

**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.)	

**THE OFFICE OF THE PUBLIC COUNSEL’S MOTION TO RECONSIDER DENIAL OF
LOCAL RESIDENT INTERVENTION APPLICATIONS**

COMES NOW the Office of the Public Counsel (“OPC” or “Public Counsel”) and for its *Motion to Reconsider Denial of Local Resident Intervention Applications*, pursuant to 20 CSR 4240-2.160, states as follows:

RELEVANT FACTS

1. On September 2, 2026, the Public Service Commission (“Commission”) issued an *Order and Notice* stating, “Applications to intervene shall be filed no later than September 17, 2026.”¹
2. On or before September 17, 2026, sixteen (16) prospective parties applied to intervene in this case.
3. From September 18, 2026, to September 25, 2026, thirteen (13) additional parties applied to intervene out of time in this case.

¹ *Order and Notice*, p. 2 ¶ 3, Case No. EA-2026-0343, EFIS Item No. 12 (Sept. 2, 2026).

4. On September 21, 2026, Evergy Missouri Metro and Evergy Missouri West² made two (2) filings in opposition to every application to intervene local residents filed.³

5. In its *Opposition to Certain Timely Applications to Intervene*, Evergy inappropriately imputed the Office of the Public Counsel with representing both the general public and the local residents in this case.⁴

6. On September 24, 2026, the OPC filed its *Reply*, pointing out the various reasons that the OPC cannot adequately represent both the general public and the local residents in this proceeding.⁵

7. On September 29, 2026, the Commission issued its *Order Regarding Requests and Order Regarding OPC's Motion for Supplemental Notice* ("Order"), which granted Renew Missouri's application, but denied all twenty-nine (29) local resident requests to intervene, in part, by noting that the "OPC will represent the residential applicants' interests, along with the interests of other ratepayers and, absent a showing to the contrary from those residential applications seeking to intervene, such representation is sufficient." ⁶

² Referred to, together, as "Evergy."

³ *Opposition of Evergy Missouri Metro and Evergy Missouri West to Certain Timely Applications to Intervene*, Case No. EA-2026-0343, EFIS Item No. 42 (Sept. 21, 2026); *Opposition of Evergy Missouri Metro and Evergy Missouri West to Late-Filed Applications to Intervene*, Case No. EA-2026-0343, EFIS Item No. 45 (Sept. 21, 2026).

⁴ *Opposition of Evergy Missouri Metro and Evergy Missouri West to Certain Timely Applications to Intervene* at pp. 11 & 12 ¶ 23.

⁵ *The Office of the Public Counsel's Reply to the Company's Opposition to Intervention Requests and Motions*, at § B2, Case No. EA-2026-0343, EFIS Item No. 54 (Sept. 24, 2026).

⁶ *Order Regarding Requests and Order Regarding OPC's Motion for Supplemental Notice*, pp. 2 & 3, Case No. EA-2025-0343, EFIS Item No. 60 (Sept. 29, 2026).

I. THE OPC CANNOT ADEQUATELY REPRESENT BOTH THE LOCAL RESIDENTS & THE GENERAL PUBLIC IN THIS CASE.

8. Section 386.710(3), RSMo states, in relevant part:

“[The public counsel] shall consider in exercising his discretion the importance and the extent of the public interest involved and whether that interest would be adequately represented without the action of his office. If the public counsel determines that there are conflicting public interests involved in a particular matter, *he may choose* to represent one such interest based upon the considerations of this section[.]”(emphasis added).

9. As stated in its response to Evergy’s opposition,⁷ the OPC believes that both ethical and legal obligations prevent it from being able to adequately and zealously represent the interests of both the local residents and the general public in this proceeding. The OPC considers all interests in the positions it takes—local residents, utility customers, the utilities, themselves. However, the OPC cannot be the representative of a party when that party specifically asserts otherwise, as several local residents⁸ have done in this case. The individuals in the area surrounding the proposed plant in Buchanan County may be impacted in a way that greatly differs from Evergy customers, generally.

10. In this case, the OPC may conclude that signing onto or not opposing a Stipulation and Agreement is in the public interest, without addressing the local resident’s concerns. Local residents may strongly oppose the settlement. In fact,

⁷ *The Office Of the Public Counsel’s Reply to the Company’s Opposition to Intervention Requests and Motions*, § 2 pp. 7 & 8, Case No. EA-2026-0343, EFIS Item No. 54 (Sept. 24, 2026).

