

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

Timothy P Allegri	)	
	)	
Complainant,	)	
v.	)	File No. EC-2027-0058
	)	
Evergy Missouri West, Inc. d/b/a Evergy Missouri	)	
West	)	
	)	
Respondent.	)	

EVERGY MISSOURI WEST’S RESPONSE TO MOTION TO COMPEL

COMES NOW, Evergy Missouri West, Inc. d/b/a Evergy Missouri West (“Evergy” or “Company”), by and through its counsel, and for its Response to Timothy P. Allegri’s (“Complainant”) *Motion to Compel and Request for Expedited Treatment* (“Motion”), filed September 14, 2026, states as follows:

1. Complainant seeks an order compelling Evergy to respond to Data Request No. 1 (“DR 1”), which requests detailed engineering information concerning span-by-span clearances, design calculations, and facilities along the Fayetteville Transmission Line Upgrade project. Evergy objected because the requested information is irrelevant to the claims or defenses in this complaint, is not reasonably calculated to lead to the discovery of relevant evidence and is unduly burdensome and disproportionate to the needs of this proceeding.

2. The Motion should be denied because Complainant has not established a live case or controversy to which the requested discovery could relate. Evergy is not seeking an easement or any other property interest from Complainant. The original Fayetteville project was substantially modified, and the revised project requires no new easement from Complainant.

Complainant therefore is not affected by the project and is not aggrieved by any present action or omission of Evergy.

3. This is the same jurisdictional defect identified in Evergy's Answer, Affirmative Defenses, and Motion to Dismiss. The Commission previously dismissed Complainant's substantially similar complaint concerning the original project after Evergy discontinued its efforts to obtain the disputed easements, finding no live controversy and declining to issue advisory opinions. That dismissal was affirmed by the Missouri Court of Appeals, Western District, and transfer was denied by the Missouri Supreme Court. The present complaint cannot create a justiciable controversy merely by seeking discovery about facilities that do not affect Complainant or his property.

4. Commission Rule 20 CSR 4240-2.090 permits discovery in a pending case; it does not enlarge the Commission's jurisdiction, dispense with the requirement that a complainant be aggrieved, or authorize discovery to investigate whether some unidentified violation might exist. Discovery must concern matters relevant to the claims and defenses actually presented. Complainant's stated objective—investigating “potential” violations and determining whether Evergy may have sought excessive easements from other landowners—is an impermissible request for a general investigation untethered to any injury to Complainant.

5. Complainant's status as an Evergy customer and ratepayer does not cure that defect. His assertion that easement acquisition decisions might affect project costs and ultimately cost of service is generalized and speculative. He does not allege that any identified project cost has been included in his rates, that the Commission has authorized recovery of any challenged amount, or that DR 1 could support relief personal to him in this complaint. A generalized interest shared with

other customers does not transform engineering information concerning unrelated properties into relevant discovery.

6. Complainant's reliance on 20 CSR 4240-2.070(6) is misplaced. Even if that provision permits the Commission to proceed in an appropriate matter without proof of direct monetary damage, it does not eliminate the threshold requirement of an actual dispute involving an alleged violation and cognizable relief. Complainant identifies no present conduct affecting him and instead asks the Commission to determine whether Evergy may be violating law elsewhere or may affect other landowners in the future. Such a determination would be advisory.

7. The fact that Evergy may provide similar information in another complaint involving property actually affected by the revised project does not establish relevance here. Discovery is determined by the claims, defenses, and circumstances of each proceeding. Information may bear directly on relief sought by an affected landowner while remaining immaterial to a complainant from whom Evergy seeks no easement and whose property is not implicated.

8. The Commission should not require Evergy to respond to discovery before determining whether Complainant has standing and whether this case presents a live controversy within the Commission's jurisdiction. Until those threshold issues are resolved, Complainant has not established that he is entitled to pursue discovery from Evergy at all. Permitting discovery first would invert the proper sequence of this proceeding by allowing a person who has not shown that he is aggrieved or affected by the project to use the complaint process to investigate matters unrelated to any cognizable claim personal to him. The Commission should therefore resolve Evergy's pending Motion to Dismiss before requiring Evergy to answer DR 1 or any other data request.

9. Complainant's requested additional relief confirms the Motion's overbreadth. An order governing all future data requests, requiring production of documents for examination, or directing monthly project status reports would extend beyond DR 1 and presuppose that this complaint may be used to supervise a project that does not affect Complainant. No factual or legal basis supports such prospective and continuing relief.

10. The request for expedited treatment should likewise be denied. Complainant identifies no immediate harm, impending deadline, or threatened action affecting his property. Evergy seeks no interest in his property, and no evidentiary hearing has been set. Accelerated discovery is neither necessary nor appropriate where the threshold question is whether any live controversy exists.

11. Because Complainant is not affected by the revised project, the requested discovery cannot lead to evidence material to relief available to him in this case. The Commission should deny the Motion and resolve Evergy's pending Motion to Dismiss before requiring discovery directed to hypothetical violations, third-party properties, or generalized ratepayer interests.

WHEREFORE, Evergy respectfully requests that the Commission deny the Motion and grant any such further relief as is deemed appropriate.

Respectfully submitted,

/s/ Roger W. Steiner

Roger W. Steiner, MBN 39586
Cole Bailey, MBN 77628
Evergy, Inc.
1200 Main Street, 17th Floor
Kansas City, MO 64105
Telephone: (816) 556-2791
Email: Roger.Steiner@evergy.com
Cole.Bailey@evergy.com

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

Attorneys for Evergy Missouri West

CERTIFICATE OF SERVICE

A copy of the foregoing has been served on this 22nd day of September 2026 upon counsel of record for all parties.

/s/ Roger W. Steiner

Roger W. Steiner