

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

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

**MOTION IN RESPONSE TO STAFF'S REPORT AND RECOMMENDATION,
AND
MOTION TO COMPEL AND REQUEST FOR EXPEDITED TREATMENT**

COMES NOW Bethann C. Hill ("Complainant"), and hereby files this *Motion in Response to Staff's Report and Recommendation, and Motion to Compel and Request for Expedited Treatment* (collectively, the "*Motion*") seeking an order denying *Staff's Report and Recommendation* and requiring Respondent ("Evergy") to provide a complete response to my *Addendum Request* filed September 3, 2026 requesting discovery and, in support of this *Motion*, state as follows:

Motion in Response to Staff's Report and Recommendation and Motion to Compel

1. This *Motion* asks the Commission to deny *Staff's Report and Recommendation* in its entirety, to enforce my discovery rights pursuant to 20 CSR-4240-2.090(2) and to order Evergy to comply with a discovery request to produce documents and answer questions in the *Addendum Request* ([EFIS Item #23](#)) of my complaint.

2. Evergy has failed to respond properly to essential discovery related to this case. Missouri's Code of State Regulations 20 CSR 4240-2.070(2) provides any "person who feels

aggrieved by an alleged violation of any tariff, statute, rule, order ..." to seek relief through the Commission's Complaint process. As such, Complainant is seeking the Commission's investigation into, and discovery of, potential violation of Commission rules or orders, including NESC standard violations.

3. Staff's seemingly ignorant response in its *Recommendation and Report* denies me the information necessary to ensure a fair opportunity for supporting evidence, and without it, Evergy has an unfair advantage by potentially being allowed to conceal information unknown to both the Commission and Complainants. The simple fact of the possibility of direct damage to Complainant should be reason enough for the Commission to seek answers. Again, as stated above, this complaint is clearly related to potential violations of Commission rules and orders, including line clearances and the National Electrical Safety Code (NESC) requirements, and does not currently involve a circuit court matter related to Complainant (although recently Evergy has stated that a *Petition in Eminent Domain* will be filed in my name the first week of October 2026). The absurdity of the Commission failing to investigate potential violations and make orders *prior to* a utility seeking condemnation of **any** Missouri citizen's property is unconscionable and could directly harm **any** Missourians facing condemnation if a violation by Evergy is found.

4. The Commission's denial of discovery from Evergy would be disregarding 20 CSR 4240-2.070 and plausibly allowing direct damage to Complainant. The Commission's denial was "based upon the evidence available" which is obviously inadequate (thus the discovery request) to determine dismissal at this point. The Staff prematurely offered a position based upon what it doesn't don't know.

5. The requested line clearance information in the *Addendum Request* directly relates to NESC standards, including line clearances (Commission orders include adherence to these specific standards) as well as how much land ***needs*** to be sought from impacted landowners along the transmission line project, which directly relates to the ***dollars*** Evergy pays for an easement, which directly affects the ***cost of service for ratepayers (Evergy customers)***. In a *Data Request* related to the same project dated January 5, 2024 (attached), Evergy states, "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**." [Emphasis added] But Evergy also states, "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**." [Emphasis added] Thus, Evergy is, under the guise of "safety," seeking excessive easements outside of the MoDOT ROW/utility corridor to pass the cost of moving its poles to all Missouri ***taxpayers*** (the state) ***instead of to Evergy customers/ratepayers***. The information being sought may potentially provide evidence of this unlawful practice.

6. Evergy's abuse of discretion related to its project being a source of extreme spending through securing excessive line clearances and declaring it a "safety" measure, all the while possibly exceeding NESC standards throughout the Fayetteville Transmission Line Upgrades project, must be addressed by the Commission.

7. Complainant is seeking relief through applicable Commission orders and nothing outside the jurisdiction of the Commission. Importantly, a utility's violations or potential violations of Commission orders can directly affect landowners involved in condemnation

proceedings. Investigation findings and orders made as a result of a Commission Complaint Case directly impacts any related circuit court cases (although two different courts). It is generally accepted that the circuit court will review a case based on the record and orders from Commission proceedings, and the circuit court gives substantial deference to Commission decisions.

8. As evidenced in conversations and EFIS filings in this and associated cases, Evergy deceives by confusing the connection between a violation of Commission orders and an eminent domain proceeding or requirement. To restate, this Complaint is not about eminent domain. It is about producing proof that a public utility is failing, omitting or about to fail or omit to do anything required of it by law or by order or decision of the commission, or if the Commission is doing anything or about to do anything or permitting anything or about to permit anything to be done, contrary to or in violation of law or of any order or decision of the commission, pursuant to RSMo.386.360-1, and the Commission providing relief accordingly. The deceit has to stop. Evergy cannot be allowed to secure excessive easements outside of the utility corridor for financial gain, and in violation of Missouri statutory law.

Request for Expedited Treatment (20 CSR 4240-2.080(14))

1. Complainant should not have had to file this *Motion* for the Commission to do its duty and allow discovery, and time should not be wasted in resolving the issue. Complainant has already been deprived of the information to which citizens are entitled in a separate complaint involving the same project filed almost three years ago in September 2023, with no evidentiary hearing held or relief granted. Moreover, a pattern is emerging that gives reason to believe Evergy may take steps to continue to resist providing a proper response to my requests for line clearance information, as well as the Commission Staff dismissing our statutory right to protect our land, as evidenced by its recent *Report and Recommendation*.

