

**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 LATE-FILED APPLICATIONS TO INTERVENE**

COMES NOW, Evergy Metro, Inc. d/b/a Evergy Missouri Metro and Evergy Missouri West, Inc. d/b/a Evergy Missouri West (collectively, “Evergy”) oppose the late-filed applications and motions to intervene of Erin Burnham, Jason Anthony Insko, Dustin Doss, Terry and Jeannette Doss, Jason Lee Lewis and Erin Danielle Lewis, Terra Metcalf, Brian Maloney, Hitomi Patterson, Kristyl Mayer, and Charles Brown (collectively, the “Late-Filed Applicants”).¹ Evergy states as follows:²

I. BACKGROUND

1. Evergy filed its Application for Certificates of Convenience and Necessity (“CCN”) for the Buchanan Bluffs Energy Center Unit 2 on August 31, 2026, and on September 2, 2026, the Commission set September 17, 2026, as the deadline for applications to intervene.³

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

² The Applications are cited as follows: Application to Intervene of Erin Burnham (“Burnham App.”); Application to Intervene of Jason Anthony Insko (“J. Insko App.”); Application to Intervene of Dustin Doss (“D. Doss App.”); Application to Intervene of Terry and Jeannette Doss (“T&J Doss App.”); Application to Intervene of Jason Lee Lewis and Erin Danielle Lewis (“Lewis App.”); Application to Intervene of Terra Metcalf (“Metcalf App.”) the Motion to Intervene of Brian Maloney (“Maloney Mot.”); the Application to Intervene of Hitomi Patterson (“Patterson App.”); the Application to Intervene of Kristyl Mayer (“Mayer App.”); Application to Intervene Out of Time of Charles Jason Brown (“Brown App.”).

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”).

2. Each of the 10 Late-Filed Applicants filed on September 18, 2026, as well as September 21, 2026.⁴ None sought leave to file out of time or explained the delay. Five instead state incorrectly that they filed within the intervention period,⁵ and three are silent.⁶ Ms. Patterson’s certificate of service describes a “Motion for Leave to Intervene Out of Time,” but no such motion and no showing of cause appears in her filing.⁷ Only Mr. Brown sought leave to file out of time.⁸

II. APPLICABLE LEGAL STANDARDS

3. An application to intervene is due within 30 days after the Commission’s notice order unless ordered differently by the Commission.⁹ An application filed after that date may be granted only upon a showing of good cause, and it must include a definitive statement whether the movant accepts the record established in the case as of the date of filing.¹⁰ Additionally, Mo. R. Civ. Proc. Rule 52.12 permits intervention only upon timely application.¹¹

III. THE LATE-FILED APPLICATIONS SHOULD BE DENIED AS UNTIMELY

4. The deadline was a date certain that 17 other proposed intervenors met. Silence is not good cause. Additionally, each of the Late-Filed Applicants, except Mr. Brown, omit the mandatory definitive statement. Therefore, each is independently deficient.¹² Timeliness is measured against the circumstances, and nothing suggests that any applicant lacked notice of this

⁴ See 20 CSR 4240-2.080(9).

⁵ See D. Doss App. at ¶ 10; T&J Doss App. at ¶ 10; Lewis App. at ¶ 31; Metcalf App. at ¶ 10; Maloney Mot. at ¶ 12.

⁶ See Burnham App.; J. Insko App.; Mayer App.

⁷ See Patterson App. at 3.

⁸ See Brown App. at 1-2.

⁹ See 20 CSR 4240-2.075(1).

¹⁰ See 20 CSR 4240-2.075(10); Order Denying Late-Filed Application to Intervene at 1–2, In re Petition of Mo.-Am. Water Co. for Approval to Change a Water and Sewer Infrastructure Rate Adjustment, No. WO-2024-0195 (Apr. 24, 2024) (The Commission denied intervention to an applicant who filed one day late because there was no good cause shown); Order Regarding Application to Intervene Out of Time at 3–4, In re App. of Mo. Am. Water Co. for a CCN, No. SA-2015-0065 (Dec. 17, 2014) (The Commission denied an application to intervene out of time where the applicant’s interests did not differ from those of the general public).

¹¹ See Mo. R. Civ. P. 52.12(a), (b); Frost v. White, 778 S.W.2d 670, 672 (Mo. App. W.D. 1989).

¹² See 20 CSR 4240-2.075(10).

case or of the deadline.¹³ Indeed, as noted above, several state (albeit, inaccurately) that their filing met the intervention deadline.

5. In the alternative, if the Commission reaches the merits of any individual application, these applications should be denied for the reasons stated in Evergy's Reply in Opposition to Office of the Public Counsel's Motion to Extend Intervention Period and New Notice as well as Evergy's Opposition to Applications to Intervene, incorporated by reference, because no Late-Filed Applicant has carried the burden to establish the right to intervention, none is an affected landowner, and their concerns are those of the general public to be represented only by OPC in this proceeding.¹⁴ If the Commission determines otherwise, Evergy respectfully requests the opportunity to supplement this opposition with further briefing.

WHEREFORE, Evergy respectfully requests that the Commission deny each of the Late-Filed Applicants' applications and motions to intervene because each was filed after the intervention deadline the Commission established and none has shown good cause for the late filing. Evergy requests all such further relief as the Commission deems just and necessary.

¹³ See Order and Notice at 2.

¹⁴ See Reply in Opposition to Office of the Public Counsel's Motion to Extend Intervention Period and New Notice, No. EA-2026-0343 (Sep. 21, 2026); Opposition of Evergy Missouri Metro and Evergy Missouri West to Applications to Intervene, No. EA-2026-0343 (Sep. 21, 2026).

Respectfully submitted,

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**Attorneys for Evergy Missouri Metro and
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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**