

**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 THE OFFICE OF THE PUBLIC COUNSEL’S MOTION TO EXTEND
INTERVENTION PERIOD AND ISSUE NEW NOTICE**

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 Motion to Extend Intervention Period and Issue New Notice (the “Motion”) that the Office of the Public Counsel (“OPC” or “Public Counsel”) filed on September 18, 2026. Evergy states as follows:

I. BACKGROUND

1. On August 31, 2026, Evergy filed its Application for Certificates of Convenience and Necessity (“CCN”) with the direct testimony of nine witnesses.¹ The Application asks the Commission to authorize EMM and EMW under Section 393.170 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 in Buchanan County, Missouri, and to authorize EMW to construct, own, and operate an approximately 109 MW battery energy storage system next to the site of its Foxtrot solar facility in Jasper County, Missouri.²

¹ See Application at 3.

² See Application at ¶¶ 9, 52; Motion at ¶ 1. All citations are to the Revised Statutes of Missouri (2016), as amended.

2. On September 2, 2026, the Commission issued its Order and Notice, effective on issuance.³ The Order and Notice directed the Commission’s Data Center to provide notice to the county commissions of Buchanan and Jasper Counties, directed the Commission’s Public Policy and Outreach Department to provide notice of the Application “through any appropriate social media and news media outlets serving residents” of those counties, and set September 17, 2026, as the deadline for applications to intervene.⁴

3. The Commission issued a press release on September 3, 2026, announcing the September 17, 2026, intervention deadline, and a Buchanan County news outlet, kmzu.com, published the deadline the same day.⁵

4. By the September 17, 2026, deadline, 17 applications and motions to intervene had been filed: 16 by residents of the area surrounding the Buchanan Bluffs Unit 2 site, and one by Renew Missouri. Additionally, the Commission has also received more than 360 public comments regarding Buchanan Bluffs Unit 2.⁶

5. OPC filed its Motion on September 18, 2026, requesting the Commission to extend the intervention period for an additional 30 days. OPC filed 16 days after the Commission issued its Order and Notice and one day after the intervention period closed.⁷

II. PUBLIC COUNSEL’S MOTION IS UNTIMELY

6. Motions for reconsideration of procedural and interlocutory orders “may be filed within ten (10) days of the date the order is issued.”⁸ The Order and Notice was effective on

³ 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) (“Order and Notice”); Motion at ¶ 4.

⁴ See Order and Notice at 2.

⁵ See Motion at ¶¶ 5–6.

⁶ See Motion at ¶ 9; No. EA-2026-0343 (363 public comments as of Sep. 18, 2026).

⁷ See Motion at 4, Request.

⁸ See 20 CSR 4240-2.160(2).

issuance, so that 10-day period ran on September 12, 2026, a Saturday, which extended to Monday, September 14, 2026.⁹ OPC filed four days after the 10-day deadline.

7. Additionally, there is no “good cause” standard associated with intervention, and OPC cannot manufacture one through its untimely motion. The only “good cause” requirements in the Commission’s procedural rules attach elsewhere and are inapplicable here: to waiver of a rule, and to a request to act after a period has expired per 20 CSR 4240-2.015(1) and 20 CSR 4240-2.050(3)(B). Neither of these places a good cause burden on Evergy, nor imports a good cause standard into the Commission’s intervention analysis, and the latter rule’s burden actually falls on OPC. The Commission may order a period enlarged “before the expiration of the period originally prescribed.”¹⁰ The intervention deadline expired on September 17, 2026, but OPC filed its Motion on September 18. Even before that, if OPC believed the intervention period was too short, it should have sought reconsideration within 10 days of the Order and Notice (by September 14). Instead, OPC let both periods expire, and so its Motion is doubly untimely.

8. Moreover, “[w]hen an act is required or allowed to be done by order or rule of the commission at or within a specified time,” the Commission may “permit the act to be done” “[a]fter the expiration of the specified period” only “where the failure to act was the result of excusable neglect or for other good cause shown.”¹¹ OPC offers neither. Everything the Motion recites was known to OPC by September 3, 2026, at the latest: the Commission’s Order and Notice was issued September 2, 2026, and the Commission’s press release and the kmzu.com article were published the following day.¹² The Motion identifies nothing that OPC learned after the deadline expired to demonstrate excusable neglect or good cause, and OPC does not even attempt to establish either.

