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

| | | |
|---|---|---|
| **Bethann C Hill,** | ) | |
| | ) | |
| **Complainant,** | ) | **File No. EC-2026-0350** |
| | ) | |
| **Evergy Missouri West, Inc.,** | ) | |
| | ) | |
| **Respondent.** | ) | |

## NOTICE OF WITHDRAWAL

COMES NOW Complainant Bethann C Hill, and hereby files this *Notice of Withdrawal* of my Complaint with the Missouri Public Service Commission ("PSC"), Case No. EC-2026-0350, which was consolidated with numerous other related complaints against Evergy Missouri West, Inc. ("Evergy") into my 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 of September 12 of 2024, 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 June 3, 2026.

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

/s/ *Bethann C Hill*, Complainant

[redacted]

email: [redacted]

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).

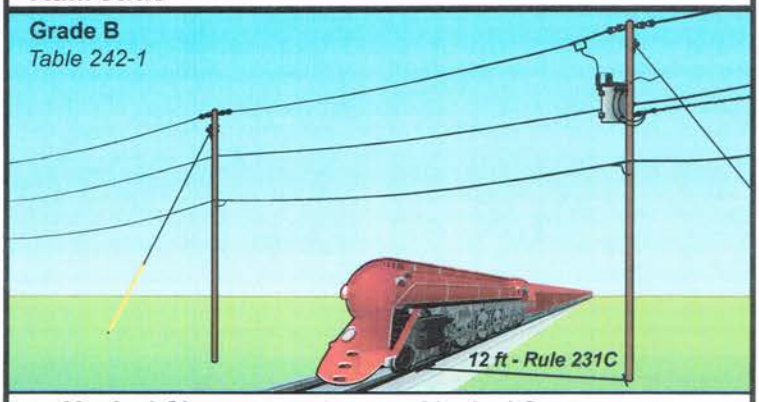
Signature /s/ *Brad Lutz*
Director Regulatory Affairs



Internal Use Only

# Application Guide for 2023 NESC Table 232-1 - *see NESC for details and exceptions*

## Railroads*

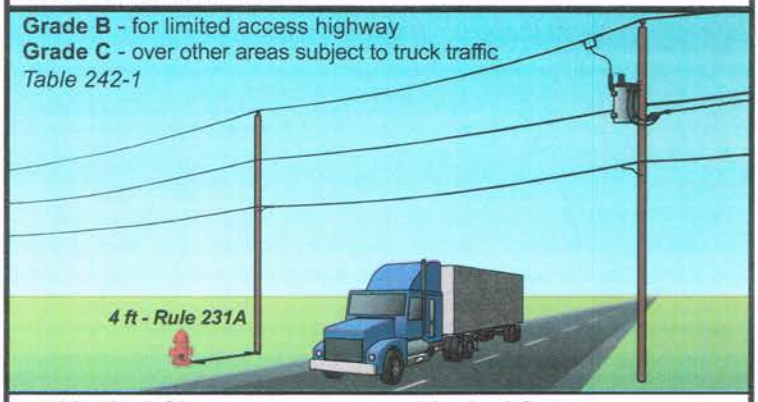



**Vertical Clearance at Largest Vertical Sag** *Table 232-1*

| Neutral or Comm. | Span Guy | TPX | 7.2/12.5 kV | 14.4/25 kV | 19.9/35 kV |
|---|---|---|---|---|---|
| 23.5 ft | | 24.0 ft | 26.5 ft | | |

