

SMALL FORMAL COMPLAINT FORM

Attach extra pages as necessary.

**BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI**

Timothy Allegri  
\_\_\_\_\_  
(Your name here) )  
 )  
Complainant, )  
 )  
v. ) File No.  
 )  
Evergy Metro, Inc. d/b/a Evergy Missouri Metro )  
and )  
\_\_\_\_\_  
Evergy Missouri West, Inc. d/b/a Evergy ) (PSC fills this in)  
Missouri West )  
\_\_\_\_\_  
(Utility's name here) )  
 )  
Respondent, )

**FORMAL COMPLAINT**

1. Complainant resides at:

██████████  
\_\_\_\_\_  
(Address of complainant)  
  
██████████ ███████████ ███████████  
\_\_\_\_\_  
(City) (State) (Zip Code)

2. The utility service complained of was received at:

a. Complainant's address listed in paragraph 1.

b. A different address:

Complainant's address listed in Section 1, above  
\_\_\_\_\_  
(Address where service is provided, if different from Complainant's address)  
  
\_\_\_\_\_  
(City) (State) (Zip Code)





This small formal complaint and protest is filed against Evergy for the unpleasant matters as follow:

- Refusing to negotiate easements in the public interest,
- Disregard of a utilities public purpose
- Misleading statements regarding CCN related issues with misrepresentations of fact, and
- I request to have the options of either Evergy or West Central Electric COOP as my electric utility provider at my MO-13 property.

### **I protest the actions of Evergy and MoDOT**

However; I know the 'commission' only has authority regarding Evergy, not MoDOT.

As such, I proceed with this protest against Evergy and the project they refer to as "Fayetteville Transmission Line Upgrades" as posted and described at <https://www.evergy.com/landing/fayetteville>.

*Link to associated MoDOT project:* <https://www.modot.org/missouri-highway-13-passing-and-turn-lane-additions-lafayette-and-johnson-counties>

### **I and my neighbors are committed and passionate in support of reliable utility service to all**

Every time a power outage occurs, there is an unmistakable appreciation of how important the role of the Missouri Public Service Commission is in ensuring residents/businesses/taxpayers receive needed services. The recent July power outages in the Kansas City region leave us asking, "What can I do to help prevent this from happening in the future?"

I and my neighbors have an upfront opportunity to be proactive, ensure smooth power delivery, and prompt repairs by Evergy and West Central Electric COOP.

### **100 years of landowner partnership with the electric utility**

Since 1928, when the Evergy line (since replaced but remaining in its same position) was first developed, the landowners along the subject 8.7 mile stretch of MO-13 have always cooperated with the utility managing the subject power line(s). Even to this day, mine and their property is always available for required maintenance purposes such as line repair and pole replacement. That is a fact that cannot be disputed. This has been a good partnership with the electric utilities. I and my neighbors have historically been cooperative in ensuring the utility company(s) successfully delivers on their commitment to the MPSC and fulfills its public purpose so my local and regional neighbors have working utilities.

Mine and my neighbor's cooperation with the utilities is proven through time. Unfortunately, an informal understanding and handshake is not always good enough. While it's good enough for me, it is not enough for Evergy to be assured they can best fulfill and serve their public purpose and repair/maintain lines as needed.

### **The ongoing need for Evergy to secure maintenance access rights**

I understand corporate Evergy can't rely on an informal gentleman's agreement to 'know' they have full access to maintain their lines and poles. As my property ownership can change, the utility would be remiss to assume they can enjoy ongoing, unfettered and free access to their lines and poles. Doing so means that any new landowner, or if I choose to no longer support the utility's public purpose, creates a risk for Evergy in fulfilling their public purpose.

### **Risk mitigation and partnership outreach**

I want to enable Evergy with the confidence of a 15-foot maintenance-only easement from their current pole positions along MO-13 onto my private land. In situations where a pole must move to accommodate an approved and/or necessary MoDOT road widening, I offer the same 15-foot maintenance-only easement from the edge of the MoDOT ROW.

*Evergy is not open to consider this real and mostly cost-free option. Evergy will only negotiate price and demands to take 30-foot of prime highway frontage.*

### **What does Evergy want to acquire?**

My land, which is just part of a '30-foot plus' wide, 8.7 mile long strip of prime MO-13 highway frontage at the rate of \$ [REDACTED] or less per acre.

