

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

FILED
January 8, 2024
Data Center
Missouri Public
Service Commission

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

POSITION STATEMENT OF BART WYATT

I am a Complainant and property owner in [REDACTED] whose highway-frontage land is involved in Evergy's "Highway 13 Fayetteville" project ("Project"), along with many neighboring landowners. This same project is also involved in an eminent domain proceeding in circuit courts.

Evergy has not provided sufficient data to prove a need for the excessive land-taking they claim the rights to for their project, nor has it met all legal requirements for eminent domain, as well as its abuse of discretion in exceeding the bounds of CCN #9470 orders and Missouri eminent domain law. I concur with the PSC Staff's investigative *Report and Recommendations* in this matter.

It is the responsibility of the Commission ("PSC") to exercise their authority in overseeing a utility and their Orders under RSMo. Chapters 393 and 386. Has this been accomplished? The circuit courts assume that the PSC has done their job *prior to* an eminent domain lawsuit being filed. Given the broad authority the PSC possesses under RSMo. Section 393.140(5), my neighbors and I have been failed by the disregard of PSC jurisdiction over a utility under its supervision, and the legislation allowing it to 'order any just outcome.'

The PSC must provide 'due process of law', which is the promise of legality and fairness. What specifically does the PSC do to ensure utilities' compliance with CCN orders and why it has denied pursuing an *Injunction* with circuit courts to suspend proceedings until all PSC orders have been met? Holding Evergy accountable to CCN orders per Chapters 393 and 386, *prior to* any circuit court proceedings on eminent domain, has been denied us by the PSC, to date.

Failure to Prosecute - Is the PSC ready to share liability for eminent domain land loss due to a utility's violation of Commission orders made in accordance with Missouri law, should that occur? The original Commission complaint, as well as my small formal complaint, *states my position* with regard to this case and I expect *all* information and questions posed to be addressed and answered in the upcoming evidentiary hearing.

Respectfully submitted this 8th day of January, 2024 to all parties via EFIS by:

/s/ *Bart Wyatt*
Bart Wyatt

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POSITION STATEMENT OF DONALD W. RASA

I am a Complainant and property owner in [REDACTED] whose highway-frontage land is involved in Evergy's "Highway 13 Fayetteville" project ("Project"), along with many neighboring landowners. This same project is also involved in an eminent domain proceeding in circuit courts.


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Respectfully submitted this 7th day of January, 2024 to all parties via EFIS by:


Donald W. Rasa

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POSITION STATEMENT OF SCOTT RASA

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Scott Rasa

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POSITION STATEMENT OF BARBARA A. RASA

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Barbara A. Rasa