

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

In the Matter of the Evergy Metro, Inc. d/b/a Evergy)
Missouri Metro and Evergy Missouri West, Inc. d/b/a)
Evergy Missouri West for Permission and Approval of)
Certificates of Convenience and Necessity Authorizing) Case No. EA-2026-0343
them to Construct, Install, Own, Operate, Manage,)
Maintain, and Control a Natural Gas Production)
Facility and a Battery Energy Storage System)

**OPPOSITION OF EVERGY MISSOURI METRO AND EVERGY MISSOURI WEST
TO CERTAIN TIMELY APPLICATIONS TO INTERVENE**

COMES NOW, Evergy Metro, Inc. d/b/a Evergy Missouri Metro (“EMM”) and Evergy Missouri West, Inc. d/b/a Evergy Missouri West (“EMW”) (collectively, “Companies” or “Evergy”) oppose the sixteen (16) timely applications and motion to intervene of the following individuals: Jayson A. Watkins, Joseph R. Leslie, Kaitlyn Paxton, Thalia Alicia Insko, Lee and Runae Rhoad, Tom and Annie Rhoad, Joy Budine, Ron Hitchings, Kathleen Watkins, Rhanda Shreve, Curtis Urban, Harley Whitt, Matthew Roach, Janet Morey and Brooke Taber, Brad Dean Taylor and Heather Michelle Taylor, and Cody Denton and Katie Denton (collectively, the “Proposed Intervenors”).¹ Evergy state as follows:²

¹ See 20 CSR 4240-2.075; 20 CSR 4240-2.080(13).

² The Applications are cited as follows: Application to Intervene of Jayson A. Watkins (“J. Watkins App.”), the Application for Intervention of Joseph R. Leslie (“Leslie App.”), Application to Intervene of Kaitlyn Paxton (“Paxton App.”); Motion to Intervene of Thalia Alicia Insko (“Insko Mot.”); Application to Intervene of Lee and Runae Rhoad (“L&R Rhoad App.”); Application to Intervene of Tom and Annie Rhoad (“T&A Rhoad App.”); Application to Intervene of Joy Budine (“Budine App.”), the Motion to Intervene of Ron Hitchings (“Hitchings Mot.”), the Application to Intervene of Kathleen Watkins (“K. Watkins App.”), the Motion to Intervene of Rhanda Shreve (“Shreve Mot.”), the Motion to Intervene of Curtis Urban (“Urban Mot.”), the Motion to Intervene of Harley Whitt (“Whitt Mot.”), the Application to Intervene of Matthew Roach (“Roach App.”); Application to Intervene of Janet Morey and Brooke Taber (“Morey App.”); Application to Intervene of Brad Dean Taylor and Heather Michelle Taylor (“Taylor App.”); and the Application to Intervene of Cody Denton and Katie Denton (“Denton App.”).

I. BACKGROUND

1. On August 31, 2026, Evergy filed their Application for Certificates of Convenience and Necessity (“CCN”) with the direct testimony of nine witnesses.³ The Application asks the Commission to authorize EMM and EMW under Section 393.170⁴ to construct, own, and operate the Buchanan Bluffs Energy Center Unit 2 (“Buchanan Bluffs Unit 2”), an approximately 710-megawatt combined-cycle natural gas generating plant on a 170-acre site in Buchanan County, Missouri.

2. Buchanan Bluffs Unit 2 will share its site and certain common facilities with Buchanan Bluffs Energy Center Unit 1, which Evergy Kansas Central will own.⁵ The site is a single parcel under one owner with no existing structures. It is located along State Route E SE near Frazier in Buchanan County.⁶ The Buchanan Bluffs Unit 2 construction footprint crosses no utility facilities, railroad tracks, or known underground facilities, and the natural gas lateral that will serve the plant is located on the site.⁷ No electric transmission line route or transmission substation is proposed outside the site boundary, so the landowner notice provisions of the Commission’s CCN rule do not apply.⁸

3. On September 2, 2026, the Commission directed that notice of the Application be given to the county commissions of Buchanan and Jasper⁹ Counties and through social media and

³ See Application at 3.

⁴ See Application at ¶¶ 9–10. All citations are to the Revised Statutes of Missouri (2016), as amended.

