

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

In the Matter of the Application of Evergy)
Metro, Inc., d/b/a/ Evergy Missouri Metro)
for Permission and Approval of)
Certificates of Convenience and Necessity)
Authorizing them to Construct, Install,)
Own, Operate, Manage, Maintain, and)
Control Natural Gas Electrical Production)
Facilities)

Case No. EA-2026-0154

**PUBLIC COUNSEL’S REQUEST FOR LIVE LOCAL PUBLIC HEARING,
AND RESPONSE TO PROPOSED PROCEDURAL SCHEDULES**

COMES NOW the Office of Public Counsel (Public Counsel) and requests the Commission to hold at least one local public hearing physically near the site of the proposed 440 MW SCGT Mullin Creek #2 Generating Station to be located in Nodaway County, Missouri, and for its response to the proposed procedural schedule Evergy Missouri Metro filed with its application on May 14, 2026, and the revised proposed procedural schedule Evergy Missouri Metro, the Commission’s Staff and other parties filed on June 17, 2026, Public Counsel prefers the proposed schedule Evergy Missouri Metro filed with its application on May 14, 2026, with one modification changing the proposed Sunday, September 20, 2026, date for a Settlement On-the-Record to the following Monday, September 21, 2026, on the grounds that follow:

1. In [*StopAquila.Org v. Aquila, Inc.*, 180 S.W.3d 24, 41 \(Mo. Ct. App. 2005\)](#), the

Court said with regard to certificates for generating plants:

The overriding public policy from the county's perspective is that it should have some authority over the placement of these facilities so that it can impose conditions on permits, franchises or rezoning for their construction, such as requiring a bond for the repair of roads damaged by heavy construction equipment or landscaping to preserve neighborhood aesthetics and provide a sound barrier. As the circuit court stated so eloquently, "to rule otherwise would give privately owned public utilities the unfettered power to be held unaccountable to anyone other than the Department of Natural Resources, the almighty dollar, or supply and demand regarding the location of power plants. . . . The Court simply does not believe that such unfettered power was intended by the legislature to be granted to public utilities."

That passage highlights the Court’s view that the legislature was concerned with the local impacts of building and operating new generating plants. Holding live hearings near the proposed site of a new generating plant provides a better opportunity for local input than a virtual hearing. The Commission’s recent experience with local public hearings in the Liberty rate case, Case No. ER-2024-0261, demonstrates the huge difference in input live local hearings can have relative to virtual hearings.

2. The following are potential venues for a live local public hearing:

Mozingo Event Center
1 Fall Drive Maryville, MO 64468
660-562-3271

Maryville Community Center
1407 N Country Club Rd # 200 Maryville, MO 64468
660-562-2923

The Agricultural Learning Center
22893 US Hwy 71, Maryville, MO 64468

3. Evergy Missouri Metro timed both the filing of its pending general rate case, Case No. ER-2026-0143 and this case. The Commission already has ordered a procedural schedule in Case No. ER-2026-0143. Because Evergy Missouri Metro is seeking authorization from this Commission in this case to employ construction work-in-progress in rates in its pending general rate case, to potentially do so necessarily severely limits the flexibility for a procedural schedule for this case.

4. Parties can, and should, be willing to discuss potential resolutions of their concerns at the stage of a proceeding where they have sufficient understanding and information to do so, regardless of an ordered procedural schedule. The newly proposed schedule to push back the dates

for filing rebuttal testimony from August 25 to September 15, 2026, and surrebuttal testimony from October 2 to October 5, 2026, do not enhance settlement.

Wherefore, the Office of Public Counsel requests the Commission to hold a local public hearing near the proposed site of the proposed 440 MW SCGT Mullin Creek #2 Generating Station and, after changing the proposed reservation for an on-the-record for settlement from Sunday, September 20, 2026, to Friday, September 18, 2026, or some other appropriate workday.

Respectfully,

/s/ Nathan Williams

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or electronically mailed to all counsel of record this 18th day of June 2026.

/s/ Nathan Williams