Evergy is seeking at minimum a 30-foot-plus easement of prime MO-13 highway frontage from the edge of the MoDOT ROW and at least 30-feet into private property. In some, NOT ALL cases, the proposed Evergy line redesign moves their poles 3-feet west from their current position. I know of two things that occur in this type of line replacement:

1. An electric utility for such a transmission line replacement (in California for instance) places their new poles in the same position. For that matter, Evergy has also retained pole positions in other projects.
2. The utility seeks a 15-foot easement from a private landowner when the opposite side of the pole/transmission line is an unencumbered/clear public transportation ROW.
3. No amount of money makes a blanket 30+ foot easement needed.

**Facts and matters of progression in lost trust.** *It is difficult to take serious; one in whom trust is lost.*

1. **False:**

**Evergy claims MoDOT is forcing them out of the MoDOT ROW for the full 8.7 miles.**

Evergy initially claimed (and as recent as May 10 stated in a text message to another landowner) that MoDOT is forcing them out of the MoDOT right-of-way on the West side of MO-13 for the full 8.7 mile section and must move their poles and lines to accommodate MoDOT's widening of the shoulder/road.

I discovered that on March 7, 2023, MoDOT invited Evergy to the MoDOT office and were formally advised to cease promoting this false claim. MoDOT clarified that only the southernmost final .6 mile section impacts Evergy on the West side of MO-13. However, MoDOT did not hold Evergy fully accountable for this falsehood and MoDOT leadership declined repeated requests from taxpayers to tell the impacted landowners that they are not forcing Evergy out of the MoDOT ROW. This gap has enabled Evergy to use the MoDOT credibility and power to secure additional easements through this false information. One landowner who accepted an easement to later find out Evergy misled him on MoDOT pushing Evergy out of the ROW has contacted other landowners for guidance. Does that make the easement null/void?

- To date, Evergy and MoDOT refuse to issue a clarifying formal letter to the impacted landowners of this important fact.
- Evergy's line design engineering was based on the false assumption that MoDOT was widening the shoulder and was forcing Evergy out of the ROW. Yet, the design and path did not change after being told by MoDOT of the facts.

2. **False: Evergy tells landowners that Evergy has an existing easement on their land beyond the MoDOT ROW.**

At the beginning in late 2022; Evergy told me and my neighbors that Evergy had an existing easement. I trusted this to be true and allowed Evergy to conduct boring on our property.

- Evergy used this false claim of an easement to trespass and conduct soil boring samples through their successful manipulation. I heard in another case, Evergy conducted boring without any attempt to seek permission. In one more case, Evergy paid damages to the harmed landowner for their egregious actions and crop damage. To the best of my knowledge, that landowner (nor any other landowners) pressed charges for trespassing.
- One landowner has an admission of guilt from Evergy that one of their land agents accessed/trespassed on their property and caused minor damage.
- One Evergy land agent said Evergy already had an easement that extended up to 70 feet from the center of the highway and even though MoDOT is forcing them out of the ROW, Evergy is giving each landowner \$ [REDACTED] for the inconvenience of pole movement.
- After the boring samples were completed, Evergy went on what they called 'an apology tour'. This is how it was described in an email from and by their contract representative, 'Mark Moore', as he claimed he had no idea there were no easements on all properties on the corridor and the boring sites.

3. **False claim by Evergy: Future MoDOT projects require Evergy to move their poles**

Evergy says they need a 30-foot easement outside the MoDOT ROW because of future MoDOT projects that may push them.

- I learned that Evergy acknowledged the MoDOT project affects Evergy on the West side of MO-13 for only the southernmost .6 miles out of the 8.7-mile Evergy project.
- I learned that MoDOT was asked to detail all future projects on MO-13. MoDOT responded saying that other than the upcoming MoDOT project, no future projects are funded or planned for the 8.7-mile segment of MO-13. Please request evidence if needed.

4. **Undetermined credibility: 69kV or higher? What are all basis for upgrade?**

Evergy refuses to respond when asked if “demands on the current transmission line are pressing it beyond its 69kV capacity.” This unanswered question is problematic.

- When one landowner asked Evergy’s attorney, Zach Roeschlein, if the subject transmission line was going to exceed 69kV he said it was not. Yet, the Evergy land agents will not commit to that limit.
- MoDOT says that in talks and email with Evergy it was established by Evergy the kVs on the line were going to increase and the steel poles are designed for that purpose.
- Pole and line movement not only erases my property aesthetics it increases EMFs and in some cases discriminates those with specific health conditions and eliminates such protected class from ever residing on my property.

5. **True: Evergy demands that new and/or upgraded poles/lines must be placed on their own/exclusive 30-foot easement not in a ROW like MoDOT’s.**

A symptom of that is expressed in the Evergy line design engineers not taking into account the proximity of residences or highway frontage businesses. They simply laid out the design with an apparent presumption of a right to take land because they are Evergy and no matter the protest or approvals, they will prevail.