⁸ *Response of Thalia Alicia Insko to Evergy Missouri Metro and Evergy Missouri West’s Opposition to Motion to Intervene*, p. 1 ¶ 5, Case No. EA-2026-0343, EFIS Item No. 50 (Sept. 23, 2026), *Response of Lee and Runae Rhode to Evergy’s Opposition to Application to intervene*, p. 1 ¶ 5, Case No. EA-2026-0343, EFIS Item No. 52 (Sept. 23, 2026); *Response of Tom and Annie Rhoad to Evergy’s Opposition to Application to Intervene*, p. 1 ¶ 5, Case No. EA-2026-0343, EFIS Item No. 53 (Sept. 24, 2026); *Response of Kathleen Watkins to Evergy’s Opposition to Applications to Intervene*, p. 3, Case No. EA-2026-0343, EFIS No. 58 (Sept. 27, 2026).

Evergy, itself, highlights that exact concern, stating “if permitted to intervene, a party who timely objects to a proposed stipulation will be able to litigate every issue in this case because “no party shall be bound by” by the stipulation and “[a]ll issues shall remain for determination after hearing.”⁹ In that instance, the interests that the Commission asserts the OPC is expected to represent stand in direct contrast. No matter what the OPC did, it would fail to adequately represent at least one interest.

11. A single intervenor having the ability to compel the Commission to hold an evidentiary hearing is not in-and-of-itself a negative. Rather, that ability represents the established process for ensuring due process rights are protected for all.

II. THE COMMISSION’S ALTERNATIVES DO NOT ADEQUATELY PROTECT THE LOCAL RESIDENT INTERESTS.

12. Both Evergy¹⁰ and the Commission¹¹ suggest the local residents submit comments, testify at a possible local public hearing (“LPH”), or file an *amicus curiae* brief under 20 CSR 4240-2.075(11). In citing the 400+ public comments submitted for this case,¹² the Commission demonstrates that public engagement is high. Intervening as a party provides the potential to impact the outcome of the case in a way that being one of over 400 comments does not provide. The local residents can better understand the intricacies of this CCN by engaging in discovery. Furthermore, the local residents can protect their own interests presenting testimony, cross-

⁹ *Opposition of Evergy Missouri Metro and Evergy Missouri West to Certain Timely Applications to Intervene* at p. 12 ¶ 24.

¹⁰ *Opposition of Evergy Missouri Metro and Evergy Missouri West to Certain Timely Applications to Intervene* at p. 13 ¶ 25.

¹¹ *Order Regarding Requests and Order Regarding OPC’s Motion for Supplemental Notice* at p. 3.

¹² *Id.*

examining witnesses, and negotiating favorable conditions - something not available to non-parties that are merely submitting comments or filing an *amicus* brief.

13. Twenty-nine (29) local residents took the time and effort to file applications to intervene expressing opinions that the Commission recognized as “well-articulated” and “strong.”¹³ The filings express far more understanding of the area where Evergy is seeking to build the subject natural gas plant and can provide a unique perspective not otherwise provided by any other party.

14. It is, therefore, in the local public’s interest to permit these intervention applicants to intervene in this case.

III. UTILIZING OPC INVOLVEMENT TO JUSTIFY DENYING APPLICANTS’ INTERVENTION DIRECTLY CONTRAVENES SECTION 386.710(3), RSMo.

15. Section 386.710(3), RSMo states, in relevant part “Nothing in this section shall be construed to limit the right of any person . . . to petition or make complaint to the commission *or otherwise intervene* in proceedings or other matters before the commission.” (emphasis added).

16. Both Evergy¹⁴ and the Commission¹⁵ specifically cite Section 386.710, RSMo, to support denying the local resident applications to intervene.

17. The Commission should not rely upon the OPC’s participation in the case as reason to “limit the right of any person to...intervene in proceedings or other matters before the commission.”

¹³ Id. at p. 2.

¹⁴ *Opposition of Evergy Missouri Metro and Evergy Missouri West to Certain Timely Applications to Intervene* at p. 3 ¶ 4.

¹⁵ *Order Regarding Requests and Order Regarding OPC’s Motion for Supplemental Notice* at pp. 2 & 3.

18. The Missouri Legislature's inclusion of that sentence in Section 386.710(3), RSMo shows that it anticipated that the creation of the OPC may become a tool that utilities could use to limit intervention rights. With that concern in mind, the legislature made sure to negate that notion. The OPC was created to give voice to a public that is otherwise not participating in a case, not to limit the ability of a willing participant from representing their specific interests.

19. The OPC further asks the Commission to reconsider its order considering its long-held practice of allowing interventions by individuals that have an interest in the case. There is nothing specific to the facts of this case that warrant a departure from that practice.

WHEREFORE, the OPC respectfully requests the Commission reconsider its order denying twenty-nine (29) of the thirty (30) *Applications to Intervene*.

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CERTIFICATE OF SERVICE

I hereby certify that copies of the forgoing have been mailed, emailed, or hand-delivered to all counsel of record this ninth day of October, 2026.

/s/ Anna Martin