⁵ Id. at ¶ 20; Olson Direct at 14.

⁶ See Olson Direct at 21–22.

⁷ See Application at ¶ 14; Olson Direct at 7, 22.

⁸ See Application at ¶ 26; 20 CSR 4240-20.045(6)(K).

⁹ EMW also seeks a CCN for a battery energy storage system that it plans to construct adjacent to the site of its Foxtrot solar energy facility in Jasper County.

news outlets serving those counties.¹⁰ It set September 17, 2026, as the deadline for applications to intervene.¹¹

II. APPLICABLE LEGAL STANDARDS

4. Under the Commission’s rule an application to intervene “shall include” the applicant’s street and mailing address, email address, and telephone number, statement of interest in the case and reasons for intervention, and whether the applicant supports or opposes the relief sought.¹² The Commission “may grant a motion to intervene or add new member(s) if—

(A) The proposed intervenor or new member(s) has an interest which is different from that of the general public and which may be adversely affected by a final order arising from the case; or

(B) Granting the proposed intervention would serve the public interest.”¹³

Additionally, applicants to intervene may be permitted intervention but only upon establishing “three elements: (1) an interest relating to the property or transaction which is the subject of the action; (2) that the applicant’s ability to protect the interest is impaired or impeded; and (3) that the existing parties are inadequately representing the applicant’s interest.”¹⁴ The Staff of the Commission (“Staff”) and the Office of the Public Counsel (“OPC” or “Public Counsel”) are parties to this case. “The public counsel represents the interests of the public before the commission,”¹⁵ which is consistent with Section 386.710 where OPC has the power to “represent and protect the interests of the public in any proceeding before ... the public service commission.”

¹⁰ See Order and Notice, In re Applic. of Evergy Metro, Inc. and Evergy Mo. West, Inc. for CCNs, No. EA-2026-0343 at 2 (Sep. 2, 2026).

¹¹ Id.

¹² See 20 CSR 4240-2.075(2)(B), (C), (E), (F).

¹³ See 20 CSR 4240-2.075(3).

¹⁴ See Doyle v. Tidball, 625 S.W.3d 459, 462 (Mo. banc 2021), quoting State ex rel. Koster v. ConocoPhillips Co., 493 S.W.3d 397, 403 (Mo. en banc 2016).

¹⁵ See 20 CSR 4240-2.040(2); Section 386.710.1(2).

III. RESPONSE TO THE APPLICATIONS

A. No Proposed Intervenor Has Shown That He or She Owns Land the Project Would Affect.

5. An applicant who rests intervention on land must show that he or she owns the land the project would affect. The Commission's CCN rule measures ownership by the records of the county assessor's office, and it treats land as directly affected where a permanent easement or other permanent property interest would be obtained over the land or where the land contains a habitable structure within three hundred feet of the centerline of an electric transmission line.¹⁶ The Commission applied that standard twice in No. EA-2024-0302. It denied intervention to an applicant whose claimed parcels were owned by an LLC of which he was merely a member, finding that he was not an affected landowner, and that the LLC had not applied. Therefore, he could not represent it pro se.¹⁷

6. Two rules follow from those orders. An application that describes land in general terms does not carry the applicant's burden, and the Commission found that it "merely implies that his family has owned unspecified land" without stating that he owned the land the route would affect.¹⁸ An interest that belongs to an entity stays with the entity, because a natural person appearing pro se may appear on his or her own behalf and not for any other person or entity.¹⁹ Where the entity has not applied, the interest the applicant describes is not before the Commission.

7. The applicants the Commission granted intervention in No. EA-2024-0302 were the owners of land the proposed route would cross, and each intervention was granted "in a limited

¹⁶ See 20 CSR 4240-20.045(6)(K).

¹⁷ See Order Regarding Applications to Intervene and Directing Filing of Procedural Schedule, In re Applic. of Ameren Trans. Co. of Ill. for a CCN, No. EA-2024-0302 at 2–3 (May 7, 2025) ("Ameren May 7 Order").

¹⁸ See Order Regarding Applications to Intervene, In re Applic. of Ameren Trans. Co. of Ill. for a CCN, No. EA-2024-0302 at 2 (May 14, 2025) ("Ameren May 14 Order").