2. As the Missouri Supreme Court has made clear, “the discovery process was not designed to be a scorched earth battlefield upon which the rights of the litigants and the efficiency of the justice system should be sacrificed to mindless overzealous representation of... [parties].” *State ex rel. Ford Motor Co. v. Westbrooke*, 151 S.W.3d at 369, quoting *State ex rel. Madlock v. O’Malley*, 8. S.W.3d 890, 891 (Mo. banc 1999).

3. Given these considerations, Complainant requests the Commission, by Sept. 24, 2026:

- a) Deny *Staff’s Report and Recommendation* in its entirety; and
- b) Order Evergy to promptly (by September 24, 2026) provide all answers to the *Addendum Request* and any subsequent *Data Requests*; and
- c) Order Evergy to file monthly status reports with regard to the Fayetteville Transmission Line upgrade; and
- d) Order Evergy, by September 24, 2026, to assemble all documents that are responsive to the *Addendum Request* and any subsequent DRs and make them available for examination.

4. Such orders will avoid prejudice to the Complainant as the case moves forward to the point of an evidentiary hearing, and such orders will in no way negatively affect Evergy customers or the general public.

5. Complainant filed this pleading as soon as it could have been filed.

WHEREFORE, Complainant respectfully requests the Commission to make and enter the orders requested above, and for such other and further relief as the Commission deems proper under the circumstances.

Respectfully Submitted,

/s/ *Bethann C. Hill*

A large black rectangular redaction box covering the signature and any accompanying text or contact information.

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

/s/ *Bethann C. Hill*
Bethann C. Hill



Evergy MO Metro and MO West
Case Name: 2023 Timothy Allegri Complaint
Case Number: EC-2024-0015

Requestor Allegri Tim -
Response Provided January 05, 2024

Question:0012S2

Regarding the data request and Evergy's #2 response to Question:0012
MPSC_20230822

Brief description: Existing Right-of-Way

Evergy's #2 response dated September 08, 2023 within Q0012

(2) Evergy generally seeks dedicated easements for all transmission assets in order to better allow us to control joint and potentially conflicting co-users of the space and to protect ratepayers from having to pay for relocation of functioning assets due to public improvement projects. In the absence of exclusive easements, we have experienced demands by public bodies that we move our facilities, at ratepayer expense, in compressed time frames. These uncompensated moves reduce our ability to optimally invest in our system decreasing reliability and take valuable planning, design and acquisition effort away from projects with greater impact to system capacity and reliability. Similarly, when Evergy cannot control joint use of the area, there is a chance that a conflict will arise that will result in Evergy having to spend ratepayer remedy the conflict despite the facilities otherwise being suitable without modification or relocation.

1. When Evergy poles are placed within the MoDOT right of way and MoDOT requires those poles be moved due to road widening, what percentage of all required costs are the responsibility of Evergy? Please explain.
2. When Evergy poles are placed within the MoDOT right of way and MoDOT requires the poles be moved due to road widening, is Evergy entitled to recover costs through rate recovery? Please explain.
3. In the past 10 years, has the Missouri Public Service Commission denied 'rate recovery' in relation to line and pole upgrades? Please explain.
4. When Evergy poles are placed outside the MoDOT right-of-way and upon a private Evergy-held easement, and MoDOT requires the poles be moved for any reason, including road widening, what percentage of costs are the responsibility of MoDOT? Please explain.



5. Is it financially advantageous for Evergy to keep their poles within and upon the MoDOT right of way as opposed to Evergy obtaining private easements outside the MoDOT right-of-way? Please explain.

6. Has Evergy (including KCP&L) ever had land it owns condemned by MoDOT for a road project(s)?

If so, please name the project(s) and corresponding location(s). Please explain.

RESPONSE: (do not edit or delete this line or anything above this)

Confidentiality: PUBLIC

Statement: This response is Public. No Confidential Statement is needed.

Response:

1. When transmission facilities are located within 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.
2. When transmission facilities are located within 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 recovered through rate recovery.
3. In the past 10 years, the Missouri Public Service Commission has not denied 'rate recovery' in relation to line and pole upgrades.
4. When transmission facilities are located outside of 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.
5. It is not financially advantageous for Evergy to keep transmission facilities within and upon MoDOT ROW due to the following:
 - Additional costs for maintenance due to other utilities installing infrastructure adjacent to structure locations causing damage to the transmission facilities.
 - Additional costs for maintenance due to access from roadway and the traffic control requirements when construction work is being performed on the transmission facilities.
 - Reduced reliability due to a decrease in rights for vegetation clearing which allows vegetation to encroach closer to the transmission facilities.
6. The only case that could be located where MoDOT has condemned Evergy (including KCP&L) owned property occurred in Cass County, MO. The project name is unknown to Evergy, but additional information can be found under case 21CA-CC00139 - MISSOURI HIGHWAYS AND V EVERGY MISSOURI WEST, ET AL.

Information provided by:



Q1, Q2, Q4, Q5 provided by Pat Everett, Mgr. Transmission Line Engineering
Q3 provided by Brad Lutz, Dir. Regulatory Affairs
Q6 provided by Derek Ward, Mgr. RES Project Management

Attachment(s):

Missouri Verification:

I have read the Information Request and answer thereto and find answer to be true, accurate, full and complete, and contain no material misrepresentations or omissions to the best of my knowledge and belief; and I will disclose to the Commission Staff any matter subsequently discovered which affects the accuracy or completeness of the answer(s) to this Information Request(s).

Signature /s/ *Brad Lutz*
Director Regulatory Affairs