

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

Mark A. Hill / Bethann C. Hill

v.

Evergy Missouri West, Inc. d/b/a Evergy Missouri
West

)
)
)
)
)
)

File No. EC-2026-0350

**EVERGY MISSOURI WEST’S
RESPONSE TO COMPLAINANT’S MOTION TO COMPEL**

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 to Complainant’s Motion to Compel* (“Response”) to the *Motion in Response to Staff’s Report and Recommendation and Motion to Compel and Request for Expedited Treatment* (“Response and Motion to Compel”) filed by Bethann Hill (“Complainant”) on September 14, 2026, and states as follows:

1. On September 14, 2026, Complainant filed her Response and Motion to Compel which responded to Staff’s recommendation to dismiss the above captioned complaint and for the Commission to compel Evergy to respond to discovery. There is no unresolved discovery issue for the Commission to compel Evergy to respond to. For the reasons stated herein, Evergy respectfully requests that the Missouri Public Service Commission (“Commission”) deny the Motion.

2. Evergy notes that Staff’s Report and Recommendation filed on September 11, 2026, recommended the Commission dismiss the above captioned docket and found that Evergy is acting in accordance with its CCN in Case No. 9470, is in compliance with National Electric Safety Code (“NESC”), and finally that the Commission lacks jurisdiction over matters pertaining to eminent domain.

3. 20 CSR 4240-2.090(8) Discovery and Prehearings states:

Except when authorized by an order of the commission, the commission will not entertain any discovery motions, until the following requirements have been satisfied:

(A) Counsel for the moving party has in good faith conferred or attempted to confer by telephone or in person with opposing counsel concerning the matter prior to the filing of the motion. Merely writing a demand letter is not sufficient. Counsel for the moving party shall certify compliance with this rule in any discovery motion; and

(B) If the issues remain unresolved after the attorneys have conferred in person or by telephone, counsel shall arrange with the commission for an immediate telephone conference with the presiding officer and opposing counsel. No written discovery motion shall be filed until this telephone conference has been held

Complainant has made no attempt through email, letter, or phone call to discuss the alleged discovery dispute with Evergy's counsel, certified compliance with Rule 20 CSR 4240-2.090, or arranged a telephone conference with the parties and the presiding officer, as required by the Commission's discovery rule.

4. Most importantly, there is no discovery dispute between Evergy and Complainant. Complainant's Response and Motion to Compel states Evergy has failed to respond to the discovery request contained in EFIS Item #23. This is untrue. Evergy received this data request ("DR") on September 10, 2026. Per 20 CSR 4240-2.090(C) Evergy has twenty (20) days after receipt to respond. According to the Commission's rules, Evergy has until October 8, 2026, to respond to the data request. Evergy fully intends to respond to the data request.

WHEREFORE, for the reasons stated above, Evergy respectfully requests that the Commission deny the Motion to Compel.

Respectfully submitted,

/s/ Roger W. Steiner

Roger W. Steiner, MBN 39586
Cole Bailey, MBN 77628
Evergy, Inc.
1200 Main Street, 17th Floor
Kansas City, MO 64105
Telephone: (816) 556-2791
Email: Roger.Steiner@evergy.com
Cole.Bailey@evergy.com

James M. Fischer, MBN 27543
Fischer & Dority, P.C.
2081 Honeysuckle Lane
Jefferson City, MO 65109
Phone: (573) 353-8647
Email: jfischerpc@aol.com

ATTORNEYS FOR EVERGY MISSOURI WEST

CERTIFICATE OF SERVICE

A copy of the foregoing has been served on this 16th day of September 2026 upon counsel of record for all parties.

/s/ Roger W. Steiner

Roger W. Steiner