

**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.	)	

**REPLY TO EVERGY MISSOURI WEST’S RESPONSE
TO MOTION TO COMPEL**

COMES NOW Timothy P. Allegri (“Complainant”), and in *Reply* to Evergy Missouri West's ("Evergy") *Response to Motion to Compel* (“Response”), filed September 22, 2026, states as follows:

1. Complainant submitted *Data Request No. 1* (“DR 1”) on August 25, 2026, requesting detailed engineering information concerning line clearances and design calculations related to Evergy's Fayetteville Transmission Line Upgrade project.
2. Evergy's stated objection to DR 1 is "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." These statements are false. The information being sought will undoubtedly lead to the discovery of relevant evidence, which is why Evergy is resisting providing it. Further, the requested information should not be unduly burdensome because the data should be available in its completed plan in order to proceed with the project, and is without question needed for discovery in this proceeding.

3. The requested line clearance information **directly relates** to NESC standards and Commission orders. This information also directly relates to the **dollars** Evergy pays for an easement, which directly affects me and all Evergy customers for **cost of service as ratepayers**. Without the requested information, the PSC nor its Staff has sufficient evidence at this point to prove or disprove whether or not Evergy has made any violations, which is why the discovery process and the case must continue.

4. In a January 5, 2024 *Data Request*, Evergy's Engineering personnel made the following statements:

"When transmission facilities are located within MoDOT ROW and a MoDOT project takes place that requires the relocation of the transmission facilities, 100% of the costs related to the engineering, material and construction of the impacted facilities are the responsibility of Evergy."

"When transmission facilities are located outside of the MoDOT ROW within private Evergy held easement and a MoDOT project takes place that requires the relocation of the transmission facilities, 100% of the costs related to the engineering, material and construction of the impacted facilities are the responsibility of MoDOT."

To reiterate, if Evergy equipment is placed on a **private easement, outside of the MoDOT ROW**, Evergy passes 100% of future costs (such as pole replacement) on to **all Missouri taxpayers** rather than its ratepayers. The subject project is along several miles of Highway 13 between Lafayette and Johnson counties. Obtaining private easements outside of the utility corridor would save Evergy quite a sum of money if it could pass the cost on to all Missourians when the highway is expanded in the future. ***This is not a public need, it is a private business move.***

5. If, at the point Evergy provides all requested information and an evidentiary hearing is held, the Commission will have an opportunity to consider **all** evidence and make its orders. If dismissed, my rights under 20 CSR 4240-2.070 for relief would be violated.

6. The fact that Evergy dismissed the circuit court cases related to its project does not mean the potential violations already found in the PSC Staff's investigation into the same

transmission line rebuild are no longer applicable. **The potential violations still need to be addressed by the PSC whether or not Evergy has related cases in the circuit courts.** PSC's *Staff Report and Recommendation* dated November 6, 2023 (Case No. EC-2023-0015, Docket Item #14) states:

“Staff contends that Evergy has exceeded the bounds of its CCN **based on the authority granted** in ordered paragraph one of the CCN order **extending to** construction in the right of way. **Evergy has sought to relocate an electric line** outside of the highway right of way **and even states that** this is a new policy of the company **in its response to Staff DR 3, citing safety concerns.** Staff argues that this policy of the Company to encroach on private land outside of the existing highway right of ways is sufficient to warrant it seeking Commission approval prior to the policy change and prior to seeking eminent domain. **Staff also argues that** giving notice to the Commission of the project would have alleviated some concerns **and at the least** Evergy should have ensured that proper notice of the exact plans was provided to landowners **given the ordered paragraphs in the order granting a CCN in Case No. 9470.”** [emphasis added]

7. Commission Rule 20 CSR 4240-2.090 permits discovery in a pending case.

Evergy must comply with all discovery requests to produce documents and answer questions in my complaint, and avoid an unfair advantage by concealing information unknown to me and the PSC. The line clearance information and other requested data is necessary for Evergy to proceed in the rebuild and should be readily available to provide from the engineering plan. Surely the plan is complete, or how else is a need proven for the easements it seeks? The requested information relates to the amount of Missouri land being sought, and just as importantly, it relates to future costs to all Missourians when highways are expanded. I look forward to receiving the requested information in a timely manner.

8. The *Motion* should not be denied because a live controversy exists to which the requested discovery could relate. The notion that because Evergy is not seeking an easement or any other property interest from Complainant is not a valid argument for a lack of live controversy. Evergy consistently asserts the numerous Complaints involved in its project are related to its efforts to secure easements. While it is true the PSC complaints are related to the

same transmission line project, Complainant is not seeking relief from the PSC for an *eminent domain circuit court* issue over which the PSC has no jurisdiction. The issues ("live controversies") with regard to the PSC are (but not limited to):

- whether or not Evergy is seeking excessive land for its project (a direct violation of Commission orders);
- whether or not Evergy is permitted to change its company policy regarding equipment placement without first seeking PSC approval;
- whether or not Evergy is adhering to or exceeding NESC standards (per PSC requirements) ;
- why Evergy claims a need to go outside of the MoDOT right-of-way ("ROW") when a utility corridor is provided by MoDOT for the project and in fact MoDOT has already secured an additional two feet for utilities; and
- why engineering evidence for the completed plan has not been provided, despite repeated requests, in order for all parties to determine whether or not there is a *public* need for the utility project to go outside of the MoDOT ROW.

