

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

Timothy Patrick Allegri,	)	
	)	
Complainant,	)	File No. EC-2027-0058
	)	
Evergy Missouri West, Inc., d/b/a)	)	
Evergy Missouri West,	)	
	)	
Respondent.	)	

**RESPONSE TO STAFF RESPONSE IN SUPPORT OF
EVERGY MISSOURI WEST'S MOTION TO DISMISS**

COMES NOW Timothy Patrick Allegri ("Complainant"), and hereby submits this *Response* ("Response") to *Staff's Response* ("Staff's Response") in Support of *Evergy Missouri West's* ("Evergy") *Motion to Dismiss* ("Motion") filed October 13, 2026 and, in support of my *Response* to the Missouri Public Service Commission, state as follows:

1. With regard to Items #12 and #13 to *Staff's Response*, CCN 9470 Ordered Paragraph Two does, in fact, specify that "electric transmission and power lines and all equipment connected therewith shall be constructed so as to conform to the **specific** rules and regulations contained in the National Electrical Safety Code ..." [**emphasis added**]

Specific rules are **specific** for a reason. The word 'specific' in legal contexts, refers to something particular, clearly defined, or explicitly named. It designates a precise item, duty, or action, often distinguishing it from a general class or obligation. Staff contends that this **specific order** does not bar a utility from going *beyond* National Electrical Safety Code ("NESC") standards. What distance has the Staff determined is excessive? Do they know the answer to that? Also, what bars a utility from *falling short* of the NESC standards as well? The Staff has apparently claimed authority to redefine Commission orders. Has Staff considered the possibility of exceeding (or falling short of) safety standards could result in unsafe performance or possibly even the violation of **another** CCN Order or PSC rule or

statute? For instance, if specific line clearances are provided by the NESC and those line clearances are exceeded which then would create the illusion of a "need" for taking additional land outside of the provided utility corridor, this harms Missourians. **How?** Evergy's Engineering personnel answered it this way, in a January 5, 2024 response to a *Data Request*:

"When transmission facilities are located within the 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."

In other words, if Evergy obtains a private easement, outside of the MoDOT ROW, by design it passes 100% of future costs in pole movement/replacement on to all Missouri taxpayers (the majority of whom are not Evergy customers), rather than its limited number of ratepayers. This is not a public need, it is a strategic **private business move**. Ironically, all in the name of "safety." As of CY 2022, of the 2.9 million Missouri households which use electricity, only 22.24 percent of those households are Evergy customers. In this scenario, the dismissive approach of the Missouri Public Service Commission ultimately benefits Evergy investors while ultimately harming 77.76 percent of **all** Missouri taxpayers.

Under the guise of safety, Evergy creates **an illusion of need** to exceed NESC requirements and take private land by claiming line clearances which exceed industry standards, only to set lines outside of the MoDOT right-of-way / utility corridor in order to pass future highway expansion costs wholly upon the state of Missouri instead of its small number of ratepayers. Evergy claims a new safety need but fails to provide the evidence. Is this safety need Evergy's admittance that all the *current* poles and equipment along the highway are unsafe?

Industry experts provide safety standards by bringing together proven knowledge and insight in order to offer a safe and effective way of performance, which also helps

companies save time and reduce costs. While Evergy may be an industry expert in transmission lines, the various subcommittees composed of industry representatives, with oversight by **the Institute of Electrical and Electronics Engineers (IEEE) who write the NESC are the industry experts on safety, not Evergy and certainly not the PSC or its Staff.**

2. With regard to Item #14 to *Staff's Response*, as stated in Paragraph #1 above, public need versus Evergy need is the big question. Perhaps Staff should think outside of the box to see the bigger picture the many complainants are trying to paint for them, and the Commissioners should ask why Staff is so unwilling to recommend an evidentiary hearing? Why does Staff (as well as Evergy) keep pointing to eminent domain proceedings in the circuit court judicial system instead of the PSC claiming authority that Missourians gave it under RSMo. Chapter 386? Commissioners, are you aware of this and related complaints? Has anyone at the PSC contacted any Complainant? Commissioners, are you willing to be held accountable to the numerous Missourians who have brought to your attention possible violations of a utility under your authority and hold an evidentiary hearing to determine the facts?

3. With regard to Items #15 and #16 to *Staff's Response*, Staff does not seem to understand the allegations and reason for the many complaints with regard to the transmission line project (another good reason to schedule and hold an evidentiary hearing so that Complainants all be provided their Constitutional right of due process of law.) The "cost of service" and "rates of EMW" and "rate cases" are of no concern to Complainants, unless and until utilities are allowed to abuse state legislation for corporate gain and pass unnecessary costs to Missourians that should actually be ratepayer costs. The PSC serves Missouri, and is in a position to protect its financial interests. Asking for evidence to be gathered and uncovering the truth in order to make a determination on this argument is not unreasonable and is allowed by law. Slowly, each complaint is being recommended for dismissal. It seems uncovering the truth is being avoided. Is that reasonable and lawful when the PSC is authorized by law to fully retain jurisdiction of the parties and the subject matter?

