

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

<b>Timothy Allegri,</b>	)	
	)	
<b>Complainant,</b>	)	<b>File No. EC-2024-0015</b>
	)	
<b>Evergy Missouri West, Inc.,</b>	)	
	)	
<b>Respondent.</b>	)	

**REPLY TO RESPONDENT’S MOTION TO CONSOLIDATE**

COMES NOW Complainant Timothy Allegri (“Mr. Allegri”) and in reply to Respondent’s (“Evergy”) Motion to Consolidate, states as follows:

1. Evergy fails to recognize the initial Complaint filing of July 25, 2023, wherein Mr. Allegri questions the transmission line replacement along Missouri Highway 13 and among many other things, alleges Evergy is improperly using a CCN and has not proven a public interest in connection with their project.

2. The Public Service Commission (“PSC”) ruled the initial filing as deficient because the complaint contained multiple complainants represented by Mr. Allegri and pursuant to Commission Rule 20 CSR 4240-2.040(5), individuals may represent themselves on their own behalf but not on behalf of others.

3. On August 15, Mr. Allegri filed an *Amendment and Request to Reverse Omission of Co-Complainants*. On the same date, Mr. Allegri also filed a *Request for Mediation*.

4. On August 24, 2023, Evergy filed a *Response to Additional Complainants and Mediation Request*, stating that Mr. Allegri was not compliant with the PSC procedural rules and the *Amendment* did not demonstrate his authority on behalf of the additional complainants and condescendingly stated the other persons were a “me too” to his complaint.

5. In Response to Mr. Allegri’s August 15<sup>th</sup> *Request for Mediation*, Evergy stated the request should be denied due to the Circuit Court proceedings concerning properties involved in Evergy’s

project. This denial by Evergy was an obvious attempt to circumvent any negotiations involving their project and the PSC, or talk about the proposed easement Mr. Allegri and other landowners had already presented to Evergy with no response. Evergy also fails to point out that their retaliation lawsuit was filed *two days after* Mr. Allegri's initial complaint with the PSC and said Circuit Court condemnation case has since been continued twice, first due to a misleading inaccurate date on the Summons and a second time due to misleading statements in their **Verified** Petition. It seems Evergy would benefit and ultimately prefer The Commission not render any decision on anything.

6. Moreover, the August 15, 2023 *Request for Mediation, Item #11* refers to Evergy's *Verified Petition* and their *Proposed Order for Filing Petition Setting Time and Place for Hearing*. The PSC should note how arrogant the *Proposed Order* (sent by Evergy) is worded (Civil Case No. 23LF-CV00700). Evergy's *Proposed Order* calls for the appointment of Commissioners *prior to* the first hearing granting them authority for their project. Only if authority has been granted would Commissioners' involvement be necessary. Their *Proposed Order* is written as if they **expect** to move to "round two" before the Judge makes an Order. There is no thought or care given to the landowners or their rights. Their *Proposed Order* also states that their **Verified Petition** is, "being found fully sufficient." The court determines whether or not it is sufficient **at the hearing**, not Evergy *in advance of the hearing*. Obviously their **Verified Petition** was **not** found "sufficient" since they were ordered by the court to *Amend* it.

7. On August 29, 2023, PSC Staff filed a *Response, Motion for Expedited Treatment and Motion for Injunction* due to the timeline discrepancies in their investigation **which is directly related to the Circuit Court proceedings** involving a public utility over which they have jurisdiction. This was exactly what is expected of the PSC in their authority role of utilities in this type of situation. Evergy's stall tactics are seemingly never-ending.

8. On September 6, 2023, the PSC issued its *Order Denying Motion to Add Additional Complainants and Denying Mediation Request*.

9. I agree with Evergy and the Commission that my Complaint, as stated in Evergy's *Response to Additional Complainants* that I, Mr. Allegri, do not have any authority on behalf of the additional co-complainants to bring them into my individual complaint process. Nor do I have authority to represent anyone, including my wife, before The Commission as I'm not an attorney. Evergy alludes new complaints include multiple parties living at the same address perhaps unaware that non-attorney spouses may not represent each other before The Commission. Perhaps those complainants are aware they may be sued as husband and wife.

10. Evergy's interesting statement in their Response to Mr. Allegri's *Request for Mediation, Item #13* erroneously suggests that the PSC does not have authority to order mediation if both parties agree. While the PSC is a separate governing entity than the Circuit Court, it most certainly has authority to order mediation of a complaint which is filed through the Missouri Public Service Commission if both parties agree. *Item #14* continues with Evergy's attempt to usurp the authority of the PSC by comparing a PSC Formal Complaint to a Circuit Court case. The two are separate and the fact remains that the PSC does have authority over Evergy and their new project that likely requires a new CCN, as well as the CCN under which they currently operate. Without checks and balances from the PSC on utility projects, dual cases such as this will no doubt occur. This does not and must not stop the PSC from their responsibility of oversight of the utilities they are authorized and funded to govern, as much as Evergy would like to think it will. Allow me to take this opportunity to remind Evergy that the PSC governs you, not the other way around.

WHEREFORE, I'm opposed to the motion by Evergy as the Staff's report is due in three calendar days, because of the numerous errors and creative statements made by Evergy, including a deficient lawsuit filed against me, and the lack of care and concern shown to Missourians, and also the lack of respect shown by Evergy to their governing authority, I wholeheartedly object to Evergy's attempt to interfere with my complaint and am steadfastly opposed to The Commission adding any other complaints to the processing of my complaint via Evergy's *Motion to Consolidate Cases*. While EC-2024-0015 may be cited by other complaints, Evergy decidedly argued previously that my complaint should not be expanded to allow additional parties whom I don't represent. Let's stay with that conclusion and decision in the singular processing of EC-2024-0015, which The Commission agreed to and ordered as well. **I look forward to the investigation findings and Staff's report due no later than September 25, 2023.**

**Respectfully submitted, September 22, 2023 on EFIS**

*/s/ Timothy P Allegri*

**Timothy P. Allegri, Complainant**