

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

Mark A. Hill / Bethann C. Hill	)	
	)	
v.	)	File No. EC-2026-0350
	)	
Evergy Missouri West, Inc. d/b/a Evergy Missouri	)	
West	)	

**EVERGY MISSOURI WEST’S
RESPONSE IN OPPOSITION TO MOTION TO CONSOLIDATE**

COMES NOW, Evergy Missouri West, Inc. d/b/a Evergy Missouri West (“Evergy Missouri West,” the “Company,” or “Evergy”), by and through its counsel, hereby submits its *Response In Opposition* (“Response”) to the *Motion To Consolidate* (“Motion”) filed by Bethann Hill (“Complainant”) on August 17, 2026, and states as follows:

1. On August 17, 2026, Complainant filed her *Motion To Consolidate* (“Motion”) this proceeding with File No. EC-2024-0015. For the reasons stated herein, Evergy respectfully requests that the Missouri Public Service Commission (“Commission”) deny the Motion.

2. Contrary to the assertion of the Complainant, File No. EC-2024-0015 and the current case do not involve pending actions involving related questions of law and fact, as required by Commission Rule 20 CSR 4240-2.110(3). On December 19, 2024, the Commission fully resolved File No. EC-2024-0015 by issuing its *Order Dismissing Complaints* finding that “a controversy no longer exists for which the Commission should receive evidence and render a decision. . .” (Order, p. 5)”

3. The Commission’s decision was affirmed by the Missouri Court of Appeals, Western District, in State ex. Rel Missouri Office of the Public Counsel v. Evergy Missouri West Inc. d/b/a Evergy Missouri West, and Public Service Commission, Case No. WD87860. (November 25, 2025). On February 24, 2026, the Missouri Supreme Court also issued its *Order*

Denying Transfer in Case No. SC101449. Following the final actions by the appellate courts, the Commission on March 30, 2026, issued its *Notice of Closing Case* in File No. EC-2024-0015.

5. Complainant relies heavily on Evergy’s September 21, 2023, Motion to Consolidate (“Evergy’s 2023 Motion”) in File No. EC-2024-0015 and quotes:

[T]here are common questions of law and fact in these complaints and their consolidation would be administratively expedient[...]

(Evergy 2023 Motion, p. 2)

Evergy’s 2023 Motion in File No. EC-2024-0015 applied **only to the then-pending 2023 complaints**, all filed within a narrow time window and all consolidated **before** dismissal of EC-2024-0015. Evergy’s 2023 Motion in File No. EC-2024-0015 does **not** support:

- reopening a dismissed case,
- consolidating complaints filed years later,
- consolidating future hypothetical complaints, or
- consolidating complaints involving different facts, parcels, or alleged violations.

The Motion to Consolidate improperly attempts to use Evergy’s 2023 Motion as support for reopening and consolidating a closed matter. The Commission should reject this attempt to improperly analogize the old case with this new case since they are completely different situations.

6. Secondly, while File No. EC-2024-0015 may have involved an upgrade of a transmission line along Highway 13, none of the other complainants in File No. EC-2024-0015, with the exception of the Hills, are affected by Evergy’s efforts to obtain an easement from the Hills in this case. In fact, the current Fayetteville transmission project is considerably smaller in scope and complexity than the previous project. None of the other former complainants in File No. EC-2024-0015 have sought to participate in the current matter brought by the Hills. It would

not serve judicial economy or administrative efficiency to add more than thirty other parties to the current proceeding. These extraneous parties have not requested intervention and should not be compelled to participate in the Hill's complaint.

7. For the same reasons, the Complainants' request to reopen File No. EC-2024-0015 should be denied. No purpose would be served by re-opening a closed file. If there are new issues to be addressed by the Commission related to previous complainants, new complaints detailing those issues may be filed by the landowners. To date, only the Hills have filed such complaints.

WHEREFORE, for the reasons stated above, Evergy respectfully requests that the Commission: (1) deny the Motion to Consolidate; (2) decline to reopen Case No. EC-2024-0015; and (3) maintain EC-2026-0350 as an independent complaint docket.

Respectfully submitted,

/s/ Roger W. Steiner

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ATTORNEYS FOR EVERGY MISSOURI WEST

CERTIFICATE OF SERVICE

A copy of the foregoing has been served on this 19th day of August 2026 upon counsel of record for all parties.

/s/ Roger W. Steiner

Roger W. Steiner