**Railroad company may require greater clearance*

## Trucks Over 8 Feet*

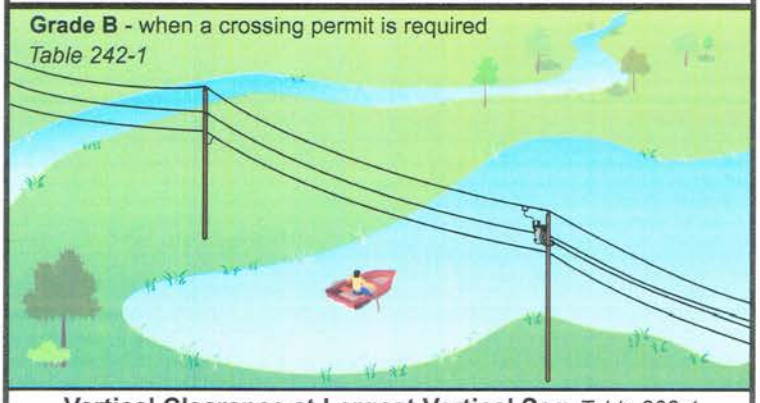



**Vertical Clearance at Largest Vertical Sag** *Table 232-1*

| Neutral or Comm. | Span Guy | TPX | 7.2/12.5 kV | 14.4/25 kV | 19.9/35 kV |
|---|---|---|---|---|---|
| 15.5 ft | | 16.0 ft | 18.5 ft | | |

**DOT may require greater clearance*

## Water - No Sailboats




**Vertical Clearance at Largest Vertical Sag** *Table 232-1*

| Neutral or Comm. | Span Guy | TPX | 7.2/12.5 kV | 14.4/25 kV | 19.9/35 kV |
|---|---|---|---|---|---|
| 14.0 ft | | 14.5 ft | 17.0 ft | | |

**see NESC for sailboat clearances*

## Over fields, orchards, forest, etc.



**Vertical Clearance at Largest Vertical Sag** *Table 232-1*

| Neutral or Comm. | Span Guy | TPX | 7.2/12.5 kV | 14.4/25 kV | 19.9/35 kV |
|---|---|---|---|---|---|
| 15.5 ft | | 16.0 ft | 18.5 ft | | |

**used by vehicles over 8 feet tall or riders on horses*

## Pedestrians Only*

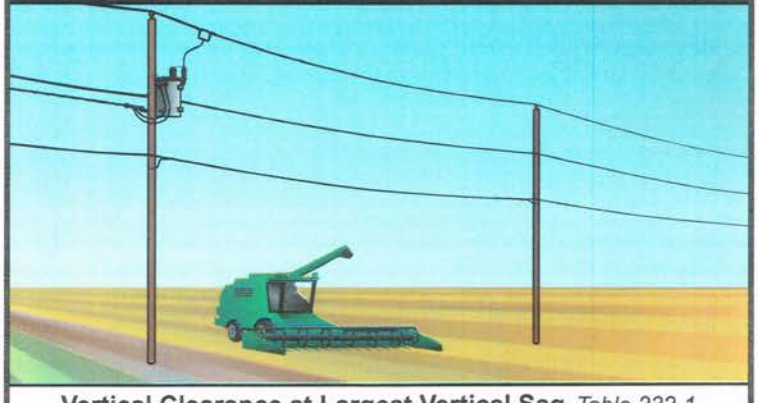



**Vertical Clearance at Largest Vertical Sag** *Table 232-1*

| Neutral or Comm. | Span Guy | TPX | 7.2/12.5 kV | 14.4/25 kV | 19.9/35 kV |
|---|---|---|---|---|---|
| 9.5 ft | | 12.0 ft | 14.5 ft | | |

