FILED
October 20, 2026
Missouri Public
Service Commission

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

Stephen L Robertson,	)	
	)	
Complainant,	)	**File No. EC-2027-0067**
	)	
Evergy Missouri West, Inc., d/b/a)	)	
	)	
Evergy Missouri West,	)	
	)	
Respondent.	)	

WITHDRAWAL OF COMPLAINT

COMES NOW Stephen Robertson ("Complainant") and regarding the specific Fayetteville Transmission Line Project, states;

- It is known that the Missouri Public Service Commission enforces and adheres to the current National Electrical Safety Code (NESC).
  Please see attachment B
- It is known that Evergy meets the minimum specifications of the NESC.
- It is known that the following entities do not require or imply additional safety requirements than what is specified in the NESC; the Missouri Public Service Commission, Johnson County and the city of Warrensburg, Missouri.
- It is known that the Missouri Public Service Commission has specific and limited authority over **specific** statutes, tariffs, regulations and orders it issues.
- It is known that the Missouri Public Service Commission is specifically not an eminent domain authority nor does it have authority to opine on such. Commissioner statements support this fact.
- It is known that MoDOT provides free access to Evergy for placement of its lines, poles and equipment within the MoDOT utility corridor. Said utility corridor resides within the MoDOT right-of-way.
  Please see attachment A

- It is known that as of CY 2022, of the 2.9 million Missouri households which use electricity, only 22.24 percent of those households are Evergy customers.
- It is known that 77.76 percent of **all** Missouri taxpayers are not Evergy customers.
- It is known that Evergy Missouri West exercises a policy of declining free access to land via the MoDOT utility corridor for placement of its lines, poles and equipment.
  Please see attachment A
- It is known that Evergy Missouri West exercises a unique private corporate policy of securing dedicated/private easements for the cause of protecting the corporation from certain future expense by passing all future pole relocation expenses upon the state of Missouri and its citizens when and if MoDOT requires any pole(s) be moved.
  Please see attachment A

Attachments

A – Evergy policy

B – Application Guide for NESC, 232-1 table graphic

WHEREFORE, I withdraw my complaint without prejudice.

Respectfully Submitted,

/s/ *Stephen L Robertson,* Complainant

[redacted]

E-Mail: [redacted]

CERTIFICATE OF SERVICE

The foregoing was submitted this 20th day of October 2026 to all parties via EFIS by:

/s/ *Stephen L Robertson*

Stephen L Robertson

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:

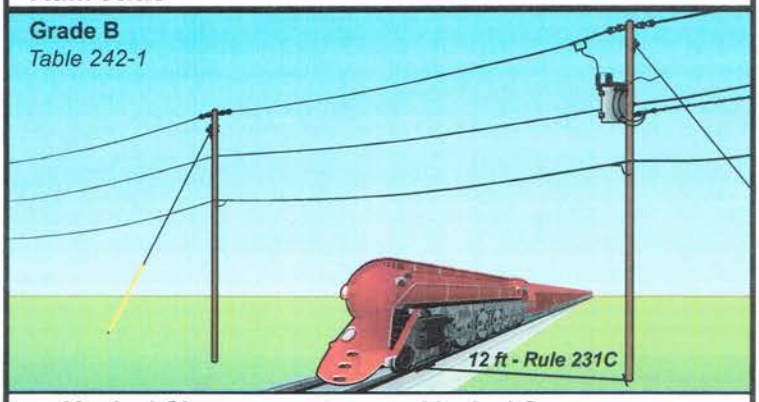
I have read the Information Request and answer thereto and find answer to be true, accurate, full and complete, and contain no material misrepresentations or omissions to the best of my knowledge and belief; and I will disclose to the Commission Staff any matter subsequently discovered which affects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

