

**STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION**

At a session of the Public Service Commission held at its office in Jefferson City on the 9<sup>th</sup> day of November, 2022.

The Staff of the Missouri Public Service Commission,  
Complainant,  
v.  
Evergy Missouri West, Inc.,  
Respondent.

**File No. EC-2022-0315**

**ORDER DISMISSING COMPLAINT WITHOUT PREJUDICE**

Issue Date: November 9, 2022

Effective Date: November 9, 2022

On May 12, 2022,<sup>1</sup> the Staff of the Commission (Staff) filed a complaint against Evergy Missouri West, Inc. (EMW). In general, Staff's complaint involved certain reporting requirements regarding service to Nucor Steel Sedalia LLC, as was required under a previous settlement. On June 13, EMW filed its answer denying Staff's allegations. On July 6, Staff filed a joint proposed procedural schedule. On August 19, pursuant to the procedural schedule, Staff filed direct testimony.

On October 19, Staff filed its *Dismissal with Prejudice*, which requests that the Commission dismiss its complaint. Staff's motion also requests the dismissal be with prejudice. Staff's motion cites an agreement of the parties as its basis. Ten days were allowed for responses to Staff's motion, but no responses or objections were received.<sup>2</sup>

---

<sup>1</sup> All dates refer to 2022.

<sup>2</sup> Commission Rule 20 CSR 4240-2.080(13).

Pertinent to Staff's dismissal, Commission Rule 20 CSR 4240-2.116(1) states that once testimony has been filed, the complainant may dismiss a complaint only by leave of the Commission. As the motion to dismiss cites an agreement of the parties, the Commission finds Staff's request reasonable and will grant the dismissal.

Staff has also requested the complaint be dismissed with prejudice. A dismissal with prejudice bars the assertion of the same cause of action or claim against the same party.<sup>3</sup>

Parties have a right to judicial review once they have exhausted all administrative remedies and a final decision in a contested case has been given.<sup>4</sup> That final decision, by statute, must be accompanied by findings of fact and conclusions of law.<sup>5</sup> There is no evidentiary record in this matter on which the Commission could make findings of fact or conclusions of law. Thus, dismissing this case with prejudice would be a final decision in a contested case without the statutorily required findings of fact or conclusions of law. Therefore, the Commission will dismiss the complaint, but will deny Staff's request that the complaint be dismissed with prejudice.

**THE COMMISSION ORDERS THAT:**

1. This complaint is dismissed without prejudice.
2. This order shall be effective when issued.
3. This file shall be closed on November 10, 2022.

---

<sup>3</sup> Missouri Supreme Court Rule 67.01.

<sup>4</sup> Section 536.100, RSMo (2016).

<sup>5</sup> Section 536.090, RSMo (2016).



**BY THE COMMISSION**

A handwritten signature in cursive script that reads "Morris L. Woodruff".

Morris L. Woodruff  
Secretary

Silvey, Chm., Rupp, Holsman, and  
Kolkmeier CC., concur.  
Coleman, C., absent.

Hatcher, Senior Regulatory Law Judge

**STATE OF MISSOURI**

**OFFICE OF THE PUBLIC SERVICE COMMISSION**

**I have compared the preceding copy with the original on file in this office and I do hereby certify the same to be a true copy therefrom and the whole thereof.**

**WITNESS my hand and seal of the Public Service Commission, at Jefferson City, Missouri, this 9<sup>th</sup> day of November, 2022.**



  
**Morris L. Woodruff**  
**Secretary**

**MISSOURI PUBLIC SERVICE COMMISSION**

**November 9, 2022**

**File/Case No. EC-2022-0315**

**Missouri Public Service  
Commission**  
Staff Counsel Department  
200 Madison Street, Suite 800  
P.O. Box 360  
Jefferson City, MO 65102  
staffcounsel@psc.mo.gov

**Office of the Public Counsel**  
Marc Poston  
200 Madison Street, Suite 650  
P.O. Box 2230  
Jefferson City, MO 65102  
opcservice@opc.mo.gov

**Evergy Missouri West**  
James M Fischer  
101 Madison Street, Suite 400  
Jefferson City, MO 65101  
jfischerpc@aol.com

**Evergy Missouri West**  
Roger W Steiner  
1200 Main Street, 16th Floor  
P.O. Box 418679  
Kansas City, MO 64105-9679  
roger.steiner@evergy.com

**Missouri Public Service  
Commission**  
Kevin Thompson  
200 Madison Street, Suite 800  
P.O. Box 360  
Jefferson City, MO 65102  
kevin.thompson@psc.mo.gov

**Enclosed find a certified copy of an Order or Notice issued in the above-referenced matter(s).**

**Sincerely,**



**Morris L. Woodruff  
Secretary**

---

Recipients listed above with a valid e-mail address will receive electronic service. Recipients without a valid e-mail address will receive paper service.