

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

Marquette Lumumba Mugabe Bey,)
)
 Complainant,)
)
 v.)
)
 Evergy Metro, Inc. d/b/a/ Evergy Missouri)
 Metro)
)
 Respondent.)

File No. EC-2024-0289

ORDER TO SHOW CAUSE

Issue Date: July 1, 2024

Effective Date: July 1, 2024

On April 3, 2024, Marquette Lumumba Mugabe Bey (Complainant) filed a formal complaint pursuant to Commission Rule 20 CSR 4240-2.070 against Evergy Metro, Inc. d/b/a Evergy Missouri Metro (Evergy). The complaint alleges Evergy has violated numerous federal laws, primarily in the Uniform Commercial Code.

On April 8, 2024, the Commission issued an order directing an answer. On April 23, 2024, and June 5, 2024, the Complainant filed documents that were not responsive to the Order. The documents that the Complainant filed cited federal laws, federal cases and the Uniform Commercial Code, none of which fall under the jurisdiction of the Commission.

On May 5, 2024, Evergy filed an Answer with a Motion to Dismiss and on June 5, 2024, Evergy filed an additional Motion to Dismiss. On May 23, 2024, Staff filed a Report which said the complaint did not identify any violation of Commission rules but

Staff did note Evergy potentially violated two Commission rules not specifically identified in the Complaint. Staff recommended the complaint before the Commission be dismissed.

The Commission is an administrative body of limited jurisdiction, having only the powers expressly granted by statutes and reasonably incidental thereto.¹ Further, Section 386.390.1, RSMo (Supp. 2023) provides that the Commission shall hear complaints regarding “a violation, of any provision of law, or of any rule or order or decision of the commission.”

Commission Rule 20 CSR 4240-2.070(7) states that the Commission may after notice dismiss a complaint for failure to state a claim on which relief may be granted or for failure to comply with any provision of these rules or an order of the Commission. Commission Rule 20 CSR 4240-2.116(4) states that the Commission may dismiss a case for good cause after a minimum of ten days’ notice to all parties involved.

In this case, the Complainant has not alleged that Evergy violated any law, rule, or order or decision of the Commission. Rather, the Complainant alleges only that Evergy violated several federal laws including the Uniform Commercial Code. Complainant does not allege any facts upon which relief may be granted. The complaint alleges no violation of any statute, rule, regulation, or tariff over which the Commission has jurisdiction. The Commission further finds that because the complaint alleges no claim for which relief may be granted and no violation of any statute, rule, regulation, or tariff over which the Commission has jurisdiction, good cause exists to also dismiss the complaint under 20

¹ See, e.g., *State ex. rel. City of St. Louis v. Missouri Public Service Comm’n*, 73 S.W.2d 393, 399 (Mo. banc 1934); *State ex. rel. Kansas City Transit, Inc. v. Public Service Comm’n*, 406 S.W.2d 5, 8 (Mo. 1966); *State ex rel. GS Technologies Operating Co. v. PSC of Mo.*, 116 S.W.3d 680, 696 (Mo. App. 2003).

CSR 4240-2.070(7). The Commission shall Order the Complainant to show why this complaint shall not be dismissed for good cause.

THE COMMISSION ORDERS THAT:

1. The Complainant shall respond as ordered above no later than July 10, 2024.
2. This order shall be effective when issued.



BY THE COMMISSION

Nancy Dippell

Nancy Dippell
Secretary

Karolin S. Walker, Regulatory Law Judge,
by delegation of authority pursuant
to Section 386.240, RSMo 2016.

Dated at Jefferson City, Missouri,
on this 1st day of July, 2024.

STATE OF MISSOURI

OFFICE OF THE PUBLIC SERVICE COMMISSION

I have compared the preceding copy with the original on file in this office and I do hereby certify the same to be a true copy therefrom and the whole thereof.

WITNESS my hand and seal of the Public Service Commission, at Jefferson City, Missouri, this 1st day of July 2024.



Nancy Dippell

Nancy Dippell
Secretary

MISSOURI PUBLIC SERVICE COMMISSION

July 1, 2024

File/Case No. EC-2024-0289

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Enclosed find a certified copy of an Order or Notice issued in the above-referenced matter(s).

Sincerely,



**Nancy Dippell
Secretary**

Recipients listed above with a valid e-mail address will receive electronic service. Recipients without a valid e-mail address will receive paper service.