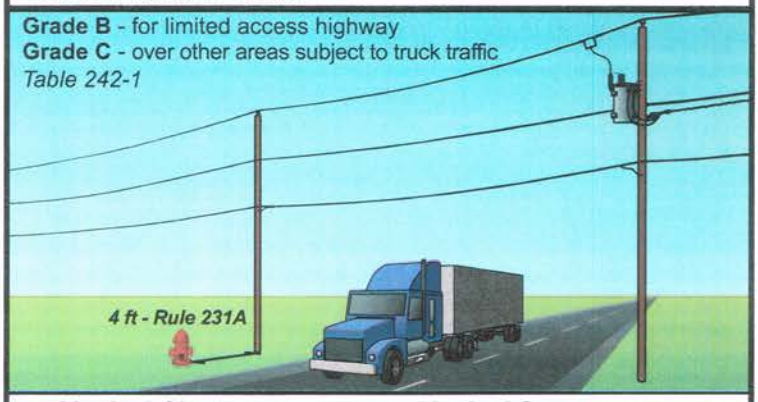


Vertical Clearance at Largest Vertical Sag *Table 232-1*

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*

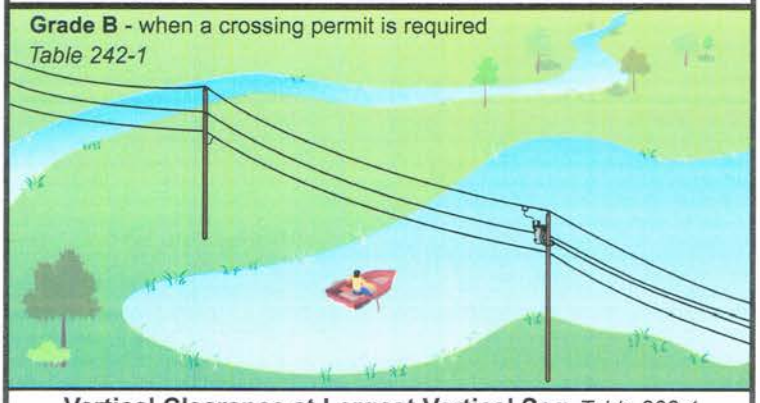


Vertical Clearance at Largest Vertical Sag *Table 232-1*

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*

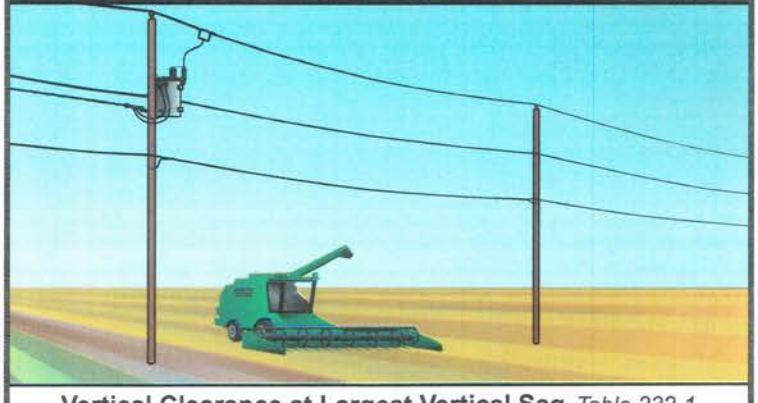


Vertical Clearance at Largest Vertical Sag *Table 232-1*

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*

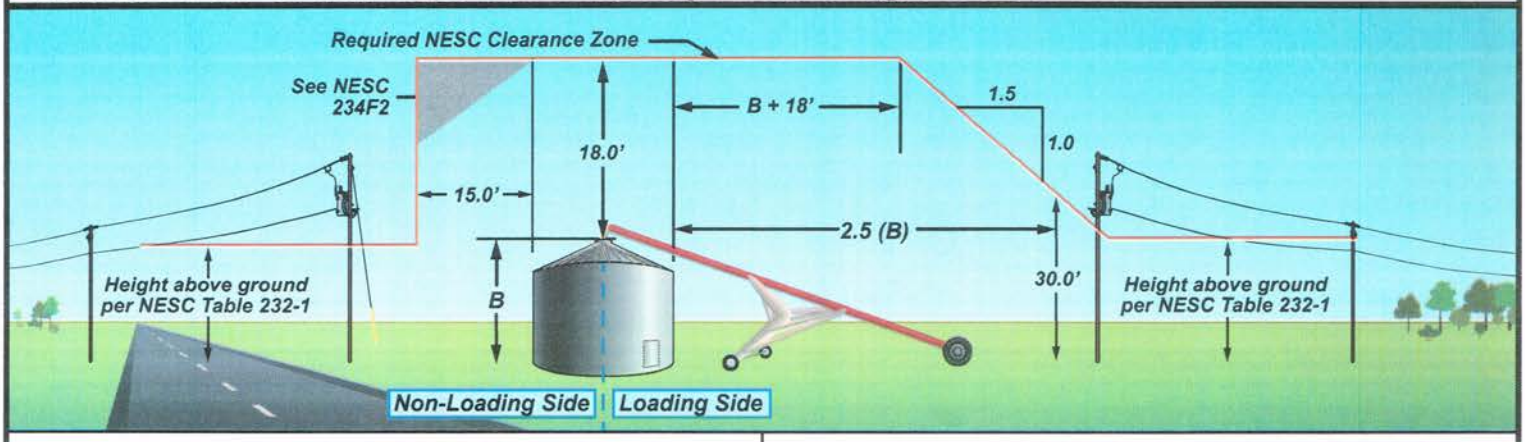
Neutral or Comm.	Span Guy	TPX	7.2/12.5 kV	14.4/25 kV	19.9/35 kV
X + 1.5 ft		X + 2 ft	X + 4.5 ft		

