FILED October 22, 2024 Data Center Missouri Public Service Commission

Exhibit No. 249

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

Exhibit No.: Issue(s): Highway H Usage Pol Witness: Alan J. Ba Sponsoring Party: MoPSC Sta Type of Exhibit: Surrebutta Case Nos.: ER-2024-0 Date Testimony Prepared: September

Highway Right-of-Way Usage Policy Revision Alan J. Bax MoPSC Staff Surrebuttal Testimony ER-2024-0189 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 **

	SURREBUTTAL TESTIMONY	
	OF	
	ALAN J BAX	
	EVERGY MISSOURI WEST, INC.	
	d/b/a Evergy Missouri West	
	Case No. ER-2024-0189	
Q.	Please state your name and business address.	
А.	Alan J. Bax, P.O. Box 360, Jefferson City, Missouri, 65102.	
Q.	Are you the same Alan J. Bax that has previously filed Direct Testimony	
in this Case?		
А.	Yes.	
2 EXECUTIVE SUMMARY		
Q.	What is the purpose of your surrebuttal testimony?	
А.	I am responding to the Rebuttal Testimony of Evergy Missouri West ("EMW")	
witness Darrin	R. Ives, specifically on page 38, regarding a discussion of EMW's right-of-way	
("ROW") poli	cy.	
HIGHWAY	RIGHT-OF-WAY USAGE POLICY	
Q.	Despite the evidence provided in your Direct Testimony illustrating that EMW	
had indeed rev	vised its ROW policy, ¹ preferring the installation of transmission and distribution	
facilities on p	rivate land parcels in lieu of using highway ROWs, Mr. Ives asserts that there has	
been no chang	ge in its historical practices. What is your response?	
	A. Q. in this Case? A. EXECUTIVI Q. A. witness Darrin ("ROW") poli HIGHWAY I Q. had indeed rev facilities on pr	

¹ The ROW policy was attached to my Direct Testimony in Schedule AJB-d4. It is indicated to have been revised in December 2022.

Surrebuttal Testimony of Alan J. Bax

1 EMW revised its ROW usage policy in such a manner that is inconsistent with A. 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 easements throughout its history. Evergy's practice is to first look at placing facilities 4 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 13 **2 14 15 This is in addition to EMW's Response to Data Request No. 3 in an ongoing complaint, 16 17 Case No. EC-2024-0015, in which EMW states, ** " 18 19 " ** (emphasis added). So, this policy 20 21 appears to also apply to existing lines currently routed in highway ROWs as well as new lines. In your opinion, does EMW's ROW policy, as illustrated in EMW's Response 22 Q. to Staff Data Request No. 296, depart from Mr. Ives characterization of EMW's utilization of 23 24 highway ROWs contained in his Rebuttal Testimony? 25 Yes. Historically, utilities have intentionally utilized the highway ROW in A. 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

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

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- Q. Does this conclude your surrebuttal testimony?
- A. Yes, it does.

BEFORE THE PUBLIC SERVICE COMMISSION

OF THE STATE OF MISSOURI

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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)	
)	SS.
COUNTY OF COLE)	

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

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

uscillankin Notar