

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

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

COMPLAINANTS' RESPONSE

COME NOW Complainants Timothy and Denise Allegri (“Complainants”), and in response to the Commission’s *Order Directing Filing of Updated Position Statements and Reply to Order Directing Responses to Motion and Shortening Time for Responses*, as well as responding to the Commission *Staff’s Response* and *Evergy Missouri West’s Response* dated May 7, 2024, state the following:

1. Evidentiary hearings are currently scheduled for May 14-16, 2024.
2. Complainants’ formal complaints allege Evergy is in violation of CCN 9470 orders (among other things) and the Commission’s *Staff Recommendation* (EFIS Item #57) agreed.
3. The Commission is tasked with determining and making orders after holding an evidentiary hearing on whether or not any violations by Evergy were made or attempted to be made, whether or not Evergy continues to seek easements for its project.
4. On March 4, 2024, Evergy states that due to budgetary constraints it is revising its project “except for in the area that is impacted by MoDOT’s work” and at this time it is known that the project is continuing; what is unknown is which tracts will be impacted.
5. Evergy alleges that because circuit court cases related to this complaint have been voluntarily dismissed, the Commission complaints should also be dismissed. All three circuit court cases related to this project are currently ongoing, with resolution pending in one of the

cases and motions before the court with hearing dates set in the other two. Evergy sought to dismiss the cases but the courts have motions before them and the cases are not dismissed.

6. Pursuant to RSMo. 386.390, Complainants continue to request relief for the following deficiencies in relation to this complaint (again pointing out that deficiencies also affect the related circuit court cases), whether or not the project is being revised:

- Violations of CCN 9470 orders;
- Unauthorized and excessive easements being sought;
- Methods and practices used by Evergy in the transaction of their business;
 - Eminent domain proceedings filed without a complete project plan as a result of lack of Commission policy directives for same;
 - Misleading methods applied in pressuring landowners into accepting an imagined ‘cause’ that has *always lacked a verified plan* (i.e., land agents providing false information and verified petitions designed to take land by default);
- Each and every deficiency, as outlined in the original formal complaint filed on July 25, 2023 should be addressed, plus those which *cannot* be addressed until evidence of a revised plan becomes available or the Commission orders the parties to resume addressing the complaint and project as if there is no revised plan because no evidence of a revised plan exists.

7. Until such time evidence is presented to the Commission and Complainants of a revised plan, the Commission must proceed as though a revision is not being made and/or reschedule the evidentiary hearings within 30 days of a revised plan being filed on EFIS.

8. The Commission is reminded that its *Staff Recommendation* (EFIS Item #57) dated November 6, 2023 indicates “quite a bit of contradictory and confusing data” that needs to be “straightened out at a hearing.” CCN 9470 Order #2 states that “the Commission shall retain jurisdiction of the parties and the subject matter ...,” which would still allow the Commission to resolve the issues at hand through an evidentiary hearing. If not for Case No. EC-2024-0015, what would the Commission be doing or planning to do to resolve any of the cited violations? Would it simply dismiss the case, as suggested in the May 9, 2024 *Response* of Tracy D. Johnson?

9. Complainants again respectfully request the Commission to consider *rescheduling* the evidentiary hearings until such time Evergy presents a revised plan and files it on EFIS, allowing all parties the necessary information to proceed and obtain a satisfactory resolution; or should the Commission decide to conduct the May 14-16, 2024 hearings, to do so as if a *revised* Evergy plan does not exist (given there is no evidence of one).

10. Lastly, the Commission's *Order Directing Filing of Updated Position Statements* dated May 2, 2024 directs the parties to expedite filing updated *Position Statements* by May 9, 2024. Given the fact that Evergy only alleges a change in its project but has not provided evidence of any changes or the impact the alleged revisions may or may not have on the complaints, Complainants are unable to provide a *complete* updated position statement at this time and request the Commission to advise how to proceed regarding said update.

WHEREFORE, Complainants submit this *Response* and ask the Commission to address the issue of updated *Position Statements* ordered due by May 9, 2024.

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

/s/ *Timothy P. Allegri*
Timothy P. Allegri

/s/ *Denise W. Allegri*
Denise W. Allegri