Evergy did this in Wichita in 2019. After they had their way with the victims/landowners, they apologized. Of course, the permanent damage and impact remains today.

Read the Wichita article re: Westar/Evergy here:

<https://www.kansas.com/opinion/editorials/article229988894.html>, titled, “*Westar does the right thing and reverses on giant poles in northeast Wichita*”.

I intend to avoid a repeat of that very thing happening to me.

This preference of Evergy to decline a free right-of-way and opt to spend dollars just to have their own easement is not in the “public interest”, nor does it advance a “public purpose” as the need is void.

- At what point do a Missouri utility's self-arbitrated 'preference' become a need and/or 'public purpose' that supersedes a Missourian’s property rights?
- Does Evergy’s declared “preference” meet the qualifications test of a ‘public purpose’ in the 5th Amendment of the U.S. Constitution when said “preference” is not needed?

6. **Missourians ultimately pay it all if the poles leave the MoDOT ROW, thus a ‘public purpose’ in the taking of land must have need/merit for Missourians and the sacrificing landowners.**

Currently, Evergy has free land and access to have their poles placed within the MoDOT right of way. If allowed, Missouri, its taxpayers and Evergy customers will pay for the bulk of frivolous spending for this needless land grab by Evergy through ‘rate recovery’.

The present transmission system is operating fine in the MoDOT ROW and if the poles stay in that position, even with larger steel poles, the cost to Missourians will be greatly reduced.

By needlessly leaving the MoDOT ROW, Evergy places themselves in a protected position to guard them from future move costs. In this case, the ‘presumed’ need to move poles is limited to .6 miles at the very end of the line. Regardless, the MoDOT ROW is free to the utility and does not further hinder MoDOT or my highway

frontage. If the MPSC or courts approve the actions of Evergy to move the poles, the 'public purpose' becomes 'publicly funded without a valid need/purpose' that could otherwise be resolved identically at little to no cost to Missourians.

#### 7. **Safety risks**

This is very serious and easy to resolve.

Evergy states they need the private easements of 30-feet and more to ensure safety of workers and road travelers. With 15 feet on either side of the pole, the needed safety is achieved for workers and machinery and is an industry safety standard. Evergy has not provided any accident data on this route for workers repairing lines and replacing poles. However, in this 8.7 mile stretch of MO-13, my neighbors have been unable to identify any *traffic accidents/deaths involving utility workers for the subject stretch of MO-13 or in front of my property*, through the publicly available Missouri Highway Patrol and OSHA reports. I am committed to safety as much as I am to property rights. I support worker safety as evidenced by the offer of a 15-foot maintenance-only easement.

With a 15-foot easement, the 30-foot safety standard is proved by Evergy's request for 30-feet = 15 feet on either side of the pole/line.

- This is resolved through the offer of a 15-foot maintenance-only easement on the opposite side of the MoDOT ROW. However, Evergy has refused this offer and refuses to negotiate the matter. They will only discuss the price of land, not the volume of land or pole placements.

#### 8. **Undetermined: Certificate of Convenience & Necessity**

Does Evergy have a CCN that covers this project?

I learned that my neighbors have sought the CCN that Evergy claims to use for this project but they refuse to provide it to them. The CCNs they have viewed indicate a CCN and related approvals/notifications are not applicable for the impacted counties for the project area.

Responses from Evergy when asked for their applicable CCN are as follows:

- *For all publicly available records, any member of the public may request those records from the Public Service Commission. If you would like any confirmation regarding that form, you may request that confirmation from the MPSC.*
- *Evergy operates an electrical system under authority granted to it by the State of Missouri. If you have any questions [concerning Evergy's authority to operate a public utility or have any questions about your rights.] Evergy encourages you to consult with your attorney.*

#### 9. **Threats to those seeking to resolve the uninvited Evergy land grab:**

When one Evergy land acquisition agent verifies if a landowner is "... in the group opposing the Evergy move." A "no" response to him gets the following response, "Good, because that's not going to work out well for them." *When Evergy was asked about this, they explained it was not intended to be a threat.*

#### **Remedy**

##### **Field #6 cited in the Formal MPSC complaint form**

**In closing**, I have come to the MPSC to file this complaint/protest and hope this effort will work out well for all involved.

1. I request utility service options through both Evergy and West Central Electric COOP be available to my MO-13 property and others on MO-13 for the 8.7-mile section discussed in this small formal complaint.
2. I request a hearing to discuss the issues contained in this small formal complaint.
3. I request your support in compelling Evergy to negotiate honestly as required by law and within reasonable parameters, and encourage the option of mediation.

Thank you