

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

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

Response to Commission Order Directing Filing of Proposed Procedural Schedule

As one of more than 30 complainants, I look forward to the Public Service Commission ordered hearing where we can all work together in going over Evergy's intents in upholding all orders specified in CCN 9470.

Through this dialogue, we should be able to sort things out properly and avoid clumsy unintentional errors in compliance and subsequent complicated recoveries as Evergy has encountered in Wichita and elsewhere.

In February and March of 2023, the impacted landowners sought on two occasions to meet with Evergy as a group. Evergy declined both opportunities. Prior to that, on May 19, 2022, MoDOT sponsored a meeting to allow them and Evergy a public hearing at the Warrensburg Municipal Court House, 200 S Holden, Warrensburg, Missouri. Evergy arrived after the meeting began its closeout, with 15 minutes remaining.

<https://www.modot.org/missouri-highway-13-passing-and-turn-lane-additions-lafayette-and-johnson-counties>

We are so hopeful that Evergy will participate in these PSC discussions. We are not discouraged that it may require an 'order' for them to do so.

The oversight of utilities by the PSC ensures Missourians have regulated, safe and reliable utilities and protects all parties from unintended harm. For example, most CCNs have built-in specifications that also serve as safeguards. Such as in CCN 9470's Order #4.

The risks associated with an assumption that 'persons' don't have 'lines' that carry fuel, water, communications, geothermal, or electrical lines upon their private property is a grave disservice to the applicable CCN, the landowners and seemingly implies an intentional disregard for the safety of contractors should Evergy prevail in taking land outside their present placement within the MoDOT ROW.

As stated in the original complaint filing, the landowners and I have written and expressed support of the PSC in enabling Evergy to maintain its line along MO-13. Landowners have always allowed Evergy access to their land to maintain their lines. We have even offered a low to no-cost 'maintenance only easement' to Evergy so they can save dollars and not needlessly take land. However, Evergy's claim to need to take 30 feet as opposed to the standard 15 feet is without need, without an NESC requirement or Missouri's public benefit.

On February 16, 2023, Evergy attorney Zach Roeschlein stated in an email;

“Additionally, **Evergy is required to move out of the existing road right of way and publicly owned street property so that their easement rights do not overlap.** Therefore, Evergy needs to acquire the strip of land shown in the attached exhibit as an easement so that they can move their lines over as minimally as possible to accommodate the road and electrical transmission needs and continue to provide reliable power to the area. The other benefit that **this relocation and easement purchase serves is to get out ahead of any future modification plans MoDoT has as they continually update these roads over time.** Once Evergy is able to move out of that space where their rights overlap with road right of way, they can limit any future needs to relocate as much as possible. **Evergy would prefer to only have to work this out with you once and not have to come back again in ten years if MoDoT decides to make another change.”**

They claim a need of 30 feet in order to move the line a few feet, in order to needlessly exit the MoDOT ROW. From what I understand, in some instances the proposed 30 foot easement is less than 15 feet from homes.

The following is a sample of Evergy surveyed and placed pole movement/placements on MO-13.



Incredible, but true.

The PSC and the contributing parties who drafted, committed and agreed to CCN 9470 got it right. It's no surprise it has been in place and met the public needs for nearly 100 years.

The perception of observers is that Evergy 'intends' to violate CCN 9470 and has taken steps in its commitment to do so. All because their option in discretion has expanded from

the needed 15 feet on either side of the poles/line to become 30 feet. If that's proper discretion? ... they could easily say they want 100 feet.

We believe through working together with Evergy and the PSC we can protect from repeats of utility backtracking in Wichita, Kansas in order to correct wrongs.

1) *Attachments re: Wichita*

Thank you both Evergy and the PSC for your service to Missouri.

Respectfully submitted, November 20, 2023 on EFIS

/s/ Timothy P. Allegri

Timothy P. Allegri, Complainant

Wichita City Council Member Wants Oversized Transmission Poles Replaced

KMUW

Published April 17, 2019 at 10:22 AM CDT



Carla Eckels / KMUW/File Photo

Angelica Calabria rents a home with a large metal utility pole installed in the front yard.

Wichita City Council member Brandon Johnson wants Evergy to replace new metal electric poles in some neighborhoods with wooden ones.

