

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

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

POSITION STATEMENT OF VICTOR BUTNER

On May 2, 2024, the Commission issued an *Order Directing Filing of Updated Position Statements*, with a filing deadline of May 9, 2024 and in response to the order, Complainant states as follows:

1. Today, May 9, 2024, the Commission issued an *Order* canceling the May 14-16, 2024 evidentiary hearing, suspending the procedural schedule, and directing Evergy Missouri West to file monthly status reports on the Fayetteville Project plan and whether the plan has been shared with the Complainants, as well as a monthly status report of the condemnation cases in the circuit courts. The Order requires updated Position Statements still due by May 9, 2024.

2. My original *Position Statement* dated January 8, 2024 still stands and is to be incorporated as part of this updated Position Statement dated May 9, 2024.

3. Evergy's alleged project plan revision has not been presented for evidence of which tracts and landowners will be impacted. It is not possible to offer a *complete* updated Position Statement given the unknown information and impact a revised plan will encompass. Complainant reserves the right to update a Position Statement once the revised project plan becomes available.

4. Without the "who, what, when, where and why" for its project, proof of necessity or authority for the plan is impractical and unachievable, especially projects involving condemnation. Thanks to EC-2024-0015, the Commission Staff and the complainants, the

politically appointed Commissioners of the PSC were fully aware that Evergy lacked a final plan for the project.

5. CCN 9470 Orders have been violated, as evidenced by the Commission's investigation and resulting *Staff Reports* and *Staff Recommendation* (EFIS Docket Item #57). Complainant seeks complete resolution of these violations and resulting penalties, as well as Evergy being held accountable for offering buy-backs for the unnecessary easements they have already obtained without a project plan, and in consideration of its cited budgetary constraints.

6. Unnecessary and excessive easements have been sought and secured by Evergy for a project which may not be NESC compliant to 2023 standards. There are also other safety concerns regarding leaning poles along the project line that must be addressed.

7. Complainants look forward to working with the Commission, Office of Public Counsel and Missouri legislators to effect changes in CCN Policies and Orders, as well as new and necessary Missouri legislation with regard to utility projects involving potential eminent domain.

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

/s/ *Victor Butner*
Victor Butner