

**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.)**

REPLY IN SUPPORT OF APPLICATION TO INTERVENE OUT OF TIME

COMES NOW Charles Jason Brown ("Intervenor or Movant"), and replies to the Opposition of Evergy Missouri Metro and Evergy Missouri West (collectively, "Evergy") to Movant's Application to Intervene. As Evergy's opposition notes, Movant expressly sought leave to file out of time and included the definitive acceptance-of-record statement required by 20 CSR 4240-2.075(10). Movant has demonstrated good cause for the brief delay: he did not receive actual notice before the deadline, learned of it on September 18, 2026, and filed on the next business day, September 21. Movant has also identified property, business, and residential interests that differ from those of the general public and may be adversely affected by the Commission's decision, satisfying subsection (3)(A). Movant's participation would also independently serve the public interest under subsection (3)(B) by bringing site-specific information and the analytical perspective gained from more than twenty-six years of practicing law to the Commission's consideration of the requested certificates, without reopening the record or delaying the existing schedule. Movant further states:

TIMELINESS AND GOOD CAUSE

1. Movant does not contend that the Commission lacked authority to order an intervention period shorter than thirty days. Rather, Movant seeks discretionary relief under 20 CSR 4240-2.075(10) based on specific facts establishing good cause.
2. Movant did not receive and did not see actual notice of this proceeding or the intervention deadline before it expired. Movant first learned of the deadline from Jayson Watkins on Friday, September 18, 2026—the day after the deadline.
3. Movant filed the next business day, Monday, September 21, 2026. That prompt filing supports good cause because Movant acted as soon as he learned of the deadline, rather than waiting while the case proceeded. Compare [Order Granting Application to Intervene, *In re Spire Missouri Inc.*, Case No. GR-2021-0108 \(Mo. PSC Mar. 3, 2021\)](#) (granting late intervention where the applicant explained lack of notice and a case specific interest) with [Order Denying Intervention, *In re Evergy Missouri West*, Case No. ER-2024-0189 \(Mo. PSC Jan. 15, 2025\)](#) (denying intervention where the proposed intervenor waited approximately forty days after learning of the case and sought intervention nearly ten months after the deadline).
4. The Commission’s Order and Notice established a fifteen-day intervention period rather than the ordinary thirty-day period in Rule 20 CSR 4240-2.075(1). The period included the Labor Day weekend and followed a notice directive addressed to Buchanan and Jasper County commissions and media serving those counties. Movant resides in adjacent Clinton County and owns property in both the Gower area and Buchanan County, but did not receive or see actual notice before the deadline. The Commission has reopened an intervention period when affected landowners did not receive notice and later treated corrected landowner applications as timely. See [Order Setting Intervention Deadline, *In re Ameren Transmission Co. of Illinois*, Case No. EA-2024-0302 \(Mo. PSC Apr. 4, 2025\)](#); [Order Regarding Applications to Intervene, Case No. EA-2024-0302 \(Mo. PSC May 7, 2025\)](#).
5. The Office of Public Counsel independently moved to extend the intervention period and issue new notice, asserting that the shortened period was insufficient and that Evergy did not plead good cause to reduce the ordinary thirty-day intervention period. Movant relies on that filing as corroborative procedural context, not as a claim that the Commission’s notice order was invalid.
6. Evergy asserts that “nothing suggests” Movant lacked notice. But Movant’s filing specifically states that he did not receive notice until he was informed by Jayson Watkins as the source of actual notice on the Friday after the deadline. Evergy offers no contrary evidence addressing Movant’s account. Movant does not claim an entitlement to individual notice; however, the absence of actual notice is relevant to good cause under the shortened intervention period.

- 6A. As Evergy notes, Movant sought leave to file out of time and included the required acceptance-of-record statement. His motion also sets forth good cause: lack of actual notice before the deadline, notice on September 18, and filing on September 21, the next business day. Evergy does not identify evidence contradicting that account or explain how participation subject to the existing record and schedule would prejudice the proceeding. The Commission can decide Movant's motion on its own facts and the present record. With respect to Evergy's request to supplement its opposition if the Commission finds an individual application sufficient, Movant respectfully requests that the Commission deny that request. Evergy had the opportunity to state its reasons fully in its opposition. It chose not to.
7. As Rule 20 CSR 4240-2.075(10) requires, Movant accepts the record established in this case, including the requirements of any orders of the commission, as of the date the motion is filed.

