

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

In the Matter of the Application of 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	)	Case No. EA-2026-0343
Convenience and Necessity Authorizing them to	)	
Construct, Install, Own, Operate, Manage,	)	
Maintain, and Control a Natural Gas Production	)	
Facility and a Battery Energy Storage System	)	

**RESPONSE OF JAYSON A. WATKINS TO
EVERGY’S OPPOSITION TO APPLICATIONS TO INTERVENE**

COMES NOW Jayson A. Watkins (“Watkins” or “Intervenor”), by and through undersigned counsel, and respectfully submits this Response to Evergy Missouri Metro, Inc. d/b/a Evergy Missouri Metro (“EMM”) and Evergy Missouri West, Inc. d/b/a Evergy Missouri West (“EMW”) (collectively, “Evergy” or “Applicants”) Opposition to Applications to Intervene filed September 21, 2026. In support thereof, Watkins states as follows:

I. INTRODUCTION

Evergy’s Opposition seeks to bar from this proceeding the very landowners and residents who will be most directly and tangibly impacted by the proposed Buchanan Bluffs Energy Center Unit 2 (“Buchanan Bluffs Unit 2” or “the Facility”)—a 710-megawatt combined-cycle gas turbine facility to be sited on approximately 170 acres in Buchanan County, Missouri, near Frazier, along State Route E SE.

Evergy’s arguments rely on a strained reading of this Commission’s intervention rules, a misapplication of precedent from a factually distinguishable transmission-line case, and a remarkable assertion that the general public’s representative—the Office of the Public Counsel (“OPC”)—can adequately stand in the shoes of individual landowners facing site-specific,

property-specific, and livelihood-specific impacts. In fact, Watkins and similar land owners with residence and property in close proximity to the proposed facility could have interests adverse to property owners who are further away thus creating possible conflicts for OPC. Evergy's Response demonstrates that Intervenor 's application satisfies every requirement for intervention under 20 CSR 4240-2.075. Watkins owns and resides on real property at 11100 State Route E, Agency, Missouri 64401, in the immediate vicinity of the proposed Facility site. Watkins's interests are direct, particularized, and distinct from those of the general ratepaying public that OPC is charged with representing.

Evergy's Opposition is particularly striking in light of its own witness testimony. Evergy witness J. Kyle Olson testified that "Evergy will attempt to proactively meet with and engage openly and transparently with nearby landowners and residents," and that "[i]f applicable, Evergy will enter into a Good Neighbor Agreement with an adjacent property owner prior to construction of the Project." Direct Testimony of J. Kyle Olson, p. 23, ll. 6–11. Evergy's simultaneous effort to exclude those same neighbors from the regulatory proceeding that will determine whether and under what conditions this Facility may be built reveals the hollowness of its "good neighbor" promises.

II. LEGAL STANDARD FOR INTERVENTION

Commission Rule 20 CSR 4240-2.075 provides that "[a]ny person may file an application to intervene in any case or investigation pending before the commission." The rule requires an applicant to state facts demonstrating: (1) how the applicant's interests may be affected by the outcome of the proceeding; (2) how the applicant's participation will assist the Commission in the determination of the issues; and (3) how the interest of the applicant is not

adequately represented by an existing party. 20 CSR 4240-2.075(2). Evergy's Opposition attempts to import a restrictive "affected landowner" test drawn from the Commission's Order Regarding Applications to Intervene in Case No. EA-2024-0302 ("Ameren May 7 Order"), a transmission-line case involving the Grain Belt Express project. But that case is factually and legally distinguishable from this CCN proceeding, as discussed in Section IV below.

III. WATKINS SATISFIES ALL REQUIREMENTS FOR INTERVENTION

A. Watkins's Interests Will Be Directly Affected.

Watkins owns and resides at 11100 State Route E, Agency, Missouri 64401. This property is located in the immediate vicinity of the proposed Buchanan Bluffs Unit 2 site—the "Johnson 1" parcel identified in Evergy's own siting study as located along State Route E SE near Frazier, Buchanan County. Watkins's property is situated directly on the same road (State Route E) where Evergy witness Olson testified the project site is accessed. Direct Testimony of J. Kyle Olson, p. 22, ll. 19–20.