¹⁹ See 20 CSR 4240-2.040(5); Ameren May 7 Order at 2.

capacity to only the issue of routing concerns affecting their property.”²⁰ No comparable issue exists here. The Application proposes no electric transmission line route and no transmission substation outside the site boundary, the natural gas lateral that will serve the plant is located on the site, and Evergy would acquire no easement or other property interest in any Proposed Intervenor’s land.²¹ No Proposed Intervenor alleges otherwise. Not one application states that a project facility would be located on, or would cross, land the applicant owns. An applicant who holds title to nearby ground still has no routing interest on which a limited intervention could be granted.

8. What the applications describe instead are concerns about air quality, noise, traffic, water resources, property values, and the rural character of the surrounding area. Those are the concerns of the residents of that area, and OPC represents them.²² The Commission has denied intervention on that ground, finding that an applicant “failed to demonstrate that his interests differ” from those of the other residents who “comprise the general public for this case,” and that “Public Counsel represents the interest of the general public.”²³ The Proposed Intervenors place themselves between the site boundary and 4.2 miles away. However, distance is not the measure. Ownership of land the project would affect is, and no application demonstrates that they are affected landowners.

B. Jayson A. Watkins

9. Mr. Watkins describes himself as a landowner whose real property lies in the immediate vicinity of the site and places the site approximately one-quarter mile from his

²⁰ See Ameren May 7 Order at 4; Ameren May 14 Order at 3.

²¹ See Application at ¶¶ 14, 26; Olson Direct at 22.

²² See 20 CSR 4240-2.040(2).

²³ See Order Regarding Application to Intervene Out of Time, In re Applic. of Mo.-Am. Water Co. for a CCN, No. SA-2015-0065 at 3–4 (Dec. 17, 2014) (“SA-2015-0065 Order”).

location.²⁴ The application identifies no parcel. It gives no address, no legal description, and no assessor’s parcel number for the land he says he owns. And most importantly, it does not state that any project facility would be located on or cross that land or that the Companies would acquire any interest in it. That is the showing the Commission rejected in No. EA-2024-0302, where an application asserting ownership of property at the applicant’s home address “and surrounding property” did not establish that he owned the land the project would affect.²⁵ Mr. Watkins pleads his interest in common with his neighbors. By his own account, up to 50 residences lie within one mile of the site and approximately 20 houses within one-half mile, and his concerns about property values, emissions, noise, light, traffic, water, and visual impacts are applicable to the general public and represented by OPC.²⁶

C. Joseph R. Leslie

10. Mr. Leslie states that he resides at and owns real property at 6930 SE Ajax Road in Saint Joseph.²⁷ He describes that property as in “close geographic proximity” to the site but alleges no easement and no project facility on or crossing his land. The conditions he asks the Commission to impose, including property-line sound limits, lighting standards, buffers, and reporting requirements, would apply alike to every property around the site, which is the mark of an interest held in common with the general public.²⁸

D. Kaitlyn Paxton

11. Ms. Paxton states that she and her husband own residential property approximately 4.2 miles from the site.²⁹ She names her husband as a co-owner, and he has not applied. The

²⁴ See J. Watkins App. at ¶¶ 5, 7(b).

²⁵ See Ameren May 14 Order at 2.

²⁶ See J. Watkins App. at ¶¶ 7(b), 7(d), 15.

²⁷ See Leslie App. at ¶ 1.

²⁸ See Leslie App. at 2–4; 20 CSR 4240-2.040(2).

²⁹ See Paxton App. at ¶ 1.

application provides no address for the property or the land the project would affect. Additionally, her application omits the street and mailing address, email address, and telephone number the Commission's rule requires.³⁰ All her concerns regarding her family, community members in the surrounding area, and the children at a school, which she neither owns nor operates, are those interests represented by OPC.³¹

E. Thalia Alicia Insko

12. Ms. Insko states that she personally owns the property at 11210 State Route H SE where Sew Enchanting Equine Quilt Shop operates.³² She places the site approximately 3.2 miles from that property.³³ She alleges no easement and no project facility on or crossing her land. Appearing pro se, she may not assert the interests of the shop, its customers, or its employees.³⁴ Her remaining concerns belong to the surrounding community and are represented by OPC.³⁵

