

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

Timothy Allegri,)	
)	
Complainant,)	
v.)	File No. EC-2024-0015
)	
Evergy Metro, Inc. d/b/a Evergy Missouri Metro)	
And Evergy Missouri West, Inc. d/b/a Evergy)	
Missouri West,)	
)	
Respondent.)	

**COMPLAINANT TIMOTHY ALLEGRI RESPONSE TO RESPONDENT
EVERGY METRO INC.’s RESPONSE TO ADDITIONAL COMPLAINANTS
AND MEDIATION REQUEST**

COMES NOW, Timothy Allegri, for his response to Evergy Metro Inc.’s response to the Missouri Public Service Commission’s (“Commission”) *Order Directing Response to Additional Complainants and Mediation Request* (“Order”) issued on August 17, 2023, and states as follows.

INTRODUCTION

1. On July 26, 2023, the Commission filed its *Notice of Deficiency* related to the *Complaint* filed by Timothy P. Allegri (“Complainant”) on July 25, 2023. Respondent’s *Response* dated August 24, 2023 was incorrect, stating the *Complaint* filed by Complainant was dated July 26, 2023 rather than July 25, 2023.

2. The Missouri Public Service Commission filed a *Notice of Deficiency* on said *Complaint*, stating Complainant could not represent individuals other than himself and the Commission could not take action on the matter until the deficiency was corrected per Commission Rule 20 CSR 4240-2.040(5).

3. On August 15, 2023, Complainant filed an *Amendment and Request to Reverse Omission of Co-Complainants* (“Amendment”) requesting that the Commission reverse its July 26th Order and add twenty-six additional “self-represented co-complainants”.
4. The filing in the Commission’s Electronic Filing and Information System (“EFIS”) indicates that the Amendment was filed on behalf of Complainant. Respondent’s Response seems to assert that it should have been filed on behalf of Complainant and twenty-six additional complainants, when in fact the Commission correctly filed it on behalf of Complainant because the Commission at that time had not yet ruled on Complainant’s Request to Reverse Omission of Co-Complainants.
5. The EFIS filing page also asserts that the Commission has statutory authority under Section 523.250 RSMo. Respondent correctly points out that Section 523.250 states the requirements for the condemning authority to provide notice of the intended acquisition and mailing requirements for initiating the condemnation process; and that Section 523.250 does not give the Commission (or any Court) any jurisdiction or statutory authority to act on the issues involved in the Complaint; that it is the mailing requirements Section.
6. The Commission operates under the Governor pursuant to RSMo 386.050 and *does* regulate investor-owned electric companies, including Evergy Missouri Metro and Evergy Missouri West. To ‘regulate’ means ‘to control or direct according to rule, principle, or law.’ It is my understanding that the Commission performs judicial and legislative duties, and is responsible for deciding utility cases brought before it, as well as conducting hearings in contested cases and rendering decisions in a timely manner to afford all parties procedural and substantive due process and to comply with statutory time limits.

COMPLAINANT’S RESPONSE TO RESPONDENT’S RESPONSE TO ADDITIONAL
COMPLAINANTS AND MEDIATION REQUEST

1. On August 25, Respondent filed a *Response to Additional Complainants and Mediation Request*, requesting the Commission to deny adding twenty-six co-complainants to the original Complaint filed on July 25, 2023 because it did not follow procedural rules of including all contact information and signatures; that Complainant does not demonstrate authority on behalf of requested co-complainants and a barrage of other details outlined that are accusatory in nature toward Complainant and patronizing toward the Commission. Complainant believes that the Commission is quite capable of determining who can or cannot be involved in a Complaint and will likewise Order the co-complainants to provide any missing information the Commission requires. By Respondent simply making a filing that a lawful complaint by a citizen(s) should be rejected because an “i” wasn’t dotted or a “T” crossed is insufficient grounds for complete rejection by the Commission, as the Commission advocates for Missouri citizens and is undoubtedly aware that the majority of citizens are not familiar with Missouri laws/statutes.