4. With regard to Item #17 to *Staff's Response*, after the PSC Investigation, the *Report of the Staff* concluded that Evergy "has violated the terms listed in the Ordered Paragraphs concluded in the Commission's Report and Order in Case No. 9470", which in

part states, "the Commission fully retain jurisdiction of the parties and the subject matter of this proceeding, on the evidence now before the Commission, for the purpose of making such further order or orders as may be necessary." It also states, "... failure of the parties to reach such agreement in settlement thereof the matter may be submitted to the Public Service Commission for arbitration and determination as provided for in Section 118 of the Original Act creating the Public Service Commission of this State, now Section 5241 of the Revised Statutes of Missouri for 1929." The CCN order this refers to is also misinterpreted by Staff. "Along" does not mean "upon" in any dictionary. This establishes that the PSC must arbitrate and determine, not simply dismiss and ignore.

5. With regard to Item #18 to *Staff's Response*, claims of "ulterior motives" and land acquisition are most definitely not outside of the Commission's authority to determine. While my argument has consistently been about PSC matters, both Evergy and the PSC assert the complaints are related to Evergy's efforts to secure easements for the transmission line project. To reiterate, easements are an **eminent domain circuit court** issue. The complaints are about abuse of discretion. *Mo. Pub. Serv. Co. v. H & W Inv. Co.*, 602 S.W.2d 41 (Mo. Ct. App. 1980) states, "[T]he determination of need for the land to be condemned is vested in the sound discretion of the utility, and is not subject to judicial review, **unless the protesting landowner alleges and proves that the utility's claim of necessity constitutes fraud, bad faith or an arbitrary or unwanted abuse of discretion.**" [emphasis added] Missourians have given the PSC authority to make determinations about complaints regarding the utilities it governs. It is the job of the PSC to hold the utilities it governs accountable for potential violations of Missouri rules and orders. Unless and until an evidentiary hearing is held regarding the subject transmission line project, the PSC would be neglecting its duty and would be subject to being held accountable to its higher authority.

6. Without being presented the completed and final engineering plan, **none** of the parties, including the PSC, are able to make final determinations whether or not violations are being, or about to be, made. How does the PSC Staff answer to the Commissioners that it recommends dismissing a complaint without **proof** that a violation is NOT being, or about to be, made? All evidence hasn't even been gathered. Instead, Staff is quick to determine that dismissal of complaints is a better answer than seeking to prove the requested relief. Complaints impacted by this project all seek.

7. Complainant is again requesting the PSC to determine:

- 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 or any other facet of a public utility project without first seeking PSC approval;
- whether or not Evergy is adhering to or exceeding NESC standards (per PSC requirements) ;
- whether or not Evergy is adhering to the *Underground Facility Safety and Damage Prevention Act* (RSMo.319.010), which includes adherence to the clearance of private underground lines;
- why Evergy claims any need to go outside of the MoDOT right-of-way ("ROW") when a utility corridor is provided by MoDOT;
- whether or not Evergy is increasing, or plans in the near future (within the next 5-7 years) to increase the subject 69kV line; 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.

8. Finalized engineering plans are a vital piece of evidence for the Complaint, and must be provided for Evergy to prove its argument of "need" for the project, and prior to dismissal of **any** of the related complaints.

9. Another reminder of the duties of the PSC under RSMo. Chapter 386, which allows the PSC jurisdiction to hear this complaint and the numerous other complaints related to this matter. Evergy has not provided the necessary *evidence* that it has complied with all NESC requirements and PSC orders, nor has it provided proof that the transmission line will remain 69Kv, whether or not it has no future plans to increase the voltage, and whether or not any poles being replaced would accommodate an increased voltage, all of which are reasonable requests and should be identified by the PSC prior to the project resuming.

10. Staff's *Motion* is an attempt to avoid discovery and hold a hearing, and disregards the statutory duties of the Commission and the protections it was created to provide Missourians. Staff and Evergy counsel both are reminded of the Missouri Bar's Oath which includes swearing to support the U.S. and Missouri constitutions, maintaining respect for courts and the profession, avoid misleading judges or juries, following professional

conduct rules, and practice law with consideration for the defenseless. Dismissal of my complaint would directly damage me as a ratepayer and Missouri citizen. The absurdity of Evergy and PSC Staff suggesting dismissal before all of the evidence has been gathered, and ignoring the investigation of potential violations and resulting orders *prior to* Evergy seeking **any** amount of a Missouri citizen's property is unconscionable. Staff's support of a dismissal recommendation is premature, and an obvious attempt to avoid a hearing in which the allegations stated throughout the complaint process will be revealed.

WHEREFORE, Complainant objects to PSC Staff's *Motion* and recommendation, and respectfully asks the PSC to order Staff to issue its *Report and Recommendation*, order Staff to continue with the complaint process, and for any further relief the Commission deems appropriate. Such orders will avoid prejudice to the Complainant as the case moves forward.

Respectfully Submitted,

/s/ Timothy P. Allegri

Timothy P. Allegri, Complainant

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CERTIFICATE OF SERVICE

The foregoing was submitted this 14th day of October 2026 to all parties via EFIS by:

/s/ Timothy P. Allegri

Timothy P. Allegri