F. Lee and Runae Rhoad and Tom and Annie Rhoad Applications

13. Neither application identifies land the applicants own. Lee and Runae Rhoad state that they live approximately three miles from the site, give a mailing address, and describe their interest as the proximity of their residence and property and the rural and agricultural character of the surrounding community.³⁶ Tom and Annie Rhoad allege no property, no distance, and no ownership of anything, and rest their interest on the location of the facility in their community.³⁷ Neither application states that a project facility would be located on or cross land the applicants own, and neither states that the Companies would acquire any interest in their land. An application

³⁰ See 20 CSR 4240-2.075(2)(B)–(C).

³¹ See Paxton App. at ¶¶ 4–6; 20 CSR 4240-2.040(2).

³² See Insko Mot. at ¶¶ 2–3.

³³ Id. at ¶ 6.

³⁴ See Insko Mot. at ¶ 8; 20 CSR 4240-2.040(5).

³⁵ See 20 CSR 4240-2.040(2).

³⁶ See L&R Rhoad App. at ¶¶ 1–3.

³⁷ See T&A Rhoad App. at ¶¶ 1, 3.

that describes a residence and a community without identifying the land the project would affect does not establish that the applicant is an affected landowner.³⁸ The interests both applications describe belong to the community which OPC represents.³⁹

G. Joy Budine

14. Mrs. Budine states that she resides at 10790 Walkup Road SE and that she owns and teaches at The Joy of Learning Farm School, which operates on her property and where more than 30 students are present each school day.⁴⁰ The interest she asks the Commission to recognize is the school's. However, appearing pro se, Mrs. Budine may appear on her own behalf and not for the school or for the families who use it.⁴¹ As to her own land, Mrs. Budine alleges no easement and no project facility on or crossing it, so she is not an affected landowner. Moreover, her concerns about traffic, noise, lighting, air quality, water resources, and the rural character of the area are the general public's, which are represented by OPC.⁴²

H. Ron Hitchings

15. Mr. Hitchings states that he personally owns, operates, and resides at a farm, 10685 SE State Route E, adjacent to the project site.⁴³ He does not state that the Companies would acquire an easement or other property interest in his land, or that any project facility would be located on or cross it; therefore, he is not an affected landowner.⁴⁴ His other concerns regarding noise, traffic, water resources, property value, air quality, crop yield, and the rural and agricultural character of the area are those of the general public, which are represented by OPC.⁴⁵

³⁸ See Ameren May 14 Order at 2.

³⁹ See 20 CSR 4240-2.040(2).

⁴⁰ See Budine App. at ¶¶ 4–6.

⁴¹ See 20 CSR 4240-2.040(5); Ameren May 7 Order at 2–3.

⁴² See Budine App. at ¶¶ 6, 8, 12–22; Application at Ex. A.

⁴³ See Hitchings Mot. at ¶¶ 2–3.

⁴⁴ Id. at ¶¶ 2–5; Ameren May 7 Order at 3–4.

⁴⁵ See Hitchings Mot. at ¶¶ 5–6; J. Watkins App. at ¶ 7(b); 20 CSR 4240-2.040(2).

I. Kathleen Watkins

16. Ms. Kathleen Watkins is the homeowner and property owner at 10950 State Route E and places her residence adjacent to the project site.⁴⁶ However, she alleges no easement and no project facility on or crossing her land.⁴⁷ Her other concerns regarding noise, construction activity, traffic, lighting, visual impacts, air emissions, safety, emergency response, and property value are the concerns represented by OPC.⁴⁸

J. Rhanda Shreve

17. Ms. Shreve owns a residence at 10500 SE State Route E and places the site 2,400 feet away.⁴⁹ She alleges no easement and no project facility on or crossing her land. Her concerns regarding noise, construction and operational traffic, water resources, property value, the rural character of the surrounding area, and the agricultural use of the farm land, are the concerns represented by OPC.⁵⁰

K. Curtis Urban and Harley Whitt

18. Mr. Urban states that he owns a home at 12480 State Route E SE and that he is a partner in Amos Construction, LLC, located next door at 12490 State Route E SE, and he places both properties approximately two miles from the site.⁵¹ Mr. Whitt states that he is a local resident and a partner in the same company, gives the company's address as his own, and identifies no property he owns and no distance from the site.⁵² The interest each describes is the company's, such as the effect of construction traffic on the company's around-the-clock emergency response

⁴⁶ See K. Watkins App. at ¶¶ 1–3.

