB News

News from the Watchdog for Residential and Small Commercial Utility Consumers

THIRD QUARTER 2026



THE CITIZENS' UTILITY RATEPAYER BOARD OF KANSAS

Evergy requests pre-approval of rate treatment for planned generation facilities

KCC Docket No. [27-EKCE-0149-PRE](#)

On September 9, 2026, Evergy Kansas Central (“EKC”) and Evergy Kansas Metro (“EKM”) (jointly, “Evergy”) submitted a request for pre-determination of ratemaking treatment that will apply to the costs associated with constructing and acquiring a stake in five generation facilities which include one combined cycle gas turbine (“CCGT”) facility, one stand-alone solar facility, two stand-alone battery energy storage systems (“BESS”), and one hybrid solar/BESS, as follows:

- *Buchanan Bluffs Energy Center Unit 1* (proj. 2031) – 710 MW CCGT in Buchanan County, Missouri; owned 100% by EKC.
- *Iron Horse Energy Center* (proj. 2028) – 200 MW solar facility in Labette County, Kansas; owned 50/50 by EKC and EKM.
- *Iron Horse Storage* (proj. 2029) – 4-hour, 200 MW/800 MWh BESS in Labette County, Kansas; owned 50/50 by EKC and EKM.
- *Pixley Energy Storage* (proj. 2028) – 4-hour, 95 MW/380 MWh BESS in Barber County, Kansas; owned 100% by EKC.
- *Pixley II Hybrid* (proj. 2028) – combined 120 MW solar and 4-hour 120 MW/480 MWh BESS in Barber County, Kansas; owned 100% by EKC.

The cost estimates for these projects are designated confidential. Although CURB has access to this information, it cannot be shared with the public at this time.

The primary driver of the projected load growth underlying Evergy’s proposal is the power needs of large load customers having peak load forecasts of 75 MW or higher such as hyperscale data centers.

CURB is currently evaluating the proposal. Additionally, CURB has engaged with outside consultants for additional review of this docket. Written testimony from CURB, KCC Staff, and other intervenors is due January 6, 2027. A Commission order on the application is due on or before April 29, 2027.

Public Hearing Information

An **online-only** public hearing for this docket will be held via Zoom on Monday, December 10, beginning at 5:30 p.m. Advanced [registration](#) is required to participate. A live video stream and recording of

INSIDE THIS ISSUE:

Evergy requests pre-approval of rate treatment for planned generation facilities	1
Evergy requests order prohibiting disclosure of confidential information to AI platforms	2
Natural gas utilities file first Gas System Reliability Surcharge increase requests since changes to statute	3

(Continued Next Page)

the public hearing will be available on the [KCC's YouTube](#) channel. The Commission is also accepting written comments through January 29, 2027. Additional details and instructions can be found at <https://kcc-connect.kcc.ks.gov/s/public-comments>.

Evergy requests order prohibiting disclosure of confidential information to AI platforms

In July 2026, Evergy requested a revised protective order in all its active dockets to add restrictions on the use of artificial intelligence (“AI”) tools by regulators and intervenors to protect against improper use of confidential utility information. Protective orders issued by the KCC govern the access, use, and disclosure of confidential and proprietary business information. The Commission issues docket-specific protective orders at the outset of most KCC proceedings.

Generative AI can create new content from large datasets, having the ability to transcribe and summarize meetings, e-mails, and digital documents. AI is capable of “learning” — pattern recognition, decision making, and self-improvement — without explicit human programming. Thus, AI tools can greatly simplify time-consuming tasks. However, Evergy is concerned that AI tools with access to business proprietary information will learn from prompts, which may result in the corporate owner of that AI tool retaining access to confidential information.

On August 5, 2026, CURB filed its response to Evergy’s request. While CURB acknowledged the risk of unfettered use of open AI tools, CURB cautioned about asymmetry in protection of work product and conflicts with state policy. CURB reasoned that the Commission’s standard protective order template and associated non-disclosure agreements sufficiently require efforts to avoid inadvertent disclosures of classified information and already implicitly extend to usage of AI tools. CURB also indicated that the State of Kansas Office of Information and Technology Services recently issued policy guidance regarding AI usage, applicable to all executive state agencies/employees (including the KCC and CURB). CURB recognized that Evergy’s proposed revisions and the updated state guidelines generally address similar issues, but there could be some logistical challenges to comply with state policy in tandem with separate revisions to the protective order.

