

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

Denise Wray Allegri,	)	
	)	
Complainant,	)	
v.	)	File No. EC-2027-0056
	)	
Evergy Missouri West, Inc. d/b/a Evergy	)	
Missouri West	)	
	)	
Respondent.	)	

**RESPONSE, MOTION TO COMPEL DISCOVERY and
FOR A SHOW CAUSE ORDER**

COMES NOW Denise Wray Allegri (“Complainant”), and in response to Evergy Missouri West's ("Evergy") *Objection to Data Requests* ("DR") dated September 29, 2026, filed by the Missouri Public Service Commission ("Commission" or "PSC") on September 21, 2026, files this *Response, Motion to Compel Discovery and For a Show Cause Order* (collectively, "Motion"), and in support thereof states as follows:

1. Complainant objects to Evergy's *Extension Request* dated September 29, 2026 to the PSC's DR #2 requesting specific, detailed explanations regarding the Fayetteville transmission line project, including maps, easements, purpose of revised easement widths and the status of the easement acquisitions, as well as all documentation in regard to the design of the Fayetteville Project as it is updated. Evergy's response is due by October 11, 2026.

2. Evergy's objection to DR #2 requests an extension "due to the influx of requests asking for this type of information" and stating, "Evergy will need to hire an outside firm to perform the work." This extension request is merely a stall tactic. Evergy should already have this information readily available, as it has begun the construction process as well as the

acquisition process with some of the impacted landowners dating back to 2024 (said acquisitions being based upon false and misleading 2023 discussions with landowners). Without specific, detailed maps, easement widths and completed engineering plans, Evergy cannot provide statutory requirements for meeting PSC orders or NESC requirements, much less eminent domain evidence of public need for any easements outside of the MoDOT-provided utility corridor. Complainant maintains that Evergy's attempt to obtain excessive easement widths is a business desire, not a public need. The PSC is requested to deny Evergy's extension request, or at the very least approve an extension ONLY if all progress on the rebuild and related acquisitions is put on-hold until an evidentiary hearing is held and orders made by the PSC.

3. On September 29, 2026, Evergy sent a letter objecting to the PSC's DR #7 and DR #10, stating the requests were "vague, overly broad, unduly burdensome, ambiguous, calls for speculation, not reasonably calculated to lead to the discovery of admissible evidence, and not relevant or material to the subject matter of this proceeding."

4. DR #7 by the PSC requests the identification of which facilities MO-DOT has identified as needing to be relocated as a result of MO-DOT's proposed Hwy 13 improvement Project; the reasons Evergy cannot remain within the highway right-of-way identified by MO-DOT; why it claims a necessity to obtain additional private property; and why it is not considering maintaining the existing line route.

5. The PSC's DR #10 requests Evergy to provide all copies, transcripts, etc. of all Evergy correspondence/communications, including any text messages, between Evergy and Complainants. Evergy's response was that the PSC was asking it "to speculate who the request is talking about." It went on to state, "There is only one Complainant, and the information requested would already be in possession of the requestor."

6. Evergy counsel is obviously aware of the several complaints filed with regard to

the same Evergy project. Mr. and Mrs. Hill have a similar complaint (Case #EC-2026-0350), as do several other landowners impacted by Evergy's transmission line rebuild. For clarification so as to avoid speculation, DR #10 requests copies of correspondence between Evergy and all complainants. However, at the very least, Evergy is requested to provide this information regarding *my* complaint. Further, Evergy counsel's argument that the PSC would be in possession of my email and text messages is ludicrous and not worthy of addressing. The objections are frivolous and simply an attempt to stall progress of discovery.

7. The information being sought will undoubtedly lead to the discovery of relevant evidence, which is why Evergy is resisting providing it; and should not be unduly burdensome because the data should be available in Evergy's completed engineering plan.

8. The requested information also points to the **dollars** Evergy pays for an easement, which directly affects me and all Evergy customers for **cost of service as ratepayers**. The PSC is reminded that 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** (most of whom are not Evergy customers), rather than its limited number of ratepayers. ***This is not a public need, it is a private business move.***

9. 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.

10. The potential violations already found in the PSC Staff's investigation into the same transmission line rebuild are still applicable and still need to be addressed. 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]

11. 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 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 this discovery in a timely manner.

12. The issues regarding my complaint 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.

13. 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, filed on EFIS the 1st of each month, in order to keep all parties apprised of the status. A completed and final engineering plan must be made available to all parties to determine the specific public needs. This is not a burden, as Evergy has done this before.

14. 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.

15. 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. I am a Missouri citizen and landowner, and ratepayer being impacted by this project and the discovery efforts are relevant to my claim and the defenses in my complaint, and are permissible by law.

16. Complainant 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 is, in fact, one of the

very reasons the Missouri Public Service Commission exists. 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.

17. 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 and easement width 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?

18. The PSC should approve this *Motion*, deny Evergy's objections and Order Evergy to SHOW CAUSE why it should not be sanctioned for its pattern of obstructionist behavior, which includes, but is not limited to, the filing of unmerited objection letters that serve no purpose but to impede the discovery process. Approval of this *Motion* would be acting in the interest of all Complainants regarding Evergy's project as well as all Missourians, and such orders will avoid prejudice to the Complainant as the case moves forward.

WHEREFORE, Complainant respectfully requests that the Commission deny Evergy's pending *Objections to Data Requests #2, 7 and 10*, approve this *Motion*, Order Evergy to *Show Cause*, and grant the relief sought herein, including but not limited to:

- a) Order Evergy to Show Cause why it should not be sanctioned for its pattern of obstructionist behavior; and
- b) Order Evergy to promptly provide all answers to the PSC *Data Requests* and to answer any subsequent DRs in a timely manner; and
- c) Order Evergy to assemble all documents that are responsive to said DRs and make them available for examination on EFIS; and
- d) Order Evergy to file on EFIS monthly *Status Reports* with regard to its Fayetteville Transmission Line Upgrade project until completion.

Should the PSC approve Evergy's objections or extension request, or deny any part of this *Motion*, I hereby request that at the very least the PSC approve an extension ONLY

if **all** progress on the acquisitions related to the transmission line rebuild **are put on-hold** until an evidentiary hearing is held and resulting orders made.

Such orders will avoid prejudice to the Complainant as the case moves forward to the point of final discovery and the evidentiary hearing process.

Respectfully submitted,

/s/ Denise Wray Allegri

Denise Wray Allegri, pro se
Complainant



CERTIFICATE OF SERVICE

The foregoing was submitted this 30th day of September, 2026 to all parties via EFIS by:

/s/ Denise Wray Allegri

Denise Wray Allegri