

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

Merlon Jonee Ragland Trust,)	
)	
Complainant,)	
)	<u>File No. EC-2024-0313</u>
v.)	
)	
Evergy d/b/a Evergy Metro, Inc.)	
)	
Respondent.)	
)	

ORDER DISMISSING CASE

Issue Date: June 26, 2024

Effective Date: July 26, 2024

On April 23, 2024, Merlon Jonee Ragland Trust (Complainant) filed a formal complaint pursuant to Commission Rule 20 CSR 4240-2.070 against Evergy d/b/a Evergy Metro, Inc. (Evergy). The complaint alleges Evergy has violated numerous federal laws and the Uniform Commercial Code. On April 24, 2024 the Commission issued an order providing notice and directing an answer and a staff recommendation. On May 10, 2024 and June 14, 2024, the Complainant filed additional documents that also cited federal laws, federal cases and the uniform commercial code as the basis for the complaint.

On April 24, 2024, the Commission issued an order directing an answer and a staff recommendation to the complaint. On May 24 2024 Evergy filed an answer and a motion to dismiss. On June 11, 2024 Staff filed a report and recommendation which said the complaint did not identify any violation of Commission rules or any matter over which the Commission has jurisdiction and Staff recommended the complaint be dismissed for failure to state a claim upon which relief can be granted.

Evergy states in their motion to dismiss that none of the violations, “made by the Complainant violated any law, regulation, Commission Order or Evergy Missouri Metro tariff of the Commission.”

The Commission is an administrative body of limited jurisdiction, having only the powers expressly granted by statutes and reasonably incidental thereto.¹ Further, Section 386.390.1, RSMo (Supp. 2023) provides that the Commission shall hear complaints regarding “a violation, of any provision of law, or of any rule or order or decision of the commission.”

Commission Rule 20 CSR 4240-2.070(7) states that the Commission may, after notice, dismiss a complaint for failure to state a claim upon which relief may be granted or for failure to comply with any provision of these rules or an order of the Commission. Section 386.390.1 says that the Commission shall hear complaints regarding, “a violation, of any provision of law, or of any rule or order or decision of the commission”.²

In this case, the Complainant does not allege that Evergy violated any law, rule, or order or decision of the Commission. The Complainant also does not allege any violation of any statute, rule, regulation, or tariff over which the Commission has jurisdiction. Rather, the Complainant alleges only that Evergy violated several federal laws including the Uniform Commercial Code. The Commission finds the complaint does not allege any facts upon which relief may be granted. The Commission further finds that because the complaint alleges no claim for which relief may be granted and no violation of any statute, rule, regulation, or tariff over which the Commission has jurisdiction, good cause exists to

¹ See, e.g., *State ex. rel. City of St. Louis v. Missouri Public Service Comm’n*, 73 S.W.2d 393, 399 (Mo. banc 1934); *State ex. rel. Kansas City Transit, Inc. v. Public Service Comm’n*, 406 S.W.2d 5, 8 (Mo. 1966); *State ex rel GS Technologies Operating Co. v. PSC of Mo.*, 116 S.W.3d 680, 696 (Mo. App. 2003).

² Section 386.390.1 RSMo (2016).

dismiss the complaint under 20 CSR 4240-2.070(7). The Commission will grant Evergy's motion to dismiss.

Under Commission Rule 20 CSR 4240-2.070(14), the regulatory law judge shall cause the parties to be notified that the dismissal of the complaint will be final unless an application for rehearing is filed. The application for rehearing must be filed with the Commission before the effective date of this order, which is July 26, 2024.³

If the Commission denies the application for rehearing, the parties then have 30 days after the denial is issued to file an appeal with the court of appeals.⁴ If the Commission grants the application for rehearing, then the Commission will order appropriate actions at that time.

THE COMMISSION ORDERS THAT:

1. The complaint filed on April 23, 2024, is dismissed.
2. The motion to dismiss filed by Evergy on May 30, 2024 is granted.
3. If the Complainant wishes to request a rehearing by the Commission, such request must be filed before July 26, 2024.
4. This order shall be effective on July 26, 2024.



BY THE COMMISSION

A handwritten signature in black ink that reads "Nancy Dippell".

Nancy Dippell
Secretary

Karolin S. Walker, Regulatory Law Judge
by delegation of authority pursuant to
Section 386.240, RSMo 2016.

³ Section 386.500, RSMo (2016) and Section 386.515, RSMo (Supp. 2023).

⁴ Section 386.510, RSMo (Supp. 2023).

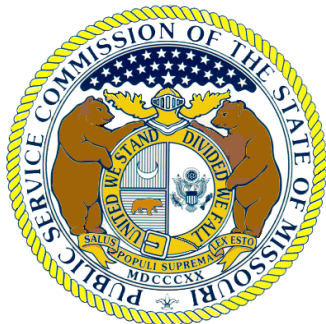
Dated at Jefferson City, Missouri,
on this 26th day of June, 2024.

STATE OF MISSOURI

OFFICE OF THE PUBLIC SERVICE COMMISSION

I have compared the preceding copy with the original on file in this office and I do hereby certify the same to be a true copy therefrom and the whole thereof.

WITNESS my hand and seal of the Public Service Commission, at Jefferson City, Missouri, this 26th day of June 2024.



Nancy Dippell

Nancy Dippell
Secretary

MISSOURI PUBLIC SERVICE COMMISSION

June 26, 2024

File/Case No. EC-2024-0313

MO PSC Staff

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Enclosed find a certified copy of an Order or Notice issued in the above-referenced matter(s).

Sincerely,



**Nancy Dippell
Secretary**

Recipients listed above with a valid e-mail address will receive electronic service. Recipients without a valid e-mail address will receive paper service.