Evergy requested expedited treatment of its requests, but there is no established procedural schedule or deadline for resolution of the issue at this time. Evergy, KCC Staff, CURB, and Google have been collaboratively developing terms related to usage of AI tools.

Natural gas utilities file first Gas System Reliability Surcharge increase requests since changes to statute

KCC Docket Nos. [27-ATMG-0141-TAR](#) (Atmos Energy); [27-BHCG-0130-TAR](#) (Black Hills Energy); [27-KGSG-0007-TAR](#) (Kansas Gas Service)

The Gas Safety and Reliability Policy Act, K.S.A. 66-2201 through 66-2204 (“the Act”), permits Kansas natural gas public utilities to recover eligible infrastructure system investments through a line-item Gas System Reliability Surcharge (“GSRS”). The GSRS is a fixed charge (not based on consumption). Natural gas public

(Continued Next Page)

utilities file annually to update this surcharge to recover new eligible investments. The GSRS is reset to \$0.00 and incorporated into base rates as part of each general rate case.

During the 2026 legislative session, several significant amendments were made to the Act. Prior to the amendments, GSRS-eligible infrastructure investments were restricted to projects undertaken for safety and security requirements. The amendments substantially broadened the eligibility criteria to include “any other investment in plant, facilities or equipment, excluding allocated corporate costs.” The amendments also raised the cap on GSRS increases for residential customers from \$0.80 to \$1.35. Previously, the utilities were limited to filing a GSRS change request once every twelve months; the amendments revised that limitation to once per calendar year. CURB opposed the amendments on the grounds of rate affordability and argued that cost recovery through the GSRS should remain limited to safety and security projects, but, ultimately, the amendments were approved.

Atmos Energy (“Atmos”), Black Hills Energy (“Black Hills”), and Kansas Gas Service (“KGS”) filed GSRS rate change requests during the third quarter of 2026, as follows:

- Atmos is requesting to increase its monthly GSRS from \$0.00 to \$1.35 for residential customers and from \$0.00 to \$5.58 for commercial customers, to be effective by November 19, 2026;
- Black Hills is requesting to increase its monthly GSRS from \$0.00 to \$0.65 for residential customers and from \$0.00 to \$1.20 for small commercial customers, to be effective by November 1, 2026;
- KGS requested to increase its monthly GSRS from \$0.71 to \$2.06 for residential customers and from \$1.14 to \$3.66 for small commercial customers, to be effective by September 29, 2026. KGS’s request was approved by the Commission on September 22, 2026.

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We're on the Web!

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ABOUT THE CITIZENS' UTILITY RATEPAYER BOARD

Established in 1988, the Citizens' Utility Ratepayer Board (CURB) is an agency focused on advocacy for residential and small commercial utility consumers in Kansas. The Board is composed of five (5) appointed volunteer members representing the four congressional districts in Kansas and one at-large member. CURB was initially founded by the Chairman of the Kansas Corporation Commission upon a perceived need for a stronger consumer advocate. CURB has evolved into an independent agency, currently employing a consumer counsel, three supporting attorneys, three analysts, and two administrative staff.

OUR MISSION: To zealously protect the interests of residential and small commercial utility ratepayers before the Kansas Corporation Commission and the Kansas legislature.

OUR VISION: To protect Kansas residential and small commercial utility ratepayers by promoting the delivery of optimal utility services—being safe, reliable and technically robust, environmentally sensible, cost-effective, and equitably provided to all Kansas utility consumers at just prices.

The Citizens' Utility Ratepayer Board



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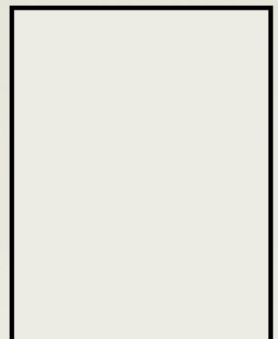
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