

**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    | ) | Case No. EA-2026-0343 |
| For Permission and Approval of Certificates of    | ) |                       |
| Convenience and Necessity Authorizing them to     | ) |                       |
| Construct, Install, Own, Operate, Manage,         | ) |                       |
| Maintain, and Control Natural Gas and Solar       | ) |                       |
| Electrical Production Facilities and a Battery    | ) |                       |
| Energy Storage System                             | ) |                       |

**RESPONSE OF KATHLEEN WATKINS TO EVERGY'S OPPOSITION TO  
APPLICATIONS TO INTERVENE**

COMES NOW Kathleen Watkins (“Kathleen Watkins” or “Intervenor”), and respectfully submits this Response to Evergy Metro, Inc. d/b/a Evergy Missouri Metro and Evergy Missouri West, Inc. d/b/a Evergy Missouri West’s (“Evergy”) September 21, 2026 Opposition to Applications to Intervene. Evergy’s arguments concerning Kathleen Watkins should be rejected because her application satisfies the Commission’s intervention rule and identifies a concrete, property-specific interest that is materially different from that of the general public.

**INTRODUCTION**

Evergy’s own Opposition establishes the factual basis for intervention. Evergy acknowledges that Kathleen Watkins owns and resides at 10950 State Route E, immediately adjacent to or in the immediate vicinity of the proposed Buchanan Bluffs Energy Center Unit 2 site, and that she has identified concerns involving noise, construction, traffic, lighting, visual impacts, air quality, safety, emergency response, and property value. Those are not abstract concerns of a distant ratepayer or the general public. These are the concerns of a property owner whose home is located directly across

the road from two possible 710 megawatt turbines and a facility that will cause air. Light and noise pollution directly across from her home.

### **LEGAL STANDARD FOR INTERVENTION**

The Commission's governing intervention rule is 20 CSR 4240-2.075. Under subsection (3)(A), the Commission may grant intervention when the proposed intervenor has an interest different from that of the general public that may be adversely affected by a final order. Subsection (3)(B) provides an independent basis when intervention would serve the public interest. The rule also permits the Commission to limit an intervention to particular issues or interests. 20 CSR 4240-2.075(3), (9).

### **ALL REQUIREMENTS FOR INTERVENTION SET FORTH BY 20 CSR**

#### **4240-2.075(3)(A) ARE SATISFIED**

Kathleen Watkins satisfies subsection (3)(A). She is a homeowner and resident located immediately adjacent to the proposed project. Her interests are therefore tied to a specifically identified residence and property that will be located next to the proposed generating facility if the CCN is granted and the project is constructed. Her interests include the use and enjoyment of her home, residential environmental conditions, noise and lighting, traffic and construction impacts, emergency response, air-quality conditions, safety considerations, health conditions and the potential effect of the industrial facility on the character and value of her property.

The fact that other persons may experience some of the same categories of impact does not convert a particularized property interest into a generalized public interest. A resident whose home is immediately adjacent to a proposed 1420-MW generating facility

necessarily has a different relationship to the proposed project than a member of the general public who lives elsewhere and is not subject to the same site-specific conditions.

Evergy's contention that Kathleen Watkins has no interest because no project easement or facility is proposed to physically cross her property is not the standard and should not control. The proposed project is a stationary generating facility, not a linear transmission corridor like the case Evergy asks this Commission to follow. The absence of an easement may establish that Evergy does not presently propose to physically occupy her parcel; it does not establish that her property cannot be adversely affected by the operation of a major generating facility immediately adjacent to her home. The relevant language of 20 CSR 4240-2.075(3)(A) asks whether her interest is different from the general public and may be adversely affected by a final order. It does not impose a requirement that the proposed facility physically cross the intervenor's property.