**Not normally used by trucks or riders on horses (very steep hills, swamps, etc.)*

## Oversized Vehicles - greater than 14 feet in height



**Vertical Clearance at Largest Vertical Sag** *Table 232-1*

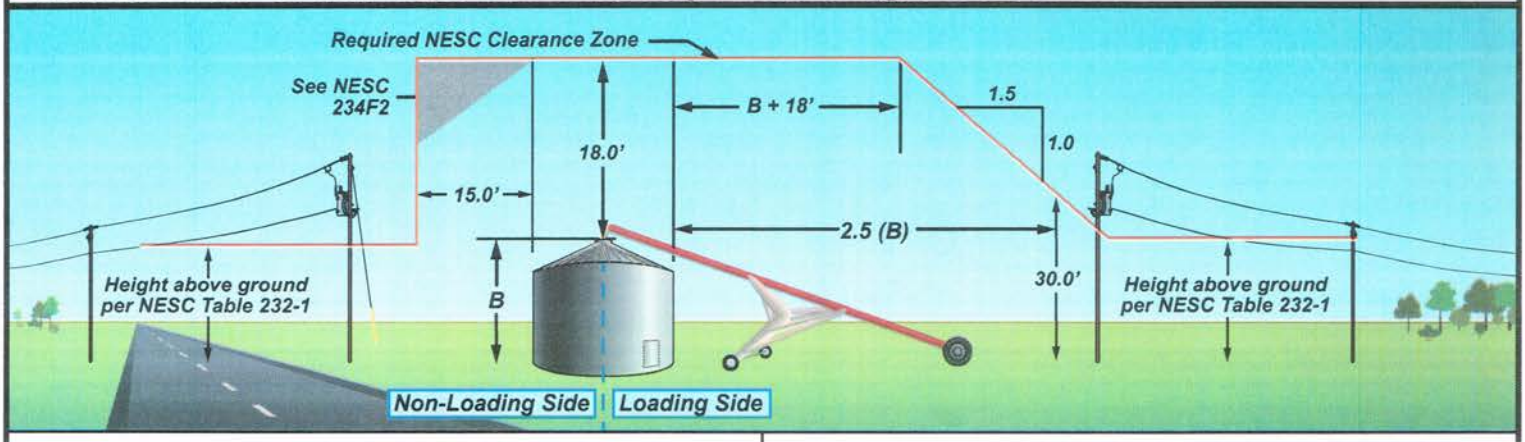
| Neutral or Comm. | Span Guy | TPX | 7.2/12.5 kV | 14.4/25 kV | 19.9/35 kV |
|---|---|---|---|---|---|
| X + 1.5 ft | | X + 2 ft | X + 4.5 ft | | |

*X = Known Height of oversized vehicle*

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# Application Guide for 2023 NESC - *see NESC for details and exceptions*

## Clearance Over* or Near Grain Bins Loaded by Portable Auger NESC 234F2




***B*** = Vertical height to highest filling or probing port

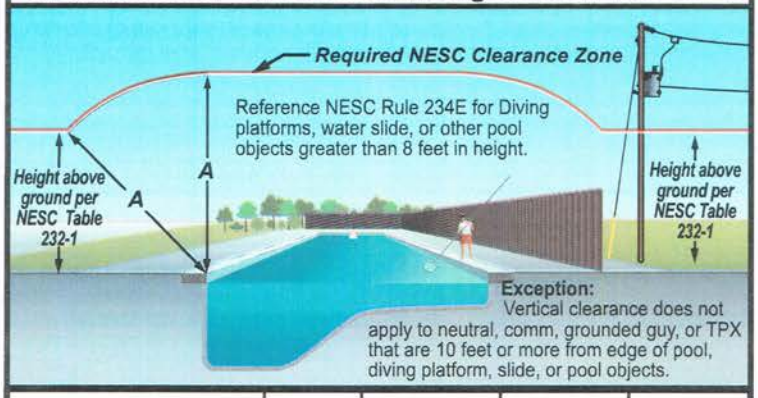
**Note:** If B > 12 feet, vertical height of conductors is 30 feet at a distance equal to 2.5 times B

