

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

Larry Deshotels,)	
)	
Complainant,)	
)	
v.)	<u>Case No. EC-2024-0168</u>
)	
Evergy Missouri West, Inc. d/b/a Evergy)	
Missouri West,)	
)	
Respondent.)	

**MOTION FOR EXTENSION AND RESPONSE TO
RESPONDENT'S MOTION TO DISMISS**

COMES NOW the Staff of the Missouri Public Service Commission ("Staff"), by and through the undersigned counsel, and for its *Motion for Extension and Response to Respondent's Motion to Dismiss* respectfully states:

I. MOTION FOR EXTENSION

1. On November 14, 2023, Larry Deshotels ("Complainant") filed a formal complaint ("Complaint") against Evergy Missouri West, Inc. d/b/a Every Missouri West ("Respondent").¹

2. The Commission issued its *Order Giving Notice of Contested Case, Directing Answer and Directing Staff Investigation* on November 15, 2023. The Commission ordered Respondent to file an Answer to the Complaint no later than December 15, 2023, and directed Staff to conduct an investigation of the Complaint and file a report no later than January 10, 2024.

¹ Respondent's Answer, filed on December 15, 2023, asserts that the Complainant is actually served by Evergy Missouri Metro, Inc. d/b/a Evergy Missouri Metro.

3. Staff is still conducting its investigation, and respectfully requests that the Commission grant an extension to file Staff's report through February 28, 2024, per Commission Rule 20 CSR 4240-2.070(15)(D).

II. RESPONSE TO RESPONDENT'S MOTION TO DISMISS

4. In its Answer filed on December 15, 2023, Respondent requested the Commission dismiss this Complaint, citing Respondent's liability rule within its tariff, P.S.C. MO. No. 2, Revised Sheet No. 1.14, § 3.17, as a basis for dismissal.

5. The Office of the Public Counsel ("OPC") filed *Public Counsel's Response to Evergy's Motion to Dismiss* on December 22, 2023, urging the Commission not to grant Respondent's request to dismiss the Complaint on that basis. In its response, OPC highlights the Commission's lack of authority to limit a utility's negligence liability.

6. Staff agrees, and joins OPC in urging the Commission not to dismiss this Complaint based on the liability rule found within Respondent's tariff.

WHEREFORE, Staff prays that the Commission issue an order setting a new deadline for Staff's Investigation Report of February 28, 2024, deny Respondent's motion to dismiss, and such other and further relief as the Commission deems just in these circumstances.

Respectfully Submitted,

/s/ Travis J. Pringle

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed, hand delivered, transmitted by facsimile or electronically mailed to all parties and/or counsel of record on this 8th day of January, 2024.

/s/ Travis J. Pringle