⁴⁷ Id. at ¶¶ 2–5.

⁴⁸ See K. Watkins App. at ¶¶ 4–5; 20 CSR 4240-2.040(2).

⁴⁹ See Shreve Mot. at ¶¶ 2–3.

⁵⁰ See Shreve Mot. at ¶¶ 5–6; Hitchings Mot. at ¶¶ 5–6; 20 CSR 4240-2.040(2).

⁵¹ See Urban Mot. at 1.

⁵² See Whitt Mot. at 1.

obligations to rural water districts.⁵³ However, Amos Construction, LLC has not applied to intervene, and neither partner may appear on its behalf.⁵⁴

L. Matthew Roach

19. Mr. Roach states that he owns approximately 10 acres about 3.5 miles from the site near Gower.⁵⁵ His application identifies no address for that land, and he alleges no easement and no project facility on or crossing it. His concerns about water use, noise, air emissions, traffic, gas infrastructure, and the rural character of the area belong to the surrounding community, which OPC represents.⁵⁶

M. Janet Morey and Brooke Taber

20. Ms. Morey states that she owns the family farm on SE Mt. Moriah Road that borders the southern boundary of the site, and she gives a mailing address in King City.⁵⁷ She does not state that the Companies would acquire an easement or other property interest in the farm, or that any project facility would be located on or cross it.⁵⁸ Ms. Taber claims no ownership. She states that she is the daughter and sole beneficiary of the property.⁵⁹ A beneficial expectancy is not ownership, the application does not identify the owner whose interest she describes, and that owner has not applied. The Commission denied intervention on that ground where a revocable trust owned the land, the trust filed no application, and the applicant had not established his connection to it.⁶⁰

⁵³ See Urban Mot. at 1; Whitt Mot. at 1.

⁵⁴ See 20 CSR 4240-2.040(5); Ameren May 7 Order at 2–3.

⁵⁵ See Roach App. at 1.

⁵⁶ See Roach App. at 1–2; 20 CSR 4240-2.040(2).

⁵⁷ See Morey App. at ¶ 4.

⁵⁸ *Id.* at ¶¶ 4–7; Ameren May 7 Order at 3–4.

⁵⁹ See Morey App. at ¶ 5.

⁶⁰ See Ameren May 14 Order at 2–3.

N. Brad Dean Taylor and Heather Michelle Taylor

21. Mr. and Mrs. Taylor own property and reside at 11110 State Route E SE, approximately one-quarter mile from the project site.⁶¹ However, they allege no easement and no project facility on or crossing their land; therefore, they are not affected landowners.⁶² Their concerns about water supply, noise, traffic, air quality, health, property values, and the rural residential character of the area are the general public's, which OPC represents.⁶³

O. Cody Denton and Katie Denton

22. Mr. and Mrs. Denton state that they own and occupy their home at 10620 Crabapple Road SE, approximately two miles from the site, where they operate a home-based lawn-care business.⁶⁴ However, they allege no easement and no project facility on or crossing their land. Therefore, they are not affected landowners.⁶⁵ The business interests they describe, including disruptions to access, equipment movement, customers, and operations, belong to the company. They are appearing pro se so they may not assert the interest of their business.⁶⁶ Their remaining concerns about construction and operational traffic, noise, lighting, air emissions, health, safety, wildlife, rural character, and property values are shared by every resident of the surrounding area, which are represented by OPC.⁶⁷

IV. INTERVENTION WOULD NOT SERVE THE PUBLIC INTEREST

23. As demonstrated above, no Proposed Intervenor has satisfied the standards or burden of proof for intervention. No applicant qualifies as an affected landowner, has an interest different from that of the general public that may be adversely affected by a final order, or has

⁶¹ See Taylor App. at ¶¶ 3–4.

⁶² Id. at ¶¶ 6–7, 11; Ameren May 7 Order at 3–4.

⁶³ See Taylor App. at ¶¶ 7–24; 20 CSR 4240-2.040(2).