⁹ See Motion at ¶ 4; 20 CSR 4240-2.050(1).

¹⁰ See 20 CSR 4240-2.050(3)(A).

¹¹ See 20 CSR 4240-2.050(3)(B).

¹² See Motion at ¶¶ 4–6.

III. THE COMMISSION'S NOTICE FOR APPLICATION TO INTERVENE WAS SUFFICIENT

9. The Commission's Order and Notice for applications to intervene was sufficient. OPC's Motion rests on the faulty premise that Evergy "did not plead good cause" for the Commission to shorten the 30-day intervention period of 20 CSR 4240-2.075(1).¹³ But Evergy requested no intervention date, shortened or otherwise.

10. Rather, 20 CSR 4240-2.075(1) provides that a motion to intervene "shall be filed within thirty (30) days after the commission issues its order giving notice of the case, unless otherwise ordered by the commission."¹⁴ The 30-day period is a default that yields to the Commission's order. See State ex rel. Kansas City, Indep. & Fairmount Stage Lines Co. v. PSC, 63 S.W.2d 88, 93 (Mo. 1933) (When interpreting the phrase "except as otherwise provided," the Court held that the Commission had authority to make an order effective ten days after its issue date because "[m]any orders which the commission is required to make from time to time are such that they can reasonably and properly be made effective in less than thirty days.").

11. Per its authority, the Commission, sua sponte, ordered a shortened but reasonable 15-day intervention period. The period was publicized by a Commission press release and local news coverage. See Harter v. PSC, 361 S.W.3d 52 (Mo. App. W.D. 2011) (holding that the Commission had the authority to shorten an effective date from a 30-day period to a 10-day period which did not deny moving party due process.).¹⁵ After such notice, 17 applications and motions

¹³ See Motion at ¶ 7.

¹⁴ See 20 CSR 4240-2.075(1) (emphasis added) ("Intervention Rule").

¹⁵ Id. ("Due process is provided by affording parties the opportunity to be heard in a meaningful manner. The parties must have knowledge of the claims of his or her opponent, [and] have a full opportunity to be heard, and to defend, enforce and protect his or her rights."). See Order Denying Intervention at 1, In re Evergy Missouri West Rate Case No. ER-2024-0189 (June 26, 2024) (denying Federal Executive Agencies late application to intervene for "good cause" despite "being unaware" of the Commission's notice).

to intervene were filed, 16 of them by residents who state they live or work near the project site. This response demonstrates the period was reasonable.

WHEREFORE, Evergy requests that the Commission deny Public Counsel's Motion to Extend Intervention Period and Issue New Notice because OPC's Motion is incurably untimely and the Commission's Order and Notice application to intervene deadline was reasonable, as well as requests all such other and further relief as the Commission deems just and reasonable.

Respectfully submitted,

/s/ Roger W. Steiner

Roger W. Steiner, MBN 39586
Cole Bailey, MBN 77268
Corporate Counsel
Evergy, Inc.
1200 Main Street
Kansas City, MO 64105
Phone: (816) 556-2314
roger.steiner@evergy.com
cole.bailey@evergy.com

Karl Zobrist, MBN 28325
Jacqueline M. Whipple, MBN 65270
Chandler Hiatt, MBN 75604
Michael Robinson, MBN 73482
Dentons US LLP
4520 Main Street, Suite 1100
Kansas City, MO 64111
Phone: (816) 460-2400
Fax: (816) 531-7545
karl.zobrist@dentons.com
jacqueline.whipple@dentons.com
chandler.hiatt@dentons.com
michael.robinson@dentons.com

James M. Fischer, MBN 27543
Fischer & Dority, P.C.
2081 Honeysuckle Lane
Jefferson City, MO 65109
Phone: (573) 353-8647
jfisherpc@aol.com

**Attorneys for Evergy Missouri Metro and
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 in this proceeding this 21st day of September 2026.

/s/ Roger W. Steiner

**Attorney for Evergy Missouri Metro and Evergy
Missouri West**