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BEFORE THE PUBLIC SERVICE COMMISSION
STATE OF MISSOURI

TRANSCRIPT OF PROCEEDINGS

PROCEDURAL CONFERENCE

Show Me Ethanol,)
Complainant,) Case No.: EC-2026-0064
v.)
Evergy Missouri Metro, Inc.)
d/b/a Evergy Missouri)
Metro,)
Respondent.)

THURSDAY, FEBRUARY 19, 2026
1:00 p.m.

Jefferson City, MO
via WebEx

VOLUME 1

JOHN CLARK, Presiding
SENIOR REGULATORY LAW JUDGE

KAYLA HAHN, Chair,
MAIDA J. COLEMAN,
GLEN KOLKMEYER,
JOHN MITCHELL,
COMMISSIONERS

Transcribed by:
Derek Karungani

1 THE COURT: We'll go on the record.
2 Today's date is February 19th of 2026, and the current
3 time is 1:01 p.m. The Commission has set aside this
4 time for a procedural conference and the case captioned
5 as Show Me Ethanol, Complainant, v. Evergy Missouri
6 Metro, Inc., doing business as Evergy Missouri Metro,
7 Respondent. And that is case number EC-2026-0064.

8 My name is John Clark. I'll be presiding
9 over this procedural conference today. This is Judge
10 Riley Fewell's case. Judge Riley Fewell was unable to
11 attend this conference but he is still the judge that
12 will be presiding over this case. Now I've had a chance
13 to briefly look over this case in regard to what should
14 happen at this conference. And I guess there's kind of
15 two ways we can go, and I'm going to leave it in your
16 hands as to which direction we go.

17 Usually in a complaint, whether it is a
18 pro se complainant or two companies or staff, normally
19 in a complaint, there is a staff report, and shortly
20 after the staff report, usually the judge orders a
21 procedural schedule with an evidentiary hearing date.

22 I was looking over this, and it looks
23 like there are a number of issues, and these look like
24 issues that the parties may be negotiating on, may not.
25 So I guess my question for the parties today is shall we

1 set a deadline for a procedural schedule or the parties
2 like additional time to negotiate with a deadline for a
3 status report? And I should do this right now because I
4 forgot to do this from the get go. I'm going to do
5 entries of appearance of the attorneys. For Show Me
6 Ethanol?

7 MR. OPTIZ: Good morning, You Honor. Tim
8 Opitz of Opitz Law Firm, LLC, on behalf of Show Me
9 Ethanol.

10 THE COURT: Thank you, Mr. Optiz. And
11 it's good to see you again. On behalf of Evergy
12 Missouri Metro?

13 MR. BAILEY: Hey, good morning, Your
14 Honor. Cole Bailey for Evergy Metro.

15 THE COURT: Thank you, Mr. Bailey. On
16 behalf of the Commission Staff?

17 MR. GRAHAM: Paul Graham for the Staff of
18 the Missouri Public Service Commission. My address is
19 on file with this case and otherwise.

20 THE COURT: Thank you, Mr. Graham. Do we
21 have anybody here from the office, the Public Counsel?

22 MR. WILLIAMS: Yes, Judge, you do.
23 Nathan Williams appearing on behalf of the Office of
24 Public Counsel and the Public, P.O. Box 2230, Jefferson
25 City, Missouri 65102.

1 THE COURT: Wow, Mr. Williams, you show
2 up as a blank black box like I am missing a person and
3 then you chimed in. Thank you very much, Mr. Williams.
4 I did not know you were there. Have I missed anyone? I
5 don't think I have. I don't believe there are any
6 readers or anybody else. I'm going to ask a couple
7 quick questions because I've got a few people I don't
8 know on here. Who is Trevor Rucker?

9 MR. GRAHAM: Trevor Rucker, Your Honor,
10 is an engineer here with the staff of the Missouri
11 Public Commission.

12 THE COURT: Brian Pasbrig?

13 MR. OPTIZ: Your Honor, I'll speak up for
14 Brian. Brian is a general manager at Show Me Ethanol so
15 I don't anticipate him speaking today but he may.