Evergy's reliance on the Commission's intervention rulings in Case No. EA-2024-0302 should likewise be evaluated in light of the materially different nature of the projects involved. Those proceedings concerned a proposed transmission corridor and property interests associated with the routing and physical crossing of a linear facility. Here, the Commission is considering a fixed, industrial-scale generating facility whose byproducts will include noise pollution, air emissions, lighting pollution, traffic, construction activity, visual impacts, emergency-response considerations, negative effects on her property value, possible health effects, and water and other infrastructure demands.

The Commission should also reject the suggestion that the Office of the Public Counsel ("OPC") eliminates the need for intervention by nearby homeowners. OPC's

statutory role in representing the interests of utility consumers does not make the property-specific interests of an immediately adjacent homeowner identical to the interests of the general ratepaying public. Kathleen Watkins seeks to participate because the Commission's decision will determine whether and under what conditions an industrial generating facility may be constructed immediately adjacent to her home. Her interest is inherently site-specific.

Kathleen Watkins's participation would assist the Commission. Her residence provides a concrete perspective concerning the residential setting in which the proposed facility would operate. As an intervenor, she can obtain and evaluate evidence concerning residential proximity, noise and lighting, construction impacts, traffic, emergency response, air-quality considerations, water and infrastructure, and proposed mitigation. These subjects are directly related to the Commission's evaluation of the proposed CCN and the suitability of the proposed Johnson 1 site.

The intervention rule does not require Kathleen Watkins to prove at the intervention stage that she ultimately will prevail on any particular factual or technical issue. The question is whether she has an interest different from the general public that may be adversely affected by the final order. The Commission can address the merits after the parties have developed an evidentiary record. Denying intervention at the threshold would prevent an immediately adjacent homeowner from developing a record concerning the very site-specific effects that distinguish her interest from that of the public generally.

Nor should intervention be denied because other nearby residents or organizations may also participate. The Commission's intervention rule does not require an applicant to prove that no other party shares any aspect of the applicant's interest. Missouri appellate

authority interpreting 20 CSR 4240-2.075 has recognized that the Commission's rule turns on whether the proposed intervenor has an interest different from the general public or whether intervention serves the public interest.

At a minimum, if the Commission determines that full participation should be limited, the Commission has express authority under 20 CSR 4240-2.075(9) to limit intervention to particular issues or interests. Kathleen Watkins should therefore be permitted to participate at least on issues concerning residential proximity, noise, lighting, construction and traffic impacts, safety and emergency response, air-quality impacts, water and infrastructure, property-specific impacts, and the adequacy of mitigation measures applicable to nearby residences.

Kathleen Watkins's application was timely filed. The Commission's rule requires intervention applications to be filed within thirty days after the Commission's notice order unless otherwise ordered, and the Commission established September 17, 2026 as the intervention deadline in this proceeding. Kathleen Watkins timely sought intervention within that deadline.

**WHEREFORE,** Kathleen Watkins respectfully requests that the Missouri Public Service Commission: (1) deny Evergy's request to exclude or deny her Application to Intervene; (2) grant Kathleen Watkins full party status pursuant to 20 CSR 4240-2.075; (3) permit her to conduct discovery, present evidence and testimony, cross-examine witnesses, file pleadings and briefs, and participate in hearings and conferences consistent with the Commission's procedural schedule; (4) in the alternative, if the Commission determines that full intervention is not appropriate, grant limited intervention pursuant to 20 CSR 4240-2.075(9) concerning residential proximity, noise,

lighting, construction and traffic, safety and emergency response, air quality, water and infrastructure, property-specific impacts, and mitigation; and (5) grant such other and further relief as the Commission deems just and reasonable.

Respectfully submitted,

/s/Kathleen Watkins

Kathleen Watkins

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**CERTIFICATE OF SERVICE**

The undersigned certifies that a true and correct copy of the foregoing Response of Kathleen Watkins to Evergy's Opposition to Applications to Intervene was served by electronic mail upon all parties on the official service list in Case No. EA-2026-0343 on this 27th day of September, 2026.

/s/Kathleen Watkins

Kathleen Watkins