

Exhibit No. 249

Staff – Exhibit 249
Alan J. Bax
Surrebuttal
File No. ER-2024-0189

Exhibit No.:
Issue(s): Highway Right-of-Way
Usage Policy Revision
Witness: Alan J. Bax
Sponsoring Party: MoPSC Staff
Type of Exhibit: Surrebuttal Testimony
Case Nos.: ER-2024-0189
Date Testimony Prepared: September 10, 2024

MISSOURI PUBLIC SERVICE COMMISSION
INDUSTRY ANALYSIS DIVISION
ENGINEERING ANALYSIS DEPARTMENT

SURREBUTTAL TESTIMONY

OF

ALAN J. BAX

EVERGY MISSOURI WEST, INC.
d/b/a Evergy Missouri West

CASE NO. ER-2024-0189

Jefferson City, Missouri
September 2024

**** Denotes Confidential Information ****

1 A. EMW revised its ROW usage policy in such a manner that is inconsistent with
2 its historical practices. Mr. Ives's asserts in his rebuttal testimony that:

3 ...[T]here is no revised policy as the Company has used both public and private
4 easements throughout its history. **Evergy's practice is to first look at placing facilities**
5 **in the highway or public utility ROW** when it is appropriate from a safety and
6 operational perspective (emphasis added).
7

8 Mr. Ives's assertion that EMW tries to use highway ROWs first contradicts EMW's Response
9 to Staff Data Request No. 296 in this case. In this Response, EMW provided its revised
10 "Transmission Engineering Policy Road Right-of-Way" policy, dated December 21, 2022.

11 Paragraph 1.2 of this policy states:

12 ** [REDACTED]
13 [REDACTED]
14 [REDACTED] . **²
15

16 This is in addition to EMW's Response to Data Request No. 3 in an ongoing complaint,
17 Case No. EC-2024-0015, in which EMW states, ** "[REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]." ** (emphasis added). So, this policy
21 appears to also apply to existing lines currently routed in highway ROWs as well as new lines.

22 Q. In your opinion, does EMW's ROW policy, as illustrated in EMW's Response
23 to Staff Data Request No. 296, depart from Mr. Ives characterization of EMW's utilization of
24 highway ROWs contained in his Rebuttal Testimony?

25 A. Yes. Historically, utilities have intentionally utilized the highway ROW in
26 routing its transmission facilities, which resulted in limiting the acquisition of additional private

² EMW's Response to Staff Data Request No. 296 was attached to my Direct Testimony as Schedule AJB-d4.

Surrebuttal Testimony of
Alan J. Bax

1 property in its installation of such facilities. Utilities would only acquire additional private
2 property if there are specific identifiable needs. EMW's stated policy revision contradicts its
3 historical standard practices, and the testimony of Mr. Ives. Therefore, Staff recommends
4 EMW provide Staff with a revised Transmission Engineering Policy Road Right-of-Way policy
5 that is consistent with Mr. Ives's testimony.

6 Q. Does this conclude your surrebuttal testimony?

7 A. Yes, it does.

BEFORE THE PUBLIC SERVICE COMMISSION

OF THE STATE OF MISSOURI

In the Matter of Evergy Missouri West, Inc.)
d/b/a Evergy Missouri West's Request for)
Authority to Implement A General Rate)
Increase for Electric Service)

Case No. ER-2024-0189

AFFIDAVIT OF ALAN J. BAX

STATE OF MISSOURI)
)
COUNTY OF COLE) ss.

COMES NOW ALAN J. BAX and on his oath declares that he is of sound mind and lawful age; that he contributed to the foregoing *Surrebuttal / True-Up Direct Testimony of Alan J. Bax*; and that the same is true and correct according to his best knowledge and belief.

Further the Affiant sayeth not.

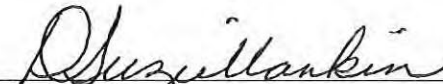


ALAN J. BAX

JURAT

Subscribed and sworn before me, a duly constituted and authorized Notary Public, in and for the County of Cole, State of Missouri, at my office in Jefferson City, on this 3rd day of September 2024.

D. SUZIE MANKIN
Notary Public - Notary Seal
State of Missouri
Commissioned for Cole County
My Commission Expires: April 04, 2025
Commission Number: 12412070



Notary Public