2. Complainant filed a Formal Complaint on July 25, 2023, two days prior to Respondent’s filing in the Circuit Court (July 27, 2023) regarding the same condemnation issues. The Commission’s *Notice of Deficiency* was filed July 26, 2023. The Commission had authority in the matter with the open *Complaint* on July 25, 2023 prior to Respondent’s suspiciously-timed Petition filing in the Circuit Court on July 27, 2023. Complainant was served a summons by the Circuit Court, a Petition filed by Respondents on August 16, 2023 in the same condemnation matter. On August 17, 2023, the Commission ordered Respondent to respond to Complainant’s motion to add co-complainants and whether or not they would be willing to enter into mediation,

both of which Respondent subsequently denied.

3. Respondent “explains” that they have “already” begun condemnation proceedings in circuit courts against Complainant and other property owners in Lafayette and Johnson Counties, and their Response “schools” the Commission on their statutory authority of those courts. However, Complainant’s open investigation under the Commission on July 25, 2023 supersedes the Circuit Court filing on July 27, 2023. The Commission is a regulatory agency governing utilities in the State of Missouri, including Evergy. Respondent’s total insubordination to their governing authority (the Commission) and lack of respect for the office of the Governor of Missouri who appoints the Commissioners, as well as our State’s statutes under which the Commission operates is uncalled for; and the disrespect shown for the Complainant and other citizens of this state, who are trying to negotiate in good faith and protect their Constitutional rights as property owners is also unconscionable.

4. Respondent repeatedly asserts in their *Response* the lack of authority the Commission has, and even attempts to tell the Commission it is unnecessary to attempt to mediate the issues involved in the Complaint since the Circuit Courts are already involved. However, the Circuit Courts were *not* already involved at the time of Complainant’s original filing on July 25, 2023 and in fact, the Commission was actively investigating the Complaint at the time of the Circuit Court filing.

5. Respondent proceeds to tell their regulatory agency how to govern by stating if they, the Commission, orders a mediation (and any subsequent complaint processes), they should hold them in abeyance until after the Circuit Courts act on the Petitions they have filed.

WHEREFORE, Complainant respectfully requests the Commission to Order the following:

1. Respondent to file an *Amended Response* to their August 24, 2023 *Response* noting the corrected date of Complainant’s *Complaint* filing of July 25, 2023 rather than the July

26, 2023 date they stated originally.

2. Respondent's *Amended Response* to also include an acknowledgment and written apology for their condescending words and attitudes toward not only the Commission, but the Complainant, the Governor's office, and Missouri State law itself, a copy of apology letter to also be mailed via [REDACTED].

3. The Commission to allow the co-complainants in their *Notice of Deficiency* dated July 26, 2023, be added to the original Complaint dated July 25, 2023, outlining the necessary contact information and any other information they need from the co-complainants to comply with the Commission's rules. Should the Commission decide not to allow co-complainants be added to the July 25 Complaint, we ask the Commission to allow ample time for each co-complainant to file their individual Complaints with the Commission before any further rulings in this July 25 Complaint.

4. The Commission to Order a Mediation between Complainant and Respondent in this proceeding, preferably within two weeks from the date of their Order.

5. The Commission to Order Respondent to file a Continuance in their Circuit Court cases, respectfully asking the Circuit Court judges in the cases involving Respondent's Lafayette and Johnson County condemnation proceedings (see Respondent's Exhibits A, B, C & D in their *Response to Complainant's Request for Mediation*) to hold said cases and proceedings in abeyance until the Commission's mediation and subsequent rulings in this matter have been made and the case complete, since Respondent's filings were made in the Circuit Court while an open investigation was taking place with the Commission, said request being made with no disrespect to the Circuit Court or its authority.

Note that all documents referred to herein are available in the Commission's EFIS.

WHEREFORE, Complainant respectfully submits his Response to the Commission's Order.

Respectfully submitted,

/s/ Timothy P. Allegri

Complainant/Landowner/Citizen



CERTIFICATE OF SERVICE

A copy of the foregoing has been filed this 27th day of August 2023 with the Missouri Public Service Commission's Electronic Filing Information System.

/s/ Timothy P. Allegri

Timothy P. Allegri