

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service Commission held at its office in Jefferson City on the 17th day of October, 2024.

Kevin Kojeski,)	
)	
Complainant,)	
)	
v.)	<u>File No. EC-2025-0007</u>
)	
Evergy Missouri West, Inc. d/b/a Evergy Missouri)	
West,)	
)	
Respondent.)	

ORDER DISMISSING COMPLAINT

Issue Date: October 17, 2024

Effective Date: November 16, 2024

On July 2, 2024,¹ Kevin Kojeski filed a formal complaint with the Commission against Evergy Missouri West, Inc. d/b/a Evergy Missouri West. On August 12, Evergy Missouri West filed its *Answer, Affirmative Defenses, and Motion to Dismiss*. On August 16, the Staff of the Commission (Staff) filed its investigative *Staff Report*.

On September 6, the Commission issued an order setting a prehearing conference for September 25, to be conducted via WebEx video and teleconference. Mr. Kojeski did not appear for the September 25th prehearing conference and did not contact the Commission to request a continuance of the conference. On September 25, the Commission ordered Mr. Kojeski to file a pleading showing cause as to why his complaint

¹ All date references are to the year 2024, unless otherwise noted.

should not be dismissed for failure to appear for the prehearing conference. The order noted that failure by a party to appear at a prehearing conference without securing a continuance constitutes grounds for dismissal of a party's complaint unless good cause for the failure to appear is shown. Mr. Kojeski was ordered to respond by October 9. No response has been filed.

Three Commission rules address the failure of a party to appear for a prehearing conference. First, Commission Rule 20 CSR 4240-2.116(3) states:

A party may be dismissed from a case for failure to comply with any order issued by the commission, including failure to appear at any scheduled proceeding such as a public hearing, prehearing conference, hearing, or mediation session.

Second, Commission Rule 20 CSR 4240-2.090(5) states:

Failure to appear at a prehearing conference without previously having secured a continuance shall constitute grounds for dismissal of the party or the party's complaint, application or other action unless good cause for the failure to appear is shown.

Third, Commission Rule 20 CSR 4240-2.070(7) states:

The commission, on its own motion or on the motion of a party, may after notice dismiss a complaint for failure to state a claim on which relief may be granted or failure to comply with any provision of these rules or an order of the commission, or may strike irrelevant allegations.

Mr. Kojeski failed to appear for the September 25th scheduled prehearing conference and failed to comply with a Commission order to show good cause for his failure to appear. Therefore, as provided by the Commission's rules, his complaint will be dismissed.

Under Commission Rule 20 CSR 4240-2.070(14), the regulatory law judge shall cause the parties to be notified that the Commission's decision 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 November 16, 2024.² 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.³ If the Commission grants the application for rehearing, then the Commission will order appropriate actions at that time.

THE COMMISSION ORDERS THAT:

1. For all the reasons stated above, the complaint of Kevin Kojeski against Everygy Missouri West is dismissed without prejudice.
2. This order shall become effective on November 16, 2024.
3. If any party wishes to request a rehearing by the Commission, such request must be filed no later than November 15, 2024.
4. This file shall be closed on November 17, 2024.



BY THE COMMISSION

A handwritten signature in black ink that reads "Nancy Dippell". The signature is written in a cursive, flowing style.

Nancy Dippell
Secretary

Hahn, Ch., Coleman, Holsman
Kolkmeier, and Mitchell CC., concur.

Seyer, Regulatory Law Judge

² Sections 386.500 and 386.515, RSMo (Supp. 2023).

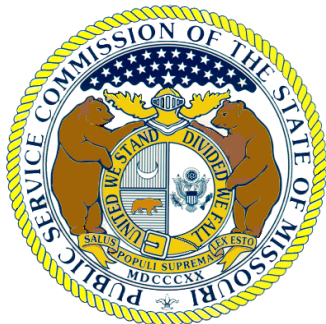
³ Section 386.510, RSMo (Supp. 2023).

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 17th day of October 2024.



Nancy Dippell

Nancy Dippell
Secretary

MISSOURI PUBLIC SERVICE COMMISSION

October 17, 2024

File/Case No. EC-2025-0007

MO PSC Staff

Staff Counsel Department
200 Madison Street, Suite 800
P.O. Box 360
Jefferson City, MO 65102
staffcounsel@psc.mo.gov

**Office of the Public Counsel
(OPC)**

Marc Poston
200 Madison Street, Suite 650
P.O. Box 2230
Jefferson City, MO 65102
opc@psc.mo.gov

Evergy Missouri West

Roger Steiner
1200 Main Street, 16th Floor
P.O. Box 418679
Kansas City, MO 64105-9679
roger.steiner@evergy.com

Kevin Kojeski

Kevin Kojeski
702 E. Lincoln St.
Clinton, MO 64735
kkojeski07@gmail.com

MO PSC Staff

Jeff Keevil
200 Madison Street
Jefferson City, MO 65101
jeff.keevil@psc.mo.gov

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.