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

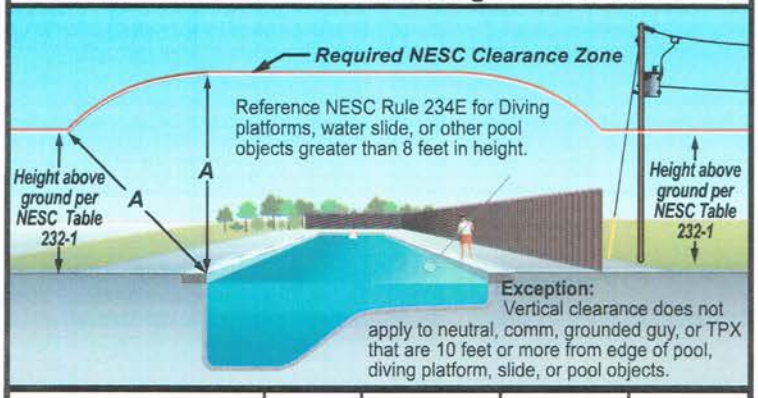
Note: If B > 12 feet, vertical height of conductors is 30 feet at a distance equal to 2.5 times B

*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

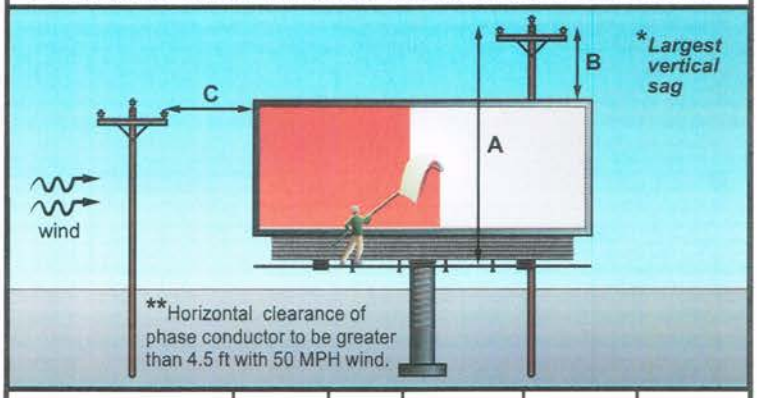


Neutral	TPX	7.2/12.5 kV	14.4/25 kV	19.9/35 kV
22.0 ft	22.5 ft	25.0 ft		

*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		

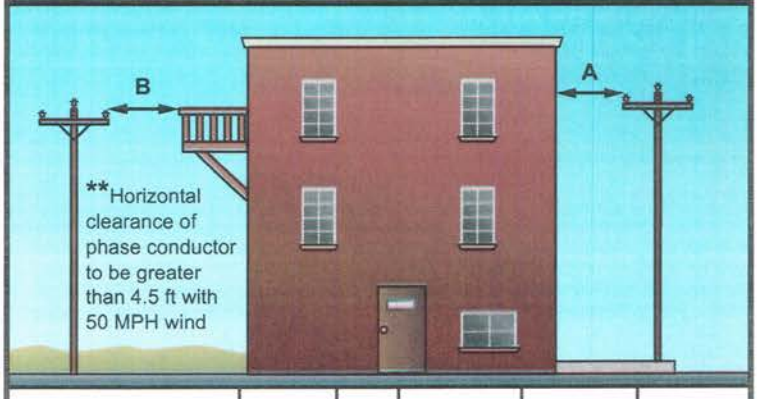
Vertical Clearance Over* Buildings NESC 234C



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



