

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

<b>Dwayne E. and Rebekah L. Marsh,</b>	)	
	)	
<b>Complainants,</b>	)	<b>File No. EC-2024-0015</b>
	)	
<b>Evergy Missouri West, Inc.,</b>	)	
	)	
<b>Respondent.</b>	)	

**STATUS UPDATE**

**COME NOW** Complainants Dwayne E. and Rebekah L. Marsh (“Marshes”) and in reply to Evergy Missouri West, Inc.’s (“Evergy”) *Status Update* pursuant to the Commission’s *Order Cancelling Evidentiary Hearings, Suspending Procedural Schedule, and Directing Filing of Status Reports*, state the following:

1. Evergy’s June 14, 2024 *Status Update* states, “the circuit court cases have been dismissed by Evergy.” The cases were dismissed by Evergy months ago (23LF-CV00700 on September 22, 2023; 23LF-CV00939 on April 1, 2024; and 23JO-CC00142 on March 29, 2024). Two of those cases are still ongoing with *Motions* before the courts. Evergy’s July 15, 2024 *Status Update* alleges there are no updates since the June 14, 2024 *Status Update*.

2. Indeed, Evergy filed *Voluntary Dismissals* in all three eminent domain circuit court cases involved in its project; however, all three court cases had subsequent *Motion for Attorney Fees* filed to recover attorney fee damages as a result of defending property rights, including the Marshes’ Motion.

3. Confidential *Settlement Agreements* have been reached for defendants in Lafayette County, Missouri for cases filed under the same abandoned cause, and at least one confidential settlement has been made in Johnson County, Missouri *in the same abandoned case we are named defendants*, but to date Evergy has refused to settle with us. We have made every reasonable attempt to recover attorney fees forced upon us by Evergy’s needless attempt to take our land.

4. On July 29, 2024, the Marshes filed a *Motion for Reconsideration & Motion for Case Review* and *Motion for New Trial* in Johnson County Case No. 23JO-CC00142 which is set for hearing on September 13, 2024 at 1:30pm .

5. Evergy's June 14, 2024 *Status Update* claims, "1. Currently, the Fayetteville Project plan is holding. Evergy met with the Missouri Department of Transportation ("MoDOT") staff on May 16, 2024 to discuss MoDOT's status and to communicate that Evergy will not proceed with easement acquisition until and unless MoDOT initiates their acquisition efforts." This Johnson County case involves the same Evergy project as the Lafayette County cases (23LF-CV00700 and 23LF-CV00939), and in consideration of Evergy's budgetary constraints it cited in March 2024, Evergy reaching settlement with *all* defendants is prudent for all involved and would relieve Evergy of its obligation to uphold Missouri law equitably.

6. Missouri House Bill 1944 was written in 2006 in part for condemnation cases such as this, to recover attorney fees under Missouri Chapter 523 eminent domain law when a case has been abandoned (specifically Mo. Rev. Stat. § § 523.256 and .259).

7. In the meantime, Evergy seeks to increase rates *once again*. Throughout its overall project, it took land away from landowners through questionable, if not fraudulent, easement basis, and then abandoned its project plan. As was stated in public hearings for its most recent rate increase request (Case No. ER-2024-0189), Evergy could recover its wasted dollars by offering buy-backs for the easements it obtained needlessly and foolishly from Missourians.

8. Complainants remind the Commission that Evergy has not **at any time** filed a complete or "changed" project plan with the Commission, circuit courts or complainants. This *Commission Complaint* and all evidence presented must be addressed at an evidentiary hearing (including utilities' adherence to Commission Orders and potential misuse of Missouri Chapter 523 eminent domain law), whether or not it proceeds with its project and/or easement acquisition efforts, so as to avoid likely future harm to other Missouri landowners.

We look forward to the Commission scheduling an evidentiary hearing to resolve the pending issues of the Commission's *Staff Investigation* and *Staff Report* which resulted from the many complaints that were consolidated into this case, regardless of whether or not the project is revised or on hold. How did we get to this point? For starters, Evergy violated its CCN, sought excessive land for easements, claimed new company policies without Commission approval,

filed eminent domain lawsuits without a complete project plan, thus unable to prove necessity for land-taking according to Missouri Chapter 523 eminent domain law. The very fact that Evergy's project is "on hold" allows the Missouri Public Service Commission time to investigate its policies and procedures for approving utility projects, allowing use of "blanket" CCNs without knowledge or plan approval, and why it did not intervene in the circuit courts (although asked repeatedly) to protect Missourians when these violations were discovered through its own investigation.

It is incumbent upon the Commissioners to master the ability to stand in another man's shoes.

Respectfully submitted this 8<sup>th</sup> day of August 2024 to all parties via EFIS by:

**DWAYNE E. MARSH**

**REBEKAH L. MARSH**

/s/ Dwayne E. Marsh

/s/ Rebekah L. Marsh