

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

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

MOTION TO BE ADDED TO NEXT AGENDA SESSION

COME NOW Complainants Timothy Allegri and Denise Allegri (“Complainants”) and file this *Motion to be Added to the Next Missouri Public Service Commission’s (“PSC”) Agenda Session*, currently scheduled for January 10, 2024, and in support thereof state as follows:

1. On December 21, 2023, an *Order* was made by the Commission’s Secretary, Nancy Dippell, establishing a *Procedural Schedule* for a Procedural Conference in this matter. ([Docket Item #80](#))

2. On December 21, 2023, Complainant Timothy Allegri filed a *Response and Motion to Order Establishing Procedural Schedule* ([Docket Item #82](#)) challenging whether the complaints filed in this case are ‘Small formal complaints’ and the location of the evidentiary hearing.

3. On January 2, 2024, Complainants Timothy and Denise Allegri filed a *Response to Order, Motion to Pursue an Injunction and Motion for Expedited Treatment* ([Docket Item #84](#)), again challenging whether the complaints in this case are considered ‘Small formal complaints’ and the location of the evidentiary hearing, as well as a third *Motion* requesting the Missouri Public Service Commission to order their general counsel to pursue an injunction with the circuit court cases related to this complaint. Complainants, due to the close timeline of events in the

proceedings by Evergy that are in question, asked that this matter be treated expeditiously per 20 CSR 4242.2.080(14).

4. Also on January 2, 2024, Complainant Timothy Allegri filed a *Response to Order Establishing Procedural Schedule, Motion to Correct Status of the Complaint be Changed, and Motion for Expedited Treatment* ([Docket Item #85](#)). These documents point out potential misunderstandings related to the December 21, 2023 session regarding this case, and a motion to correct the status of the complaints to be classified as ‘small formal complaints’ with a meeting location within 30 miles of complainants, as well as pointing out that pages 4 through 6 of all the individual small formal complaints remain unanswered/disregarded, to date. This Docket Item #85 was also requested to be treated expeditiously per 20 CSR 4242.2.080(14).

5. On January 5, 2024, Complainants Timothy and Denise Allegri filed a *Motion to Reschedule Prehearing Conference and Evidentiary Hearing* ([Docket Item #86](#)), requesting the evidentiary prehearing and hearing be rescheduled because Evergy Missouri West, Inc. (“Evergy”) has approached Complainants about a potential settlement and the parties are currently engaging in settlement discussions, seeking to resolve issues at hand in this case through a mediation tentatively scheduled for February 15, 2024. Again, due to the close timeline of events, Complainants requested both hearings be rescheduled to the week of February 26, 2024 to allow for mediation and, if necessary, the preparation of any proposed settlement documents prior to continuing with the PSC evidentiary hearing.

6. At the time of this filing, no responses or orders have been made by the PSC regarding the above-mentioned *Motions* or *Responses* by complainants, nor are they scheduled to be on the PSC’s Agenda, the next scheduled agenda session date being January 10, 2024.

7. The PSC has, however, filed an *Order Shortening Time for Objections* ([Docket Item #89](#)) regarding Complainants’ motion to reschedule the prehearing conference and evidentiary hearing currently set for January 18 and January 23-25, respectively. Objections were ordered due no later than January 11, 2024.

8. Complainants request the Commission make its order regarding the above-referenced *Motion for Injunction* and *Motion for Expedited Treatment* ([Docket Item #84](#)) by January 10, 2024 as requested, as well as including this matter on the January 10, 2024 Commission Agenda

session. It is essential that the circuit court cases related to this matter be put on hold until the PSC determines, pursuant to RSMo. Section 386.360.1, if a violation of their CCN orders or laws has been made by Evergy. The injunction would protect the PSC as well as Missouri landowners because inaction of the PSC in fulfilling their obligation to hold Evergy accountable to Commission orders and laws, resulting in any land-taking, would no doubt be harmful to all involved. (Again for the record, complainants are aware of the differences between Chapter 523 circuit court statutory authority and Chapters 386/393 PSC statutory authority.)

WHEREFORE, Complaints request the Missouri Public Service Commission to add Complainants' Docket Item #84, *Motion for Injunction and Motion for Expedited Treatment*, to their January 10, 2024 Agenda for a vote by the Commissioners. If Commissioners feel they are not briefed adequately on this case to vote their individual conscience prior to the January 10, 2024 agenda session, Complainants ask the Commission to hold a special hearing related to this matter later in the day of January 10, 2024 after the Commissioners have been fully briefed and are ready to vote accordingly, and an *Order* regarding same be made and filed on EFIS by January 10, 2024.

Respectfully submitted this 9th day of January 2024 to all parties via EFIS by:

/s/ Timothy P. Allegri
TIMOTHY P. ALLEGRI

/s/ Denise W. Allegri
DENISE W. ALLEGRI