

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

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

ORDER CONSOLIDATING FILES AND DISMISSING PARTY

Issue Date: October 3, 2023

Effective Date: October 3, 2023

On August 1, 2023, Timothy Allegri, Complainant, filed a complaint with the Commission against Evergy Metro, Inc. d/b/a Evergy Missouri Metro and Evergy Missouri West, Inc. d/b/a Evergy Missouri West. However, Mr. Allegri’s complaint is actually only against Evergy Missouri West because none of the easements that are the subject of this complaint are within Evergy Missouri Metro’s service area.

Complainant later filed a motion to add twenty-six self-represented co-complainants to his complaint.¹ Evergy Missouri West objected to adding the additional co-complainants because their addition, as contemplated, did not comply with Commission’s rules. As a result of that denial, 37 similarly situated individuals filed identical complaints with the Commission. Those complaints contained identical attached sheets setting forth the substance of those complaints.

¹ Most of the co-complainants Complainant sought to add were included in his original July 25, 2023, complaint. The original complaint was deficient due to the co-complainants being represented by a non-attorney.

Evergy Missouri West filed a motion to consolidate the additional complaints under this complaint, File no. EC-2024-0015. Evergy Missouri West submits that there are common questions of law and fact in these complaints and their consolidation would be administratively expedient and simplify filings. Complainant filed a response objecting to the request to consolidate. In support of his position, Complainant cited that the report and recommendation of the Staff of the Commission (Staff) was due September 25, 2023.²

On September 26, 2023, Staff filed its *Staff Motion for Like Treatment and Extension*. Staff's motion attempts to split the difference between Evergy Missouri West's consolidation request and Complainant's objection to consolidation. Staff asks the Commission to keep the many complaints separate, but to make filings under File No. EC-2024-0015 as the main docket for all the complaints. Staff also requested to have an extension of time to file its report and recommendation until November 6, 2023, because of outstanding data requests.

The Commission understands that Complainant may be frustrated that Evergy Missouri West filed a motion opposing having similarly situated individuals combined within one complaint, only to later file a motion requesting the Commission consolidate those individuals under one complaint. However, Commission Rule 20 CSR 4240-2.110(3) allows the Commission to consolidate cases that involve related questions of law or fact. These complaints are identical in the violations they allege, involve the

² Complainant's motion stated that Staff's recommendation was due September 25, 2023. Staff's recommendation was actually due September 27, 2023. The September 27, 2023, due date was clarified in an email response on August 24, 2023, sent to counsel for Staff, Evergy Missouri West, the Office of the Public Counsel, and to Complainant.

same questions of law, involve Evergy Missouri West as the respondent, and concern the same geographic region of Evergy Missouri West's service area.

There is no purpose served by keeping these complaints separated. Keeping these complaints separate will unnecessarily slow down and complicate the process of resolving these complaints. Additionally, keeping these complaints separate increases the likelihood of inconsistent outcomes. Therefore, the Commission will consolidate all of the complaints against Evergy Missouri West concerning moving utility poles along 13 Highway. All individual complainants are still self-represented. Staff's motion for like treatment is therefore moot, but the Commission will grant Staff's motion for an extension to file a report and recommendation. The Commission will also dismiss Evergy Missouri Metro as a party to these complaints.

THE COMMISSION ORDERS THAT:

1. The Following files are consolidated under File No. EC-2024-0015:

EC-2024-0062	EC-2024-0072	EC-2024-0082	EC-2024-0093
EC-2024-0063	EC-2024-0073	EC-2024-0083	EC-2024-0094
EC-2024-0064	EC-2024-0074	EC-2024-0084	EC-2024-0095
EC-2024-0065	EC-2024-0075	EC-2024-0085	EC-2024-0096
EC-2024-0066	EC-2024-0076	EC-2024-0086	EC-2024-0097
EC-2024-0067	EC-2024-0077	EC-2024-0087	EC-2024-0114
EC-2024-0068	EC-2024-0078	EC-2024-0088	EC-2024-0115
EC-2024-0069	EC-2024-0079	EC-2024-0089	
EC-2024-0070	EC-2024-0080	EC-2024-0090	
EC-2024-0071	EC-2024-0081	EC-2024-0091	

This order shall be filed in each of the above complaints.

2. Every Missouri Metro is dismissed as a party to this complaint.

3. Staff's motion for an extension to file its report and recommendation is granted. Staff must file its report and recommendation on these complaints no later than November 6, 2023.

4. This order shall be effective when issued.



BY THE COMMISSION

A handwritten signature in black ink that reads "Nancy Dippell". The signature is written in a cursive, flowing style.

Nancy Dippell
Secretary

John T. Clark, Senior Regulatory Law Judge,
by delegation of authority pursuant to
Section 386.240, RSMo 2016.

Dated at Jefferson City, Missouri,
on this 3rd day of October 2023.

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 3rd day of October, 2023.



Nancy Dippell

Nancy Dippell
Secretary

MISSOURI PUBLIC SERVICE COMMISSION

October 3, 2023

File/Case No. EC-2024-0015 (Consolidated)

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

Sincerely,

A handwritten signature in black ink that reads "Nancy Dippell". The signature is written in a cursive, flowing style.

**Nancy Dippell
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.