

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

FILED
December 18, 2023
Data Center
Missouri Public
Service Commission

Teresa Howard,)	
)	
Complainant,)	File No. EC-2024-0015
)	
Evergy Missouri West, Inc.,)	
)	
Respondent.)	

**RESPONSE to TIMOTHY ALLEGRI'S MOTION FOR EXPEDITED TREATMENT
and MOTION FOR INJUNCTION**

COMES NOW Complainant Teresa Howard (“Complainant”) and in response to Timothy Allegri’s *Response, Motion for Expedited Treatment* and *Motion for Injunction* filed electronically with the Missouri Public Service Commission’s EFIS on December 17, 2023, states as follows:

1. I am a Complainant in this case No. EC-2024-0015.

2. I have read and concur with the *Staff Recommendation* regarding this Complaint that pursuant to Section 386.390.1, RSMo., which authorizes the Commission to hear and determine complaint cases, an evidentiary hearing should be scheduled to put evidence into the record, present witnesses and discuss the many concerns raised in the formal complaints against Respondent.

3. Section 386.360.1 RSMo, authorizes the Commission to pursue temporary, preliminary, and permanent injunctions when it is of the opinion that a public utility is failing to do **anything** required of it by law and/or order. According to the PSC *Investigation* and resulting *Report of Staff* and *Staff Recommendation*, there is ample evidence of threatened violations of law and intent to violate PSC orders, and the Commission has a duty to petition the circuit court so that the violations or threatened violations are prevented. Section 386.360.1 RSMo states:

“Whenever the commission shall be of the opinion that a **public utility**, municipal gas system, **person or corporation is failing or omitting or about to fail or omit to do anything required of it by law or by order or decision of the commission**, or is doing anything **or about to do anything** or permitting anything **or about to permit anything** to be done, **contrary to or in violation of law or of any order or decision of the commission**, it shall direct the general counsel to the commission to commence an **action or proceeding in any circuit court of the state of Missouri in the name of the commission for the purpose of having such violations or threatened violations stopped and prevented either by mandamus or injunctions**. The commission's general counsel shall thereupon begin such action or proceeding by a **petition to such court alleging the violation complained of and praying for appropriate relief by way of mandamus or injunction**. Such relief shall not be limited to permanent forms of mandamus and injunction, but shall include all available forms of injunction and mandamus, including temporary restraining orders, **preliminary injunctions, permanent injunctions, preliminary orders of mandamus, and permanent orders of mandamus.**” [emphasis added]

4. I have read, understand and fully concur with Mr. Allegri’s *Response* and *Motion for Expedited Treatment* and *Motion for Injunction* as described above in order to prevent possible irreversible harm to me, my family and my property. Because the Missouri Public Service Commission has jurisdiction over all public utilities providing electric service pursuant to Section 286.250, it is their duty to determine whether or not the utility has violated any *Orders* made by the Commission in relation to their Certificate of Convenience and Necessity for their project (CCN #9470) **prior to** any eminent domain proceedings in circuit court.

5. A *Motion* staying the circuit court proceedings is without question the duty of the Commission, whose job it is to **first** determine whether Evergy has violated a statute, rule or tariff as suggested in the PSC *Report of Staff* on their formal investigation and *Staff Recommendation*, as well as the possible violations listed in the numerous formal complaints with relation to Evergy’s project. If the Commission finds **any** violation of CCN #9470, Evergy’s project is without proper authorization and therefore is potentially without legal basis for eminent domain land-taking.

WHEREFORE, Complainant prays that the Commission will accept Complainants’ *Response*; grant a *Motion for Expedited Treatment* and *Motion for Injunction*; will issue an *Order* as soon as possible directing the Commission’s General Counsel to seek in Circuit Court a

Preliminary Injunction in Lafayette (Case No. 23LF-CV00939) and Johnson County (Case No. 23JO-CC00142), Missouri pursuant to Section 386.360.1, RSMo, staying the eminent domain proceedings until the *final* resolution of this Complaint; and will grant such other and further relief as is just in the circumstances.

Respectfully submitted,

/s/ Teresa Howard

Teresa Howard

CERTIFICATE OF SERVICE

A copy of the foregoing has been served this 18th day of December 2023 to all parties in this proceeding via electronic service.