⁶⁴ See Denton App. at ¶¶ 1–2.

⁶⁵ Id. at ¶¶ 1–5; Ameren May 7 Order at 3–4.

⁶⁶ See Denton App. at ¶¶ 2, 4; 20 CSR 4240-2.040(5); Ameren May 7 Order at 2–3.

⁶⁷ See Denton App. at ¶¶ 3–5; 20 CSR 4240-2.040(2).

demonstrated that the Staff of the Commission and OPC cannot adequately represent their interests. That failure alone requires denial of their applications. Beyond that threshold deficiency, the public interest would not be served, but rather would affirmatively be harmed by permitting intervention.

24. The public interest is harmed when CCN proceedings become overly complex and subject to delays where the interests of numerous intervening parties are the same interests that Staff and Public Counsel routinely litigate before the Commission. Granting party status to the Proposed Intervenors would significantly increase the administrative burdens in this case as they seek to litigate concerns regarding highway traffic, noise levels, water supply, emissions, zoning, wildlife, quality of rural life, aesthetics, and similar issues that other local, state, and federal authorities – not this Commission – principally govern. Moreover, their intervention would encumber the procedural schedule, “allow duplicative discovery efforts,” and prolong the evidentiary hearing through “repetitive presentation and cross-examination of the witnesses”⁶⁸ For example, if permitted to intervene, a party who timely objects to a proposed stipulation will be able to litigate every issue in this case because “no party shall be bound by” by the stipulation and “[a]ll issues shall remain for determination after hearing.”⁶⁹ In this case a prolonged proceeding could have profoundly negative effects. Because the Companies cannot issue full notices to proceed until a final order is issued, they have requested that the Commission’s report and order be effective no later than May 8, 2027.⁷⁰

⁶⁸ See State ex rel. Mehlville Fire Prot. Dist. v. State Tax Comm’n, 695 S.W.2d 518, 520 (Mo. App. W.D. 1985).

⁶⁹ See 20 CSR 4240-2.115(2)(D).

⁷⁰ See Application at ¶ 82 at 32, 34 & Ex. A. The sentence on pages 2-3 of the Application erroneously requested that a final order be effective April 5, 2027.

25. Each Proposed Intervenor argues that intervention would give the Commission the perspective of nearby residents.⁷¹ Evergy agrees that the Commission should hear that perspective, and that is the reason that local public hearings are conducted. The Companies' proposed schedule includes a local public hearing,⁷² which Evergy requests be held on November 16 in Buchanan County. The Proposed Intervenors may present the concerns described in their applications in that setting, under oath and on the record, and the Companies encourage them to do so. They may also submit written comments or seek leave to file an amicus curiae brief.⁷³ Permitting intervention would give the Commission no information it cannot otherwise receive through a local public hearing, written comment, an amicus curiae brief, or representation by Staff and Public Counsel.

WHEREFORE, Evergy respectfully requests that the Commission deny the applications to intervene of Jayson A. Watkins, Joseph R. Leslie, Kaitlyn Paxton, Lee and Runae Rhoad, Tom and Annie Rhoad, Joy Budine, Kathleen Watkins, Matthew Roach, Janet Morey and Brooke Taber, and Brad Dean and Heather Michelle Taylor, and the motions to intervene of Thalia Alicia Insko, Ron Hitchings, Rhanda Shreve, Curtis Urban, Harley Whitt, and Cody Denton and Katie Denton because the applications have not met the standards required to be granted intervention. Thus, granting these applications for intervention would not serve the public interest.

⁷¹ See, e.g., J. Watkins App. at ¶ 8; Leslie App. at ¶ 6; Paxton App. at ¶ 11; Insko Mot. at ¶ 10; L&R Rhoad App. at ¶ 6; T&A Rhoad App. at ¶ 6.

⁷² See Ex. A, Application.

⁷³ See 20 CSR 4240-2.075(11).

Respectfully submitted,

/s/ Roger W. Steiner

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Evergy Missouri West**

CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of the foregoing document has been hand-delivered, emailed, mailed postage-prepaid, or filed and served via EFIS to the parties and intervenor applicants in this proceeding this 21st day of September 2026.

/s/ Roger W. Steiner

**Attorney for Evergy Missouri Metro and Evergy
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