Johnson represents District 1, where many of the transmission poles that top 100 feet were recently installed.

“To see 2.8 miles of neighborhood having these industrial poles ... is just unheard of,” Johnson said.

Evergy is the electric company that now oversees the transmission poles. It was formed from a merger of Westar Energy of Topeka and Great Plains Energy of Kansas.

The company did compensate some homeowners whose properties were affected by the new poles. Johnson said he thinks the company owes residents a more permanent solution -- replacing the metal poles with wooden ones.

“I would love to see those poles come down because it’s not fair for the community,” he said. “If Evergy opposes those, than I guess we will be seeing one another, both in Topeka as well as continue hearing from the community.”

The company installed more than 50 commercial-grade transmission line poles in

poles will help provide more electricity to areas like Wichita State University and Wesley Medical Center.

Johnson said he wants to prevent this from happening to Kansans in the future through legislation in Topeka.

House Bill 2317 expands the definition of electric transmission lines and mandates that utility companies obtain a siting permit, fix public hearings and be held accountable to the Kansas Corporation Commission before taking any action.

The bill was introduced in February by Rep. Gail Finney, a Democrat from Wichita. The bill is expected to be discussed when the Legislature returns in May.

Audrey Korte is a member of the KMUW News Lab.

Tags

- Community
- Wichita City Council
- Gail Finney
- Westar Energy
- Brandon Johnson
- Evergy
- 2019 legislative session
- Local News



Westar Responds To Concerns About Electric Poles In Northeast Wichita

September 10, 2018

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Westar Responds To Concerns About Electric Poles In Northeast Wichita

KMUW | By [Carla Eckels](#)

Published September 10, 2018 at 10:49 PM CDT



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After a public outcry last week, Westar Energy is taking another look at addressing concerns about electric poles being installed in some residents' front yards.

Westar's plan is to upgrade the entire transmission system, including in near-northeast

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50 yards.

Angelica Calabria rents her home near 11th and Green and has a pole in front of her house.

"No me gusta," Calabria says. Her daughter translates: "She doesn't like it."



Credit Carla Eckels / KMUW / KMUW

Westar's Don Sherman and Wichita City Council member Brandon Johnson hold a media briefing Monday to address concerns from residents about electric poles.

Don Sherman, Westar's vice president of community relations and strategic partnerships, says the company will pay additional compensation to homeowners who want to stay in their homes.

"If you are a homeowner that wants to move from the house, we will buy your house," Sherman said. "If you are a tenant that lives in that house ... we want to talk about additional compensation for you living in a house with a big pole in front of it."

The company says it has no evidence of property values going down in the area due to the poles.

Carla Eckels is director of cultural diversity and the host of Soulsations. Follow her on Twitter @Eckels. To contact KMUW News or to send in a news tip, reach us at news@kmuw.org.

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Carla Eckels

Carla Eckels is Director of Organizational Culture at KMUW. She produces and hosts the R&B and gospel show Soulsations and brings stories of race and culture to The Range with the monthly segment In the Mix. Carla was inducted into The Kansas African American Museum's Trailblazers Hall of Fame in 2020 for her



