

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

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

AMENDED REPLY TO STAFF RECOMMENDATION

COMES NOW Complainant Timothy Allegri (“Mr. Allegri”) and in reply to the Missouri Public Service Commission’s *Staff* (“PSC Staff”) *Recommendation*, states as follows:

1. My formal complaint, along with the 37 additional complaints filed by landowners affected by the proposed construction project/movement of Respondent’s electric line, addresses several issues of concern regarding compliance with CCN 9470, to which Evergy claims authority for their project.

2. My original complaint requested a hearing to discuss the issues contained in the protest/complaint and the support of the PSC in compelling Evergy to negotiate honestly with us as required by law and if needed, mediation.

3. I have read and concur with the *Staff Recommendation* that an evidentiary hearing should be scheduled to put evidence into the record, present witnesses and discuss the many concerns raised in the formal complaints.

4. There are currently two ongoing condemnation lawsuits filed in relation to Evergy’s project which do not have a completed project plan. If the Court hearings take place before Evergy’s governing authority rules on the issues of the complaints, landowners are not only in jeopardy of losing valuable highway frontage land, but Evergy will be allowed to gain easements through possible abuse of the CCN parameters and the legislative eminent domain process as

well. The Mo. Court of Appeals, Southern District, 588 S.W.2d 263, *Empire District Electric Co. vs. Cox*, found that:

"While orders of the Missouri Public Service Commission (PSC) are subject to judicial review, the court is confined upon review to a determination of whether, on the facts before it, such order is reasonable and lawful. If the reviewing court finds the order both reasonable and lawful, its duty is to affirm it. If the order be found to be either unreasonable or unlawful, it should be set aside. The trial court has no authority to interfere with reasonable orders of the PSC when supported by facts found on competent evidence, nor may it weigh evidence or substitute its judgment for that of the PSC."

5. In recognition of the governing authority of the PSC over Evergy, and with regard to *Item #4* above, Complainant hereby requests the PSC to:

- File a Motion for Preliminary Injunction with the respective Courts prior to the next hearing of November 21, 2023, requesting: 1) they set aside the lawsuits until the PSC makes its final orders to Evergy regarding their project CCN; and 2) that no judicial orders be made on the condemnation/ eminent domain proceedings prior to Evergy presenting a complete project plan to the PSC and complying with the PSC final orders, at which time the PSC would notify the Courts. (Lafayette County Case No. 23LF-CV00939; Johnson County Case No. 23JO-CC00142)
- Schedule an evidentiary hearing with all parties involved in the PSC Formal Complaints (re: EC-2024-0015) as soon as possible.

Thank you for your service to all Missouri citizens.

Respectfully submitted, November 14, 2023 on EFIS

/s/ Timothy P. Allegri

Timothy P. Allegri, Complainant