

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service Commission held at its office in Jefferson City on the 11th day of December, 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: December 11, 2024

Effective Date: January 10, 2025

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 October 17, the Commission issued an order dismissing the complaint, as Mr. Kojeski had failed to appear for a prehearing conference and had failed to comply with a Commission order to show good cause for his failure to appear.² The effective date of the order was to be November 16. The order also notified Mr. Kojeski that the decision would be final unless he filed an application for rehearing no later than November 15.

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

² See Commission Rules 20 CSR 4240-2.116(3), 20 CSR 4240-2.090(5), and 20 CSR 4240-2.070(7).

On November 13, Mr. Kojeski filed a formal complaint form that referenced this file number and upon which was written, “Refiling passed (sic) Hearing Date Per Justin in Your Office.”³

The Commission interpreted Mr. Kojeski’s November 13th filing as a request that his complaint be refiled, rather than a request for a rehearing, as it appeared that Mr. Kojeski believed that his complaint had already been dismissed. However, since the October 17th Commission order dismissing the complaint had not yet gone into effect, the Commission issued an order on November 14 that rescinded the October 17th order and allowed the case to remain open.

The Commission’s November 14th order noted that, in both the current matter and in a previous complaint case (File No. EC-2023-0334), Mr. Kojeski failed to appear for a scheduled prehearing conference and failed to respond to a Commission order to show good cause for his failure to appear.

The November 14th order included a Commission directive to Mr. Kojeski to, no later than November 29, file a pleading.

The pleading requested of Mr. Kojeski was a list of available dates and times in the months of December 2024 and January 2025 when he would be available for a prehearing conference to be conducted remotely.

Mr. Kojeski has not responded to the November 14th order.

Commission Rule 20 CSR 4240-2.116(3) states, in part, that “[a] party may be dismissed from a case for failure to comply with any order issued by the commission”

³ The formal complaint form was dated November 4 and postmarked November 7.

Commission Rule 20 CSR 4240-2.116(4) states, “A case may be dismissed for good cause found by the commission after a minimum of ten (10) days notice to all parties involved.”

By Mr. Kojeski’s failure to comply the Commission’s November 14th order directing him to file, by November 29, availability for a prehearing conference, good cause exists to dismiss his case and the Commission will do so.

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 January 10, 2025.⁴ 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.⁵ 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 Every Missouri West is dismissed without prejudice.
2. If any party wishes to request a rehearing by the Commission, such request must be filed no later than January 9, 2025.
3. This order shall become effective on January 10, 2025.

⁴ Sections 386.500 and 386.515, RSMo Supp. 2023.

⁵ Section 386.510, RSMo Supp. 2023.

4. This file shall be closed on January 11, 2025.

BY THE COMMISSION



Nancy Dippell

Nancy Dippell
Secretary

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

Seyer, Regulatory Law Judge

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 11th day of December 2024.



Nancy Dippell

Nancy Dippell
Secretary

MISSOURI PUBLIC SERVICE COMMISSION

December 11, 2024

File/Case No. EC-2025-0007

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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.