*Largest vertical sag

**Non-Loading Side is when use of portable auger is limited by:**

1. Permanent building/structure
2. Physical obstruction
3. Public road or other right of way
4. Designation or agreement

## Clearance Over* or Near Swimming Pools NESC 234E1

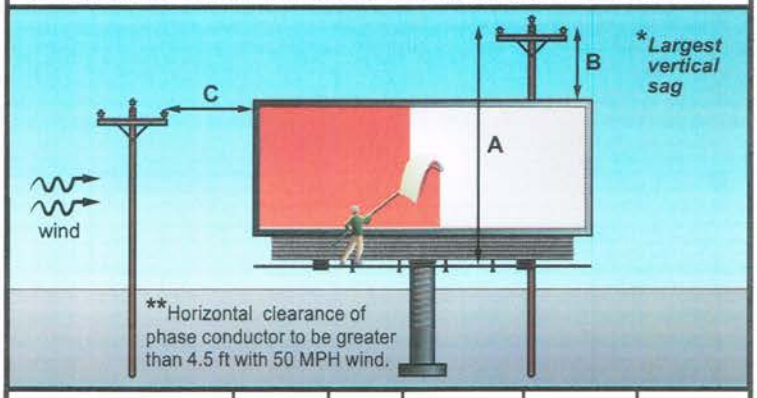



| Neutral | TPX | 7.2/12.5 kV | 14.4/25 kV | 19.9/35 kV |
|---|---|---|---|---|
| 22.0 ft | 22.5 ft | 25.0 ft | | |

*Largest vertical sag

Aboveground pool with deck or ladder, clearance is from highest point upon which people can stand.

## Clearance Over* or Near Billboards NESC 234C




| | Neutral | TPX | 7.2/12.5kV | 14.4/25kV | 19.9/35kV |
|---|---|---|---|---|---|
| A-Where personnel walk | 9.5 ft | 10.0 ft | 14.5 ft | | |
| B - Other Surface | 3.0 ft | 3.5 ft | 8.0 ft | | |
| C - Horizontal** | 4.5 ft | 5.0 ft | 7.5 ft | | |

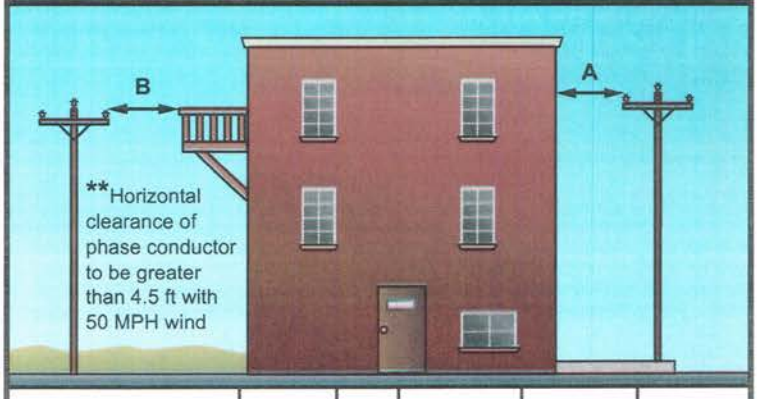
## Vertical Clearance Over* Buildings NESC 234C




| Roof | Neutral | TPX | 7.2/12.5kV | 14.4/25kV | 19.9/35kV |
|---|---|---|---|---|---|
| Accessible** | 9.5 ft | 10.0 ft | 14.5 ft | | |
| Non-Accessible | 3.0 ft | 3.5 ft | 12.5 ft | | |

