

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

Timothy Allegri, et al.)	
)	
Complainants,)	
v.)	File No. EC-2024-0015, et al.
)	[consolidated]
Evergy Missouri West, Inc. d/b/a Evergy)	
Missouri West,)	
)	
Respondent.)	

**NOTICE TO COMMISSION AND
MOTION TO DISMISS DUE TO LACK OF CONTROVERSY**

COMES NOW, Evergy Missouri West, Inc. d/b/a Evergy Missouri West (“Evergy Missouri West” or the “Company”) and, for their *Notice to Commission and Motion to Dismiss Due to Lack of Controversy* (“Notice”), state as follows:

BACKGROUND

1. On July 25, 2023, Timothy Allegri (“Mr. Allegri”) filed a Complaint.
2. On August 2, 2023, the Missouri Public Service Commission issued its *Order Giving Notice Of Complaint, Directing Answer And A Staff Investigation*.
3. On August 15, 2023, Mr. Allegri filed an amendment (“Amendment”) to the Complaint requesting that the Commission add twenty-six self-represented co-complainants to the Complaint.
4. Pursuant to the Commission’s August 2, 2023 *Order Giving Notice of Complaint, Directing and Answer and A Staff Investigation* (“Order”), the Company submitted its *Answer, Affirmative Defenses, and Motion to Dismiss of Evergy Missouri Metro and Evergy Missouri West* (“Allegri Answer”) on August 30, 2023.

5. On September 6, 2023, the Commission issued its *Order Denying Motion to Add Additional Complainants and Denying Mediation Request*.

6. Between September 11, 2023 and September 18, 2023, additional complainants each filed separate complaints against Evergy Missouri West with the Commission.¹

7. On September 21, 2023 the Company filed a *Motion to Consolidate*, which was granted by the Commission's *Order Consolidating Files and Dismissing Party* ("Consolidation Order"), issued on October 3, 2024.²

8. The consolidated complaints involve easements that are needed to replace an old 69kV transmission line along Missouri Highway 13 in Lafayette and Johnson County, Missouri. The 8.7 mile 69 kV transmission line was originally constructed in 1977-78. Evergy has determined that the line will need to be replaced. The new line will continue to be a 69kV transmission line following the upgrade of the transmission line facility.

9. On October 13, 2024, the Company filed its *Answer to Consolidated Complaints*.

10. On November 16, 2023, Staff ("Staff") for the Commission filed its *Recommendation*.

11. On December 21, 2023, the Commission issued its *Order Establishing Procedural Schedule* setting a prehearing conference for January 18, 2024 and evidentiary hearings for January 23-25, 2024.

¹ EC-2024-0062 Betty Beyers; EC-2024-0063 David A. Handley; EC-2024-0064 Denise Allegri; EC-2024-0065 Charles E. Bracken; EC-2024-0066 Jesse L. Green, Jr.; EC-2024-0067 Kendra B. Butner; EC-2024-0068 Letha Sue Boland; EC-2024-0069 Susan G. Bracken; EC-2024-0070 Victor Butner; EC-2024-0071 Marjorie J. Dyer; EC-2024-0072 Barbara A. Rasa; EC-2024-0073 Bethann C. Hill; EC-2024-0074 Candace K. Robertson; EC-2024-0075 Donald W. Rasa; EC-2024-0076 Dwayne Marsh; EC-2024-0077 Norman Howard; EC-2024-0078 Rebekah L. Marsh; EC-2024-0079 Scott Rasa; EC-2024-0080 Stephen L. Robertson; EC-2024-0081 Teresa Howard; EC-2024-0082 Bart D. Wyatt; EC-2024-0083 Carl J. Wouden; EC-2024-0084 Cheryl K. Wouden; EC-2024-0085 Dorothy J. Bell; EC-2024-0086 Steven J. Bell; EC-2024-0087 Amy Wolfe; EC-2024-0088 Glen Wolfe; EC-2024-0089 Mark A. Hill; EC-2024-0090 Steven A. Dyer; EC-2024-0091 Walter L. Dyer; EC-2024-0093 Aaron Collett; EC-2024-0094 Collette Collett; EC-2024-0095 Chad Krummel; EC-2024-0096 Jessica Krummel; and EC-2024-0097 Cheryl Hedden.