Watkins's interests that will be directly and uniquely affected by the Commission's determination include:

- (a) **Water Supply:** Watkins's domestic water supply depends on Public Water Supply District No. 1 of Buchanan County ("PWSD #1"), the same water district that has notified Evergy it cannot supply water for the proposed Facility. PWSD #1 has a system capacity of only 10–15 gallons per minute ("GPM"), whereas a 710 MW CCGT facility typically requires 100–500 GPM or more. The construction and operation of the Facility—including the co-located Buchanan Bluffs Unit 1 for Evergy Kansas Central—poses a direct threat to the adequacy and reliability of Watkins's own residential water supply. Additionally, if PWSD #1 is required to undergo a substantial construction project to enable the requested water supply to reach Johnson 1, Watkins water rates will invariably rise due in part to fund the construction of the addition to PWSD #1.
- (b) **Safety Risks and Industrial Anomalies:** Watkins's property close proximity to the proposed plant sets him apart from the general public. Watkins' residence is in

close proximity will experience routine industrial impacts including air emissions, noise, traffic, lighting, and cooling-tower operations, as well as potential risks from gas leaks, fires, high-pressure steam, electrical equipment, chemical systems, severe weather, and emergency operations.

- (c) Property Value: The construction and operation of a 710 MW gas turbine facility in the immediate vicinity of Watkins's property will directly and adversely affect the value of his real property—an impact not shared by the general ratepaying public.
- (d) Quality of Life and Health: Watkins and his family will be directly exposed to air emissions, noise, light pollution, and increased traffic from construction and operation of the Facility, given their residential proximity to the proposed site. The proposed facility will drastically alter Watkins' quiet enjoyment of his property.

B. Watkins's Participation Will Assist the Commission.

Watkins will bring to this proceeding first-hand, site-specific evidence that no other party can provide. Watkins has provided this Commission with knowledge of the local water supply conditions, and the impact of Evergy's water demands on existing customers in his initial application. Watkins past communications with PWSD #1 and related documentation—including the District's formal refusal to supply water to Evergy—are directly relevant to the Commission's determination of whether the proposed Facility is "necessary or convenient for the public service" under Missouri statutes. Evergy's opposition of Watkins would have a twofold effect: a) remove a landowner in close proximity who has legal training and will understand how to oppose Evergy's efforts legally in manner that is different from the lay person property owner and b) would remove exhibits attached to Watkins' application that 1) confirm PWSD #1 has placed Evergy on notice that the site selected will not have the requested water available with the current water infrastructure and 2) set forth possible USDA loan constraints on the water district.

C. Watkins's Interests Are Not Adequately Represented by Existing Parties.

Evergy argues that OPC and Commission Staff adequately represent all intervenors' interests. This argument fundamentally misapprehends the role of OPC and the nature of Watkins's interests. OPC is charged with representing the interests of ratepayers as a class—i.e., the general public interest in just and reasonable rates. OPC does not represent, and has no mandate to represent, the particularized interests of individual landowners who face site-specific threats to their water supply, property values, and quality of life.

Watkins's water supply concerns, proximity-based health and quality-of-life impacts, and property value diminution are interests that are personal to Watkins and other nearby landowners. These are not issues that OPC is structured, staffed, or mandated to investigate and present. No existing party to this proceeding will present the testimony and documentary evidence that Watkins is prepared to offer regarding the actual conditions on the ground in the immediate vicinity of the proposed Facility.

IV. EVERGY'S RELIANCE ON THE AMEREN TRANSMISSION CASE IS MISPLACED

Evergy's Opposition relies heavily on the Commission's May 7 Order in Case No. EA-2024-0302, the Ameren transmission-line case involving the Grain Belt Express project. That reliance is misplaced. The Ameren case is factually and legally distinguishable from this proceeding in multiple critical respects:

- (a) Type of Facility: The Ameren case involved a high-voltage electric transmission line that, by its nature, would cross the land of numerous property owners along a linear corridor. The intervention standard in that case was applied to landowners whose property would be directly crossed by the transmission line or who held easements that would be affected. By contrast, this case involves a stationary power generation facility—a 710 MW combined-cycle gas turbine plant on a

fixed, 170-acre site—whose impacts are concentrated on the surrounding area rather than along a linear corridor.