*Largest vertical sag

## Horizontal Clearance Adjacent to Buildings NESC 234C



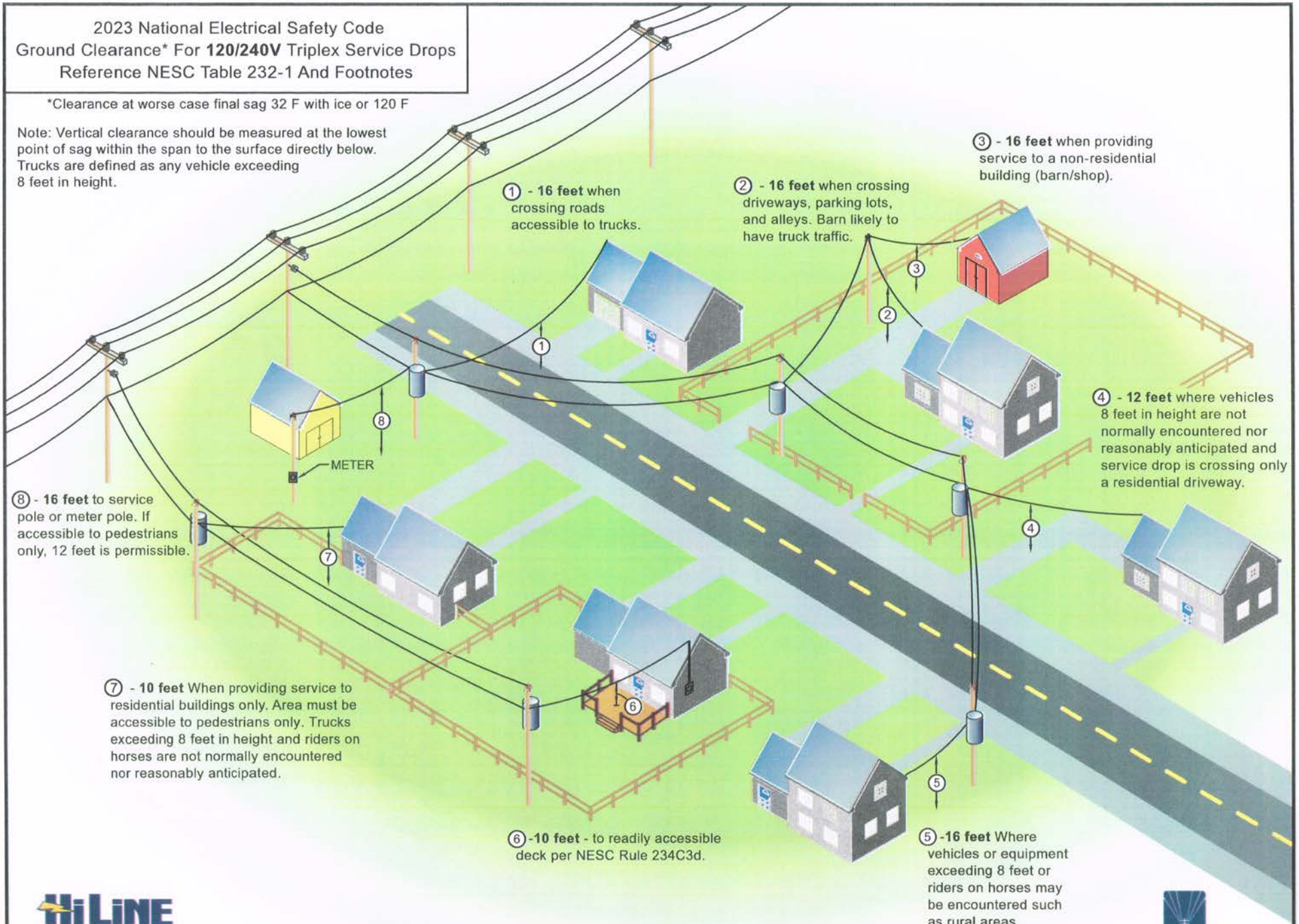

| | Neutral | TPX | 7.2/12.5kV | 14.4/25kV | 19.9/35kV |
|---|---|---|---|---|---|
| A-To Walls** | 4.5 ft | 5.0 ft | 7.5 ft | | |
| B - Accessible Areas** | 4.5 ft | 5.0 ft | 7.5 ft | | |

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# 2023 National Electrical Safety Code
## Ground Clearance* For **120/240V** Triplex Service Drops
## Reference NESC Table 232-1 And Footnotes

*Clearance at worse case final sag 32 F with ice or 120 F

Note: Vertical clearance should be measured at the lowest point of sag within the span to the surface directly below. Trucks are defined as any vehicle exceeding 8 feet in height.




① - **16 feet** when crossing roads accessible to trucks.

② - **16 feet** when crossing driveways, parking lots, and alleys. Barn likely to have truck traffic.

③ - **16 feet** when providing service to a non-residential building (barn/shop).