16 THE COURT: But he's welcome to be there.
17 I mean, we're all welcome to be there. And finally,
18 Matt Dority?

19 MR. DORITY: Morning, Judge. I'm in
20 regulatory with Evergy.

21 THE COURT: Thank you very much. I
22 appreciate that. Well, I've thrown the question out
23 there. Is there anybody who would like to answer it?
24 Mr. Opitz --

25 MR. OPTIZ: Your Honor --

1 THE COURT: -- Show Me Ethanol's position
2 at this time, would you like to go ahead and schedule a
3 procedural order -- the scheduling of a procedural
4 schedule or the filing of a procedural schedule?

5 MR. OPTIZ: Yeah . Your Honor, I guess, I
6 hadn't considered that we would just have a status
7 update. I'm open to that. I had anticipated we would
8 get a date today to set a procedural schedule so I'm
9 willing to move forward with either. I think if we had,
10 I guess, two weeks might give us the time to continue if
11 there's going to be any additional discussions. I know
12 there were some areas of agreement and I guess some
13 disagreement within the filings in response to the
14 staff's report.

15 So just to lay it out there, you know, I
16 looked at other complaints and some of the time frame, I
17 do think if we do go down the path of testimony, I had
18 anticipated, we'd put direct testimony in and I was
19 going to float sometime in May for direct testimony and
20 then I think 38 days after that for rebuttal, 14 after
21 that for surrebuttal, and then another 14 for hearing.
22 But to the extent the Staff or Evergy wants to simply
23 have a status update, I'm open to doing that.

24 And if we need to update that, we
25 can file a procedural schedule after we've had a chance

1 to talk among the parties so --

2 THE COURT: I am amenable to do either if
3 Show Me Ethanol is contemplating an evidentiary hearing
4 sometime in the summer, which is, it looks like they
5 are, if we're looking that far out, I'm not opposed to
6 just setting a deadline for a procedural schedule since
7 you'll have plenty of time to talk between now and then
8 anyway. But --

9 MR. OPTIZ: And that's sort of what I had
10 contemplated back of the envelope. I don't know how
11 expeditiously other parties had anticipated addressing
12 the case. So just putting that out there.

13 THE COURT: Mr. Bailey, would you like to
14 weigh in for Everygy?

15 MR. BAILEY: Yeah. I thought we were
16 just going to set another couple weeks out and figure
17 out a schedule between the parties so I'm okay with that
18 as well. So I don't know if we need a status but if we
19 just set a date for procedure schedule, that'd be fine.

20 THE COURT: Mr. Graham?

21 MR. GRAHAM: I'll just stand back and let
22 the parties work it out. Given that this is a complaint
23 case, as the commission knows, the staff's report was a
24 little different than some of these reports are. On the
25 basis of the investigation, we did not find a violation

1 but we were uncomfortable with the proposition given the
2 facts of this case, that we were uncomfortable at that
3 point in light of things that we wanted to know with
4 going ahead and recommending a disposition.

5 And in the back of my mind, at least, was
6 possibility that given the nature of the problems in
7 this case, that the parties would want to or were
8 actually involved in -- I wouldn't call it negotiation,
9 I would call it problem solving -- and so I took my
10 litigation cap off and I put my regulatory cap off,
11 thinking that this might be the kind of case where we
12 stand back in the context of a complaint case and let
13 two parties with a complicated problem try to solve it.
14 Not in the spirit of negotiation, not necessarily in the
15 spirit of deciding whether a violation had occurred or
16 not occurred, thumbs up, thumbs down, but actually
17 moving along with the process of resolving a problem.
18 And that's what we had in mind on this floor with Staff,
19 but at the end of the day, this is their case, it's not
20 Staff's.

21 THE COURT: I think that's very well
22 said, though. I think problem solving as opposed to
23 negotiation. Given what I've read of the Staff report
24 and responses, I think that's probably reasonably
25 accurate, although it still exists within the complaint

1 case. I know there's a motion to dismiss out there, I
2 believe, from Evergy. I'm not going to touch that. I'm
3 going to leave that for Judge Fewell. Mr. Williams,
4 does OPC have a position?

5 MR. WILLIAMS: Judge, I don't anticipate
6 that Public Counsel is going to be very active in this
7 case. At some point, we may even ask for leave to not
8 participate. The only thing I wanted to throw out, and
9 I don't know that the dates Tim talked about would push
10 things out that far but today the Commission set a
11 hearing in the Evergy rate case for September 28th
12 through October 9th.

