



CIVIL PROCEDURE FORM NO. 8-A(2)

IN THE \_\_\_\_\_ JUDICIAL CIRCUIT, \_\_\_\_\_ COUNTY, MISSOURI

Judge or Division: Missouri Public Service Commission	Circuit Court Case Number: ER-2022-0130	
Plaintiff/Petitioner: The Missouri Office of the Public Counsel	Appellate Number: WD86023	<input type="checkbox"/> Filing as an Indigent
	Date of Judgment/Decree/Order: (ATTACH A COPY) Issued: December 8, 2022 Effective December 18, 2022	Court Reporter:  <b>FILED</b> 2:44 pm, Jan 30, 2023 MISSOURI COURT OF APPEALS WESTERN DISTRICT
	Date Post Trial Motion Filed: December 16, 2022	<input type="checkbox"/> Sound Recording Equipment
Defendant/Respondent: Missouri Public Service Commission And Every Missouri West, Inc.	vs.	Date Ruled Upon: January 4, 2023
		The Record on Appeal will consist of: ____ Legal File only or <u>X</u> Legal File and Transcript

(Date File Stamp)

Notice of Appeal to Missouri Court of Appeals - Civil

District:  Western  Eastern  Southern

Notice is given that The Missouri Office of the Public Counsel appeals from the judgment/decree/order entered in this action on December 8, 2022 (date).

Appellant's Name (If multiple, list all or attach additional pages) The Missouri Office of the Public Counsel	Respondent's Name (If multiple, list all or attach additional pages) Public Service Commission of the State of Missouri Every Missouri West, Inc.
Address Governor Office Building, 200 Madison Street Suite 650, PO Box 2230 Jefferson City, MO 65102	Address PSC: 200 Madison Street PO Box 360 Jefferson City, Mo 65102  Every: 1200 Main Street Kansas City, Mo. 64105
Appellant's Attorney/Bar Number (If multiple, list all or attach additional pages) John Clizer (69043)	Respondent's Attorney/Bar Number (If multiple, list all or attach additional pages) PSC: Shelley Brueggemann (52173) Every: Roger W. Steiner (39586)
Address Governor Office Building, 200 Madison Street Suite 650, PO Box 2230 Jefferson City, MO 65102	Address PSC: 200 Madison Street PO Box 360 Jefferson City, Mo 65102

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Brief Description of Case (May be completed on a separate page)

In the Matter of Evergy Missouri West, Inc. d/b/a Evergy Missouri West's Request for Authority to Implement A General Rate Increase for Electric Service

Issues Expected To Be Raised On Appeal (May be completed on a separate page. Appellant is not bound by this list.)

The lawfulness or reasonableness of (1) the Commission's decision to modify the amortization period for the Sibley generating facility asset for the sole purpose of allowing Evergy to avoid legislatively established consumer protections; (2) the Commission's decision to modify the amortization period for the Sibley generating facility asset to eight years with no evidence in the record to support that finding; (3) the Commission's decision to modify the amortization period for the Sibley generating facility asset at Evergy's request without allowing the OPC the ten days required by Commission rule to respond to that request; (4) the Commission's decision to modify the amortization period for the Sibley generating facility asset based on a change in the utility's request that occurred after the close of the evidentiary hearing and to which the OPC was provided no opportunity to respond or present evidence in violation of its constitutional rights to due process of law.

**Docket Fee Information**

- The docket fee in the amount of \$70.00 is being tendered with this notice of appeal.
- No docket fee is being tendered because:
  - a docket fee is not required by law pursuant to § 483.500.1 RSMo. (cite specific statute or other authority).
  - a motion to prosecute the appeal in forma pauperis has been or will be filed.
  - a docket fee in the amount of \$70.00 cannot be tendered at this time but will be submitted at a later date or this appeal will be subject to dismissal pursuant to Rule 84.08(a).

Signature of Attorney or Appellant

*John Clizer*

Date

1/30/2023

**Certificate of Service on Persons other than Registered Users of the Missouri eFiling System**

I certify that on January 30, 2023 (date), a copy of the foregoing was sent to the following by facsimile, hand-delivery, electronic mail or U.S. mail postage prepaid to their last known addresses.

The Missouri Public Service Commission; Evergy Missouri West, Inc.; ChargePoint, Inc.; the City of St. Joseph, Missouri; Dogwood Energy, LLC; Google LLC; Midwest Energy Consumers Group; Missouri Industrial Energy Consumers; Nucor Steel Sedalia, LLC; Renew Missouri; Sierra Club; and Velvet Tech Services, LLC

*John Clizer*

Appellant or Attorney for Appellant

**Directions to Clerk**

Transmit a copy of the notice of appeal and all attached documents to the clerk of the Court of Appeals and to any person other than registered users of the eFiling system in a manner prescribed by Rule 43.01. Clerk shall then fill in the memorandum below. See Rule 81.08(i). Forward the docket fee to the Department of Revenue as required by statute.

**Memorandum of the Clerk**

I have this day served a copy of this notice by  regular mail  registered mail  certified mail  facsimile transmission to each of the following persons at the address stated below. If served by facsimile, include the time and date of transmission and the telephone number to which the document was transmitted.

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I have transmitted a copy of the notice of appeal to the clerk of the Court of Appeals, \_\_\_\_\_ District.

- Docket fee in the amount of \$70.00 was received by this clerk on \_\_\_\_\_ (date) which will be disbursed as required by statute.
- No docket fee was received.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Clerk

Additional Parties and Attorneys

List every party involved in the case not listed on page 1, indicate the position of the party in the circuit court (e.g. plaintiff, defendant, intervener) and in the Court of Appeals (e.g. appellant or respondent) and the name of the attorney of record, if any, for each party. Attach additional pages to identify all parties and attorneys if necessary.

Party Name	Attorney Name
ChargePoint, Inc. (Intervener/Not Party to Appeal)	Scott F Dunbar
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Party Name	Attorney Name

Sierra Club (Intervener/Not Party to Appeal)	Bruce A Morrison
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