- (b) Nature of Impact: In the Ameren transmission case, the Commission distinguished between “affected landowners” (those whose property would be physically crossed by the line) and neighbors whose concerns were more general. The impacts of a 710 MW gas turbine facility—including massive water consumption, continuous air emissions, multiple forms of pollution to the surrounding area, round-the-clock noise, invasive lights, and the physical presence of an industrial-scale facility in a rural residential area—are fundamentally different from the impacts of a transmission line. The Facility’s impacts radiate outward from the site and directly affect the water supply, air quality, property values, and quality of life of all nearby residents.
- (c) Water Supply: The Ameren transmission-line case presented no issue remotely comparable to the water supply crisis at issue here. In this proceeding, the local water district—PWSD #1—has formally notified Evergy that it cannot provide water for the Facility. PWSD #1’s system capacity of 10–15 GPM is orders of magnitude below the 100–500 GPM or more required by a 710 MW CCGT facility. This water supply deficiency directly threatens the domestic water supply of every customer served by PWSD #1, including Watkins. No such infrastructure-level impact existed in the Ameren case.
- (d) Shared Infrastructure: Evergy’s own testimony confirms that the Buchanan Bluffs Unit 2 will share “water supply and water treatment infrastructure” with the co-located Buchanan Bluffs Unit 1 being developed by Evergy Kansas Central. Direct Testimony of J. Kyle Olson, p. 14, ll. 15–17. The combined water demands of the two units sharing a single water supply system compound the threat to local water resources—a factor with no analog in the Ameren transmission case.

V. EVERGY’S SPECIFIC ARGUMENTS REGARDING WATKINS ARE WITHOUT MERIT

In Section III.B, paragraph 9 of its Opposition, Evergy advances several specific arguments for denying Watkins’s intervention. Each is addressed in turn.

A. “No Parcel Identified.” Evergy argues that Watkins “does not identify his parcel.” Opposition at ¶ 9. This is incorrect. Watkins’s signature block lists his home address of 11100 State Route E, Agency, Missouri 64401.” This is the same State Route E on which Evergy’s chosen site is located. Watkins provided his address, and described his proximity to the site in his application, nothing more is required. Evergy cites no rule or precedent requiring an intervenor

to provide a legal description or assessor's parcel number in an application to intervene.

Commission Rule 20 CSR 4240-2.075 contains no such requirement.

B. “No Easement, No Facility on Land.” Evergy argues that Watkins “alleges no easement and no project facility on or crossing his land.” Opposition at ¶ 9. This argument, drawn from the Ameren transmission-line framework, is inapposite. Transmission lines physically cross individual parcels; generation facilities do not. A 710 MW gas turbine plant's impacts are not limited to the footprint of the facility. They include the water demands that threaten the local water supply, the air emissions that degrade air quality in the surrounding area, the noise that pervades the neighborhood, the lighting that will pollute the nighttime sky, and the industrial transformation of what is currently a rural residential area. Evergy's argument really is asking the Commission to find since no physical structure will be built on Watkins' property his application should be disregarded. Such a request asks the Commission to turn a blind eye to all that comes with the physical facility proposed by Evergy. Further to the extent that a physical crossing may be required, Evergy cannot provide evidence that Watkins' property will not be the subject of emissions through the air and/or water supply that cross or remain on his property.

C. “Concerns Are General Public's.” Evergy asserts that Watkins's concerns “are the general public's, which OPC represents.” Opposition at ¶ 9. This sweeping claim conflates the general rate paying public's interest in just and reasonable rates with the particularized interests of a landowner whose domestic water supply, property value, and day-to-day quality of life are directly at stake. OPC represents ratepayers. Watkins is a neighbor. These are categorically different interests. OPC has no mandate, no resources, and no institutional capacity to investigate the specific conditions of PWSD #1's water system, or to testify about the lived experience of residing adjacent to a proposed industrial facility and its affect on his family or property value.

D. “Watkins Has Not Shown OPC Cannot Represent His Interests.” Everygy argues that Watkins has failed to demonstrate that OPC and Staff cannot adequately represent his interests. But Watkins’s water supply evidence—including his direct communications with PWSD #1, the District’s formal refusal to supply water to Everygy, the District’s board meeting minutes, and the USDA loan restrictions that constrain Watkins’s water alternatives—constitutes testimony and documentary evidence uniquely within Watkins’s possession. Neither OPC nor Staff has access to this evidence, has any obligation to develop it, or has any institutional interest in presenting the perspective of individual landowners facing site-specific impacts.