13 THE COURT: Well, thank you for letting
14 me know that. I was unaware of that.

15 MR. OPTIZ: I guess I'd offer, Your
16 Honor, given that it's sort of you're pinch hitting here
17 today, I mean, would it make sense if I take the lead on
18 a filing that says, we will file something either by a
19 procedural schedule or a status report by a certain
20 date, two weeks out, maybe, and go from there? And if
21 folks are inclined to continue talking and there is
22 progress, perhaps the status report would be more
23 appropriate. Otherwise, we can go ahead and file our
24 proposed schedules.

25 THE COURT: Well, I like that. That's

1 the best of both worlds. Why don't we do that? If I
2 were to set Friday, the 6th March, as a deadline for a
3 status report or a procedural schedule, is that
4 sufficient time?

5 MR. OPTIZ: That works for me, Your
6 Honor.

7 THE COURT: I mean, I'm perfectly willing
8 to go out another week but that's another Friday the
9 13th.

10 MR. OPTIZ: Yeah, I think we can get
11 together by Friday the 6th of March, that is. So --

12 MR. BAILEY: That works for me, Your
13 Honor.

14 THE COURT: Great, thank you.

15 MR. GRAHAM: This is Paul Graham for the
16 Staff, if I may.

17 THE COURT: Please.

18 MR. GRAHAM: We're setting the sticks,
19 and it occurs to me that usually Staff takes the lead
20 and is responsible for filing the procedural schedule.
21 And I appreciate the others that volunteered that that's
22 a good date but as the expression goes, it all depends
23 on who's taken the lead on and has the responsibility
24 for filing that. Staff will be happy to undertake its
25 usual duties there but I do need to know and have it

1 clarified as to Staff's role in preparing this
2 procedural schedule or status report at this point.

3 THE COURT: I have no problem with doing
4 that. I have no problem with issuing an order to that
5 effect, basically saying that Staff will confer with the
6 other parties and submit either a status report or a
7 proposed procedural schedule on March 6th.

8 MR. GRAHAM: Great. Thanks, Your Honor.
9 I actually wasn't inviting you to issue an order so much
10 as maybe somebody would just speak up and say, "I will
11 take that duty over." But Staff would be happy to do
12 that and thanks for the clarification.

13 MR. OPTIZ: Paul, this Tim Opitz, I will
14 follow up with you and Cole shortly after this call and
15 say -- well, it might be tomorrow morning but I will
16 follow up you and I will endeavor to take the lead on
17 that filing to the extent we get to that point.

18 MR. GRAHAM: Thanks.

19 THE COURT: So I will make it somewhat
20 vague, and I will just direct that the parties file a
21 joint proposed procedural schedule, and whoever wants to
22 take the lead on it may take the lead.

23 MR. GRAHAM: Thanks, Judge.

24 THE COURT: Is there --

25 MR. GRAHAM: We'll take out orders --

1 THE COURT: I'm hoping I have a 2 o'
2 clock conference as well but I'm hoping to get one out
3 before the end of the day. But it's just going to be a
4 notice of rulings at procedural conference, basically
5 codifying what I said here today. So is there anything
6 else I need to take up at this time?

7 MR. GRAHAM: Not from Staff.

8 MR. OPTIZ: Nothing further from me, Your
9 Honor.

10 MR. BAILEY: Nothing further from me.
11 Thank you.

12 THE COURT: Mr. Williams?

13 MR. WILLIAMS: Not from Public Counsel.

14 THE COURT: Well, I don't have anything
15 else to do. Hearing nothing that needs to be addressed
16 further, I will thank you all for attending this
17 conference and I will adjourn and we will go off the
18 record.

19 MR. GRAHAM: Thanks, Judge.

20 THE COURT: Thank you very much.

21

22 (End of audio recording.)

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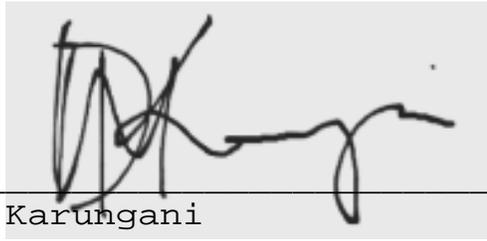
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IN WITNESS THEREOF, I have hereunto set my hand this 1st day of March, 2026.



Derek Karungani

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