9. Evergy's abuse of discretion related to its transmission line project must be investigated further in order to ensure my statutory rights of entitlement to be heard under RSMo. 386.420. For this reason, I request the Commission schedule an evidentiary hearing as soon as all discovery has been received. I also request the Commission to order Evergy to provide a monthly status report on its project in order to keep all parties apprised of the status, including when a completed and final engineering plan will become available to all parties which will allow determination of the specific public needs of the transmission line rebuild. Further, because of these potential violations and coupled with the fact that Evergy has never supplied a completed and final engineering plan, I am requesting the PSC to order fines and punitive damages to all claimants impacted in the transmission line project should *any* violations of law be found. Time is money. It has been over three years since my original complaint was filed (my PSC complaint was filed prior to any eminent domain action being filed). No citizen of this state or Complainant should be held financially responsible for a utility's abuse of Missouri law.

10. Without the requested information, the PSC nor its Staff has sufficient evidence at this point to prove or disprove whether or not Evergy has made any violations, which is why the discovery process and the case must continue. If, at the point Evergy provides all requested information and an evidentiary hearing is held, the Commission will have an opportunity to consider **all** evidence and make its orders. My rights under 20 CSR 4240-2.070 for relief should not be violated.

11. Evergy argues that an easement is not being sought against my property--again, a **circuit court** matter. It also argues the project is now smaller in scope, which is of no relevance to the PSC seeking whether or not violations of rules or orders have been made. Consequently, Evergy's argument of 4 CSR 4140-2.070(1) is in error.

12. The dismissal of previous related complaints and affirmation by the Missouri Court of Appeals, Western District, were a jurisdictional defect based upon misleading statements by both Evergy counsel and PSC counsel, confusing dismissed **circuit court cases** with a dismissed **Evergy project**. As previously stated, although Evergy discontinued its efforts to obtain easements, it claimed, and continues to claim, no live controversy although obtaining easements was never the PSC argument, as easements are an eminent domain issue outside of the jurisdiction of the PSC. Counsels' misleading argument was made under oath.

13. This *Reply* cannot ignore Evergy counsel's argument of discovery "not allowing Complainant to investigate whether some unidentified violation might exist." What, then, does discovery do? As stated previously, the discovery being sought -- this information that is being concealed -- directly relates to the proof of need to leave the MoDOT right-of-way and secure private easements over which there is no *public* need. Given the live controversies stated in Item #8 herein, perhaps Evergy counsel should explain how this is "untethered" to my interests and how it does not impact me ultimately as a Missouri citizen and landowner, and ratepayer.

Discovery directly concerns matters relevant to the claims and defenses in my complaint and is by law a permissible request.

14. Complainant's reliance on 20 CSR 4240-2.070(6) is not misplaced. The provision permits the Commission to proceed without proof of direct monetary damage in order to determine an alleged violation and cognizable relief. Complainant has identified present conduct affecting him and has statutory rights to ask the Commission to determine whether Evergy may be violating law or if its conduct is, or has a potential to, adversely affect Missouri and its landowners with no public need in the future. Such a determination would not be advisory, it is in fact the very reason the Missouri Public Service Commission exists.

15. The PSC should absolutely require Evergy to respond to discovery. Missouri statutory law provides that right, and there is without question a live controversy within the PSC's jurisdiction. Complainant is entitled to pursue discovery from Evergy by its governing authority. Missouri lawmakers established a governing authority over utilities and created the complaint process to allow any person who feels aggrieved or adversely affected by a utility's business conduct or project to use the complaint process to investigate matters related to any claim. Evergy requests the PSC to resolve its pending *Motion to Dismiss* **before requiring Evergy to answer DR 1 or any other data request** because it knows the answers being sought are in fact violations.

16. The very truth that Evergy is reluctant to provide engineering information it should already possess is curious and concerning. Why is it fighting so hard not to provide line clearance information? If it doesn't yet have this information, it is fair to ask why it doesn't; if it has it, what is so secret about it?

17. My requesting an order governing all future data requests, requiring production of documents for examination, and directing monthly project status reports is a fair and reasonable

request and would ensure the PSC's ability to supervise a project under its authority, as well as provide a method for Missourians and impacted parties to be kept apprised of the project status.

18. Accelerated discovery is necessary and appropriate. Whether or not Evergy seeks interest in my property, a live controversy exists and no evidentiary hearing has been set. The requested discovery will support current evidence and lead to evidence material to relief in this case. The Commission should approve my *Motion* and deny Evergy's pending *Motion to Dismiss* in the interest of all Missourians. Such orders will avoid prejudice to the Complainant as the case moves forward and will in no way negatively affect Evergy customers or the general public.

WHEREFORE, Complainant respectfully requests that the Commission deny Evergy's pending *Motion to Dismiss*, approve the *Motion to Compel*, and grant the relief sought in this *Reply*, including but not limited to:

- a) Order Evergy to promptly (by September 25, 2026) provide all answers to DR #1 and to answer any subsequent Data Requests in a timely manner; and
- b) Order Evergy, by September 25, 2026, to assemble all documents that are responsive to DR #1 and make them available for examination; and
- c) Order Evergy to file on EFIS monthly status reports with regard to its Fayetteville Transmission Line Upgrade project until completion.

Such orders will avoid prejudice to the Complainant as the case moves forward to the point of an evidentiary hearing.

Respectfully submitted,

/s/ Timothy P. Allegri

Timothy P. Allegri, Complainant

Telephone: [REDACTED]
Email: [REDACTED]

CERTIFICATE OF SERVICE

The foregoing was submitted this 23rd day of September, 2026 to all parties via EFIS by:

/s/ Timothy P. Allegri

Timothy P. Allegri