MOVANT HAS A DISTINCT, ADVERSELY AFFECTED INTEREST

8. Evergy's conclusory assertion that Movant is not an affected landowner and has only the concerns of the general public overlooks the interests stated in the Application.
9. Movant is a Clinton County resident in the Gower area; owns nearby farms and other properties; owns a Buchanan County farm property; owns a Gower building from which Movant operates a law firm and leases space to local tenant businesses; and has family, including a minor grandchild, in the local area.
10. Movant's stated interests are not reduced to a generalized objection to the project. They include potential effects on the use and enjoyment of Movant's residential, agricultural, and commercial property interests; business operations and tenants; local water resources and stormwater; air quality and traffic; and the surrounding community in which Movant lives, owns property, and does business.
11. Rule 20 CSR 4240-2.075(3)(A) does not require a proposed intervenor to show that no one else shares any concern. It requires an interest different from the general public that may be adversely affected by the final order. Movant has made that showing. The Commission has recognized that owners whose property may be affected by a utility-certification decision have interests different from the public generally because the decision may affect the use, enjoyment, and value of their property. [Order Granting Applications to Intervene, *Big Island Water & Sewer Co.*, Case No. WA-2006-0480 et al. \(Mo. PSC July 20, 2006\).](#) The Commission has likewise granted individual landowners intervention based on direct project-related property effects even where landowner organizations also participated. [Order Granting Intervention of Joseph and Rose Kroner, *In re Invenergy Transmission LLC*, Case No. EM-2019-0150 \(Mo. PSC Mar. 6, 2019\).](#)

MOVANT'S PARTICIPATION ALSO SERVES THE PUBLIC INTEREST

12. Intervention may also be granted when it serves the public interest. [20 CSR 4240-2.075\(3\)\(B\)](#).
13. Movant is a long-time Gower-area resident and has practiced law for more than twenty-six years. Movant seeks to assist in developing an orderly and complete record on identified issues that bear directly on whether the requested CCNs are necessary or convenient for the public service. Those issues include, but are not necessarily limited to: the cumulative effects of the coordinated Unit 1/Unit 2 development and shared infrastructure; the final water, stormwater, air-permit, and fuel-transportation arrangements; the cost and operational allocation of shared facilities; confidential siting and cost support; the appropriateness of the requested variances and CWIP safeguards; the requested deferral of operations-and-maintenance and outage-restoration plans; the reliability and timing of large-load assumptions; and conditions necessary to protect affected residences, farms, businesses, and communities.
14. These are not collateral issues. They concern the statutory CCN determination and the Commission's authority to impose conditions. [Section 393.170, RSMo](#); [20 CSR 4240-20.045](#).
15. Evergy's reliance on the existence of the Office of Public Counsel and Commission Staff does not eliminate Movant's right to intervention. Neither represents Movant's particular residential, agricultural, property, business, landlord, tenant, and family interests. Nor does their participation foreclose the Commission from receiving a local property owner's evidence and analysis concerning the site-specific effects of the proposed development. The Commission has granted intervention when a localized property interest and the proposed intervenor's information would both aid the public interest. [Order Granting Intervention, *Staff v. Box Canyon Watershed Association*, File No. SC-2010-0161 \(Mo. PSC Feb. 2, 2010\)](#).
16. Movant's intervention will not require the Commission to decide the merits now. Movant seeks only leave to participate, subject to the existing record, schedule, Commission rules, confidentiality procedures, and any issue limitations the Commission finds appropriate.

CONCLUSION

Movant's Application should be accepted. Movant acted promptly after actual notice, supplied the required acceptance-of-record statement, identified specific interests that may be adversely affected, and demonstrated that Movant's participation will serve the public interest. Evergy identifies no actual prejudice from intervention on these terms.

Respectfully submitted,

/s/ Charles Jason Brown

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CERTIFICATE OF SERVICE

The undersigned certifies that on September 28, 2026, the foregoing was filed through the Missouri Public Service Commission's Electronic Filing and Information System, which provides notice and service to parties and representatives of record as provided by the Commission's procedures.

/s/ Charles Jason Brown

Charles Jason Brown