VII. INTERVENTION SERVES THE PUBLIC INTEREST

Everygy argues that permitting intervention would “significantly increase the administrative burdens” of this proceeding and “encumber the procedural schedule.” Opposition at ¶ 24. This argument elevates Everygy’s desire for an expedited, unchallenged proceeding over the Commission’s obligation to make a fully informed determination of whether the proposed Facility is “necessary or convenient for the public service.” Moreover, as an officer of the courts of Missouri, Watkins has knowledge of judicial and administrative proceedings further decreasing the likelihood of encumbering the procedural schedule. Moreover, as an attorney with over 15 years of complex legal experience, Watkins will bring a perspective and legal strategy that is separate from OPC.

The issues Watkins intends to raise—water supply adequacy, site suitability, residential proximity impacts, and the validity of the siting study—are squarely within the scope of the Commission’s CCN determination. These are issues the Commission must consider regardless of

whether Watkins is permitted to intervene. Watkins's participation will assist the Commission by providing first-hand evidence and a perspective that no other party is positioned to offer.

Evergy argues that nearby residents may present their concerns at a local public hearing or submit written comments. Opposition at ¶ 25. While that may be true those same residents will not be allowed to participate in discovery, question witnesses, and provide legal arguments that may affect this Commission's decision. Evergy acknowledges that its own proposed procedural schedule includes a local public hearing on November 16 in Buchanan County, and requests that the Commission's report and order be effective no later than May 8, 2027. Opposition at ¶ 24, n.70. Public hearing testimony and written comments, while valuable, do not carry the same evidentiary weight as testimony subject to cross-examination, do not provide the intervenor with discovery rights to obtain information from Evergy, and do not afford the community any ability to challenge Evergy's evidence or present rebuttal testimony. Relegating Watkins to the public hearing would effectively deny him any meaningful opportunity to participate in the proceeding that will determine the future of his community. Such a denial is a denial of due process rights that are inherent to each property owner affected by Evergy's request. Further participation in a public hearing is a far cry from actual participation in the discovery process for a party whose family and property will be drastically affected by this Commission's decision.

Evergy's claim that intervention would cause delay is undermined by its own conduct. Evergy's Opposition was filed September 21, 2026—only 21 days after its August 31, 2026 application—and no procedural schedule has yet been established. Watkins's intervention, at this early stage, will not delay any proceeding or disrupt any schedule. To the contrary, excluding Watkins and other nearby landowners at this stage would deprive the Commission of critical

evidence at the outset and risk the need for later proceedings to address the very concerns that Watkins seeks to raise now.

VIII. CONCLUSION AND PRAYER FOR RELIEF

Evergy's Opposition asks this Commission to shut the door on the landowners and residents who will bear the most direct and concentrated impacts of the proposed Buchanan Bluffs Unit 2. Watkins has demonstrated that he satisfies each of the requirements for intervention under 20 CSR 4240-2.075. Watkins has a direct, particularized interest in this proceeding; his participation will assist the Commission; and his interests cannot be adequately represented by OPC, Staff, or any other existing party.

WHEREFORE, Jayson A. Watkins respectfully requests that the Commission:

- (a) Deny Evergy's Opposition to Watkins's Application to Intervene;
- (b) Grant Watkins's Application to Intervene and permit Watkins to participate as a full party in this proceeding, with all rights attendant thereto, including the right to present testimony and other evidence, conduct cross-examination of witnesses, propound discovery, file pleadings and briefs, and participate in all hearings and conferences;
- (c) In the alternative, if the Commission determines that full intervention is not appropriate, grant Watkins limited intervention pursuant to 20 CSR 4240-2.075(4) on the issues of water supply adequacy, site suitability, residential proximity impacts, and the validity of the siting study; and
- (d) Grant such other and further relief as the Commission deems just and reasonable.

Respectfully submitted,

/s/ Jayson A. Watkins

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that true and correct copies of the foregoing Response of Jayson A. Watkins to Every's Opposition to Applications to Intervene have been served by electronic mail to all parties on the official service list of record in Case No. EA-2026-0343, this 24 day of September, 2026.

/s/ Jayson A. Watkins

Jayson A. Watkins MO