④ - **12 feet** where vehicles 8 feet in height are not normally encountered nor reasonably anticipated and service drop is crossing only a residential driveway.

⑤ -**16 feet** Where vehicles or equipment exceeding 8 feet or riders on horses may be encountered such as rural areas.

⑥ -**10 feet** - to readily accessible deck per NESC Rule 234C3d.

⑦ - **10 feet** When providing service to residential buildings only. Area must be accessible to pedestrians only. Trucks exceeding 8 feet in height and riders on horses are not normally encountered nor reasonably anticipated.

⑧ - **16 feet** to service pole or meter pole. If accessible to pedestrians only, 12 feet is permissible.

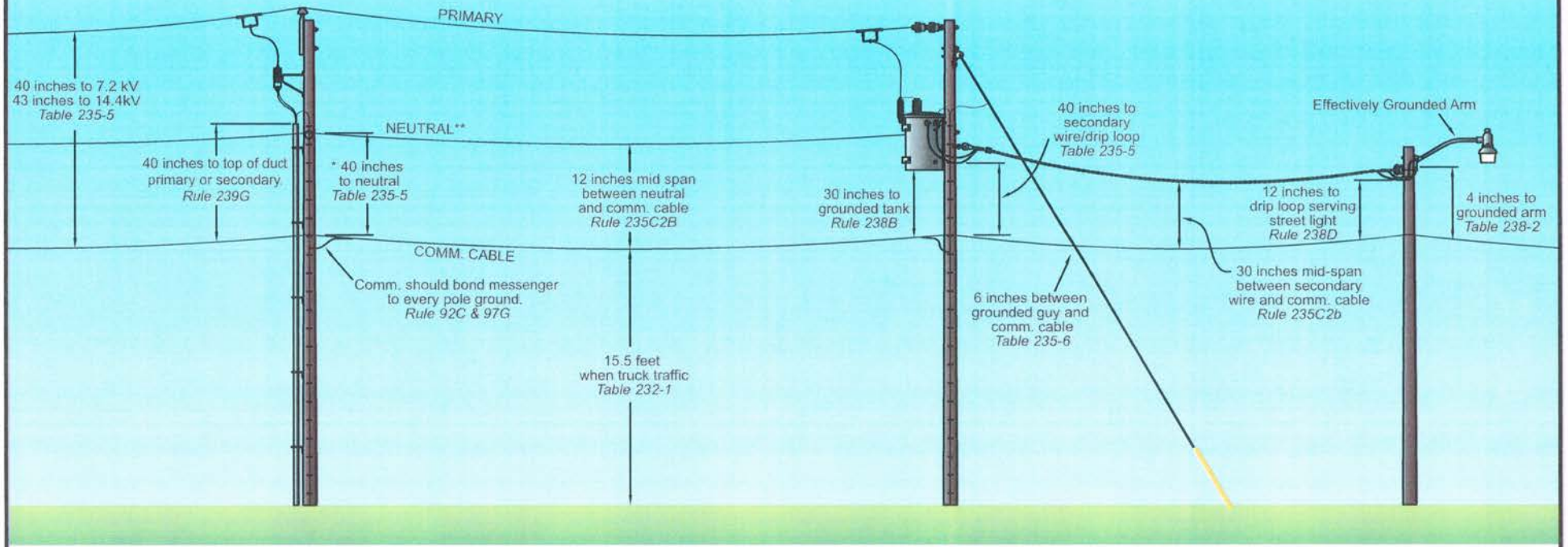
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# Summary of 2023 NESC Clearances to Communication Cables - *see NESC for details and exceptions*




* 30 inches is allowed if the communication messenger is bonded to the neutral throughout the service area.*Table 235-5*

** Fiber Optic Cables in the supply space (*Rule 224A*) will have the same required clearance to communication cables in the communication space as a multi-grounded neutral (*Rule 235C*)

A **communication worker safety zone** is vertical space between lines/facilities in the supply space and lines/facilities in the communication space *Rule 235C4 & 238E*

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