

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service Commission held at its office in Jefferson City on the 12th day of October, 2023.

Kevin Kojeski,)
)
 Complainant,)
)
 v.)
)
 Evergy Missouri West, Inc. d/b/a Evergy)
 Missouri West,)
)
 Respondent.)

File No. EC-2023-0334

ORDER DISMISSING COMPLAINT

Issue Date: October 12, 2023

Effective Date: November 11, 2023

On March 30, 2023,¹ Kevin Kojeski filed a formal complaint with the Commission against Evergy Missouri West, Inc. d/b/a Evergy Missouri West. On May 1, Evergy Missouri West filed its *Answer, Affirmative Defenses, and Motion to Dismiss*. On June 15, the Staff of the Commission (Staff) filed its investigative *Staff Recommendation*.

On September 7, the Commission issued an order setting a procedural conference for September 22, to be conducted via WebEx video and teleconference. Mr. Kojeski did not appear for the September 22nd procedural conference and did not contact the Commission to request a continuance of the conference. On September 22, the Commission ordered Mr. Kojeski to file a pleading showing cause as to why his complaint should not be dismissed for failure to appear for the procedural conference. The order noted that failure by a party to appear at a prehearing conference without securing a

¹ All date references are to the year 2023, unless otherwise noted.

continuance constitutes grounds for dismissal of a party's complaint unless good cause for the failure to appear is shown. Mr. Kojeski was ordered to respond by October 6. No response has been filed.

Three Commission rules address the failure of a party to appear for a prehearing conference. First, Commission Rule 20 CSR 4240-2.116(3) states:

A party may be dismissed from a case for failure to comply with any order issued by the commission, including failure to appear at any scheduled proceeding such as a public hearing, prehearing conference, hearing, or mediation session.

Second, Commission Rule 20 CSR 4240-2.090(5) states:

Failure to appear at a prehearing conference without previously having secured a continuance shall constitute grounds for dismissal of the party or the party's complaint, application or other action unless good cause for the failure to appear is shown.

Third, Commission Rule 20 CSR 4240-2.070(7) states:

The commission, on its own motion or on the motion of a party, may after notice dismiss a complaint for failure to state a claim on which relief may be granted or failure to comply with any provision of these rules or an order of the commission, or may strike irrelevant allegations.

Mr. Kojeski failed to appear for the September 22nd scheduled procedural conference and failed to comply with a Commission order to show good cause for his failure to appear. Therefore, as provided by the Commission's rules, his complaint will be dismissed.

THE COMMISSION ORDERS THAT:

1. For all the reasons stated above, the complaint of Kevin Kojeski against Every Missouri West is dismissed without prejudice.
2. This order shall become effective on November 11, 2023.
3. This file shall be closed on November 12, 2023.



BY THE COMMISSION

Nancy Dippell

Nancy Dippell
Secretary

Rupp, Chm., Coleman, Holsman, Kolkmeier
and Hahn CC., concur.

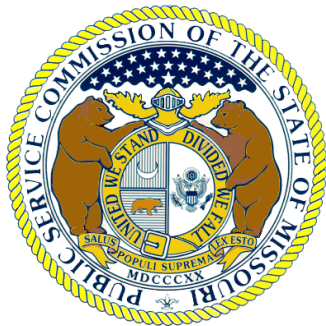
Seyer, Regulatory Law Judge

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 12th day of October, 2023.



Nancy Dippell

Nancy Dippell
Secretary

MISSOURI PUBLIC SERVICE COMMISSION

October 12, 2023

File/Case No. EC-2023-0334

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

Sincerely,



**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.