² The Commission dismissed Evergy Missouri Metro as a party. See, Consolidation Order, Ordering ¶12, p. 4.

12. On January 5, 2024, Mr. Allegri filed his *Motion to Reschedule Prehearing Conference and Evidentiary Hearing* so that the parties could discuss settlement, which motion was granted by the Commission's *Order Cancelling the Prehearing Conference and Evidentiary Hearing, and Denying Reconsideration* issued on January 16, 2024.

13. On March 19, 2024, the Commission issued its *Order Resetting Evidentiary Hearing*, setting evidentiary hearings for May 14-16, 2024.

NOTICE AND REQUEST FOR DISMISSAL OF CONSOLIDATED COMPLAINTS

14. Due to a change in the project, the Company has dismissed the Missouri circuit court condemnation cases in Lafayette and Johnson counties. See attached **Exhibit A** for copies of dismissals.

15. The Company requests that the Commission dismiss the consolidated complaints as none of complainants are involved in a condemnation lawsuit involving a CCN issued by the Commission. There is no live controversy concerning the CCN at issue in the consolidated complaints.

16. Since the Commission does not issue advisory opinions³, there is no controversy for the Commission concerning the CCN to adjudge.

WHEREFORE, Evergy Missouri West respectfully submits this Notice to the Commission and requests dismissal of the consolidated complaints.

³ Like other administrative agencies, the Commission is not authorized to issue advisory opinions. *State ex rel. Laclede Gas Co. v. Pub. Serv. Comm'n of State of Missouri*, 392 S.W.3d 24, 38 (Mo. App., W.D. 2012).

Respectfully submitted,

/s/ Roger W. Steiner

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Attorneys for Evergy Missouri West

CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of the foregoing document has been hand delivered, emailed or mailed, postage prepaid, to all parties of record, this 10th day of April 2024.

/s/ Roger W. Steiner

Attorney for Evergy Missouri West

IN THE CIRCUIT COURT OF JOHNSON COUNTY, MISSOURI

EVERGY MISSOURI WEST, INC.,

Plaintiff,

v.

DWAYNE E. MARSH, et. al.

Defendants.

Case No. 23JO-CC00142

NOTICE OF VOLUNTARY DISMISSAL

Plaintiff, by and through undersigned counsel, voluntarily dismisses the captioned matter without prejudice.

Respectfully submitted,

HUNTER LAW GROUP, P.A.

/s/ Mandi R. Hunter

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Counsel for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on this 28th day of March 2024, the above and foregoing Voluntary Dismissal was filed with the Court's e-filing system, and a true and correct copy of the above and foregoing was sent via email to:

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/s/ Mandi R. Hunter
Counsel for Plaintiff

IN THE CIRCUIT COURT OF LAFAYETTE COUNTY, MISSOURI

EVERGY MISSOURI WEST, INC.,

Plaintiff,

v.

DONALD W. RASA and BARBARA A. RASA, Co-Trustees of the DONALD W. RASA and BARBARA A. RASA JOINT REVOCABLE TRUST, et. al.

Defendants.

Case No. 23LF-CV00939

PLAINTIFF'S VOLUNTARY DISMISSAL

COMES NOW the Plaintiff, by and through undersigned counsel, and dismisses the captioned cause of action with prejudice, and at Plaintiff's cost.

Respectfully submitted,

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Counsel for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on this 1st day of April 2024, the above and foregoing Plaintiff's Voluntary Dismissal was filed with the Court's e-filing system, and a true and correct copy of the above and foregoing was placed in the US Mail, first class postage prepaid, to:

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