

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

FILED
October 20, 2026
Missouri Public
Service Commission

Candace K Robertson,	)	
	)	
Complainant,	)	File No. EC-2026-0350
	)	Formerly EC-2027-0065
Evergy Missouri West, Inc.,	)	
	)	
Respondent.	)	

NOTICE OF WITHDRAWAL

COMES NOW Complainant Candace K Robertson, and hereby files this *Notice of Withdrawal* of my Complaint with the Missouri Public Service Commission ("PSC"), Case No. EC-2027-0065, which was consolidated with numerous other related complaints against Evergy Missouri West, Inc. ("Evergy") into Case No. EC-2026-0350 by PSC *Order* dated October 16, 2026. These complaints are all related to Case No. EC-2024-0015, regarding Evergy's Fayetteville Transmission Line Project being in violation of Commission rules and orders.

The PSC has jurisdiction over all public utilities providing electric service pursuant to Section 386.250, RSMo., and has a statutory requirement of promoting the public welfare, and that of the state.

This *Notice of Withdrawal* is being made as a result of the PSC's surrender, in my view, of the state's utility compliance powers under Chapter 386 RSMo. and its duties of regulation of a utility company under Section 393.140(5), RSMo.

Commission Rule 20 CSR 4240-20.045 (2)(A)2 requires an electric utility to obtain a CCN (Certificate of Convenience & Necessity) for construction of an asset pursuant to 393.170.1. The Commission's CCN #9470 orders authorizing Evergy's project, Order #3, states: "... the matter may be submitted to the Public Service Commission for arbitration and determination as provided for in Section 118 of the Original Act creating the Public Service Commission of this State, now Section 5241 of the Revised Statutes of Missouri." The only outreach by Staff counsel to Complainant has been through Motions to Dismiss.

Since my original complaint filing in September 2023, the PSC and its Staff have not yet resolved the dispute of Evergy's potential violations and questionable methods of securing property rights. Allowing a utility to go outside of the state's provided right-of-way and exceeding NESC standards without the ability of proving a public need is unreasonable and unlawful. To my knowledge, Evergy has not provided a specific and complete project plan, and thus no illustrative evidence has been proffered in proving additional easement width would be necessary, making the PSC Staff counsel's suggestion of dismissal refutable.

Pursuant to 20 CSR 4240-2.090(8)(B), a complainant in a related case requested a discovery conference and on September 11, 2026, a teleconference was held in which Judge John Clark referred to a data request as a "fishing expedition." The Code of State Regulations refers to Data Requests as a means for discovery. As of this filing, no orders have been made with regard to this discovery conference, nor have any of the current or former related complaint cases been afforded an evidentiary hearing.

The numerous complaints allege that Evergy is potentially exceeding the National Electrical Safety Code ("NESC") standards. CCN #9470 Order #2 designates conforming to the *specific* rules and regulations contained in the NESC standards, which are also included in the Commission's General Order No, 24, issued August 17, 1925. Because a complete engineering plan for evidence of need has not been presented, requests for Evergy to file monthly status reports were made and to date have been ignored.

The circuit courts can only wrongfully assume the PSC has done its due diligence and statutory requirement of oversight, ensuring a utility has met all PSC checks and balances prior to petitioning the circuit court for eminent domain. Evergy seeking excess land "for future use" does not serve a present public need as required by Missouri Chapter 523 law. In a January 5, 2024 response to a *Data Request*, Evergy's engineering personnel made the following statements:

"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."

"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."
(See Attachment "A")

To clarify, if Evergy obtains a **private easement**, outside of the MoDOT ROW, it passes **100% of future costs** in pole movement/replacement on **to all Missouri taxpayers** (the majority of whom are not Evergy customers), **rather than its limited number of ratepayers**. Claiming a safety need, such as line clearances in excess of NESC standards, for going outside of the MoDOT ROW provides Evergy the private easement allowing it to pass 100% of the project costs to **MoDOT**, which is funded by the **State**, which is funded by **Missouri taxpayers**. This is not a *public need*, it is a strategic *private business move*." (See Attachment "B")

To uphold its duty of "promoting the public welfare," the PSC would be wise to reconsider the use of "blanket CCNs" and develop a recommended approach to right-of-way acquisition for a transmission line project such as a 'Landowner Protocol' for utility projects, as suggested in a recent *Report and Order* from the Commission in Case No. EA-2023-0017. This comprehensive policy should include how a utility should interact, communicate, and negotiate with impacted landowners. While the PSC does not hold authority to order such a policy or protocol, it could recommend new legislation, as well as ordering conditions such as a checklist of criteria related to a CCN case. The state would benefit from such a policy and directives.

WHEREFORE, Complainant requests acceptance on this date of my *Notice of Withdrawal* without prejudice for my complaint filed on August 31, 2026.

Submitted this 20th day of October, 2026 to all parties via EFIS by:

/s/ Candace K Robertson

Candace K Robertson, Complainant

[REDACTED]

email:

[REDACTED]