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August 6, 2018



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August 22, 2018

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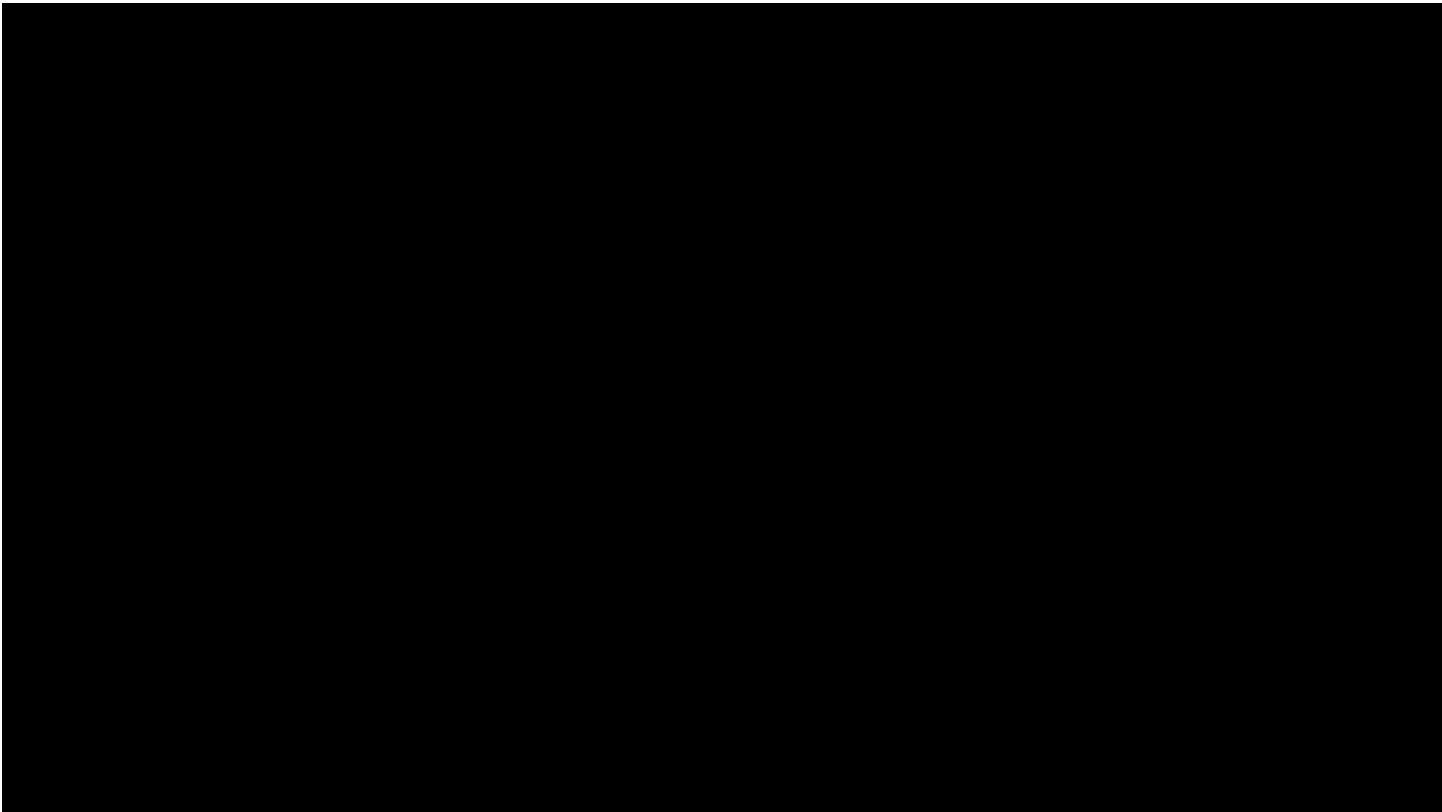
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POLITICS & GOVERNMENT

After outcry over Evergy poles in Wichita neighborhood, restrictions are in the works

BY [JONATHAN SHORMAN](#) AND [CHANCE SWAIM](#)

UPDATED MARCH 02, 2020 6:10 AM



When Evergy erected [towering power poles near homes](#) in northeast Wichita to support high-voltage lines, the ensuing outcry led to an apology and donations from

the energy company.

But utilities in Kansas remained free to do the same thing in other communities.

The Kansas House approved legislation last week that would restrict the authority of Evergy and other utilities to string transmission lines through urban areas. Regulators would have additional power over the projects, with a mandate to evaluate how the poles, which soar more than 100 feet, would affect neighborhood aesthetics.

Legislators approved the bill 123-2 in a sharp rebuke to Evergy's conduct in Wichita. It now heads to the Senate.

The vote marked a victory for Rep. [Gail Finney, a Wichita Democrat whose district](#) includes the high-voltage lines. While the bill doesn't affect the lines already in place, any future lines would face greater review.

"Unless we have some type of accountability in Kansas, this is going to continue to happen to neighborhoods," Finney said. "And I don't want it to happen to anyone else."

Finney and other supporters of the proposal condemned how Evergy has handled the Wichita project, saying there's been a lack of accountability for the company. In 2018, [Evergy – then called Westar](#) – began upgrading a transmission line in northeast Wichita, replacing older, wooden poles with metal poles that were taller and wider.

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Dozens of new poles were erected throughout the predominantly low-income and historically black neighborhood. After sustained complaints from residents, Evergy acknowledged making a mistake. The company [launched a \\$1 million community fund](#) and pledged \$250,000 for a scholarship program to serve northeast Wichita residents.

The poles are still there.



Several lawmakers — including those who participated in a tour of the neighborhood — expressed shock at what had happened.

“When I took that bus tour in Wichita and we went down those streets and we saw what this corporation has done to that neighborhood, it is absolutely appalling,” Rep. John Carmichael, a Wichita Democrat, said.

The underlying legislation approved by the House deals with electric vehicles. But legislators adopted an amendment offered by Finney that requires utilities to go through a permitting process for transmission lines in urban areas that would include a public hearing. The [Kansas Corporation Commission, which regulates utilities](#), also would be required to take into account aesthetics, location, environment and population density when deciding whether to approve transmission lines in urban areas.

Under the bill, homeowners can “at least be confident that if a utility company plans activity in their neighborhood, or near their property, that they’ll at least be notified of it and notified in advance of the work,” said Ann Fox, director of Wichita Habitat for Humanity.

Fox said eight or nine Habitat homes are directly adjacent to lots with the poles.

Evergy opposes the measure, contending the definition of an urban transmission project is too broad and would require long and expensive studies for many projects. Some projects are as simple as moving a few poles so a road can be widened, Evergy spokeswoman Gina Penzig said in a statement.

“We oppose the amendment as written because it would add time and expense to nearly all transmission projects, which ultimately also affects electricity prices,” Penzig said. “We have and will continue to work with residents and leaders in Wichita and all the communities we serve. We think there are better ways to address their concerns.”

Penzig, the Evergy spokeswoman, said the utility’s work to engage homeowners, landowners and neighbors along transmission projects “has exceeded state requirements” and that it had expanded its communication over the past year.

“As a result of listening to northeast Wichita residents and leaders who represent them, we added community open houses for rebuild projects when the upgraded lines are in or near residential areas,” Penzig said. “These meetings allow us to hear and address the concerns of neighbors and to provide education about projects.”

KCC spokeswoman Linda Berry said the agency doesn’t have a position on the proposal.

Rep. Mark Schreiber, an Emporia Republican, said the terms included in the bill, such as “aesthetics,” are vague and predicted the KCC would struggle to define them. While he said Evergy didn’t do a good job initially, “they’re trying to make that right.”



But Wichita City Council member [Brandon Johnson called the circumstances under which the poles were installed](#) “a tragedy.” He supports the legislation and said if it passes into law, “this tragedy won’t happen in Kansas again.”

“We’ll have that third-party oversight from the KCC, which is something that would have really helped in this case,” Johnson said.

It’s unclear at this point what Evergy plans to do in the northeast Wichita neighborhood where the poles are already installed.

Johnson said Evergy has been developing a plan that it will share with the neighborhood in the coming weeks based on concerns aired by residents at a town hall in December.

Johnson said he thinks Evergy will ultimately replace some of the steel poles in northeast Wichita and replace them with less obtrusive poles. Residents in the northeast Wichita neighborhood affected by the poles are expected to get letters from Evergy in the coming weeks outlining the company’s plans.

In response to Johnson’s remarks, Penzig said the company is working to finalize its plan for changes to the line and develop its communication plan.

“Many of the citizens that were at the town hall that I heard, and those who reached out to me, want to see more of the wooden poles than the steel towers,” Johnson said.

“I would assume the majority said that. So it will either be, I would assume, either all wood or some mixture of both wood and steel,” Johnson said.

Removal and replacement of some of the poles could happen as early as this fall, Johnson said.

This story was originally published March 2, 2020, 5:01 AM.

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JONATHAN SHORMAN

    785-296-3895

Jonathan Shorman covers Kansas politics and the Legislature for The Wichita Eagle and The Kansas City Star. He's been covering politics for six years, first in Missouri and now in Kansas. He holds a journalism degree from the University of Kansas.

CHANCE SWAIM

   316-269-6752

Chance Swaim covers investigations for The Wichita Eagle. His work has been recognized with national and local awards, including a George Polk Award for political reporting, a Betty Gage Holland Award for investigative reporting and two Victor Murdock Awards for journalistic excellence. Most recently, he was a finalist for the Goldsmith Prize for Investigative Reporting. You may contact him at cswaim@wichitaeagle.com or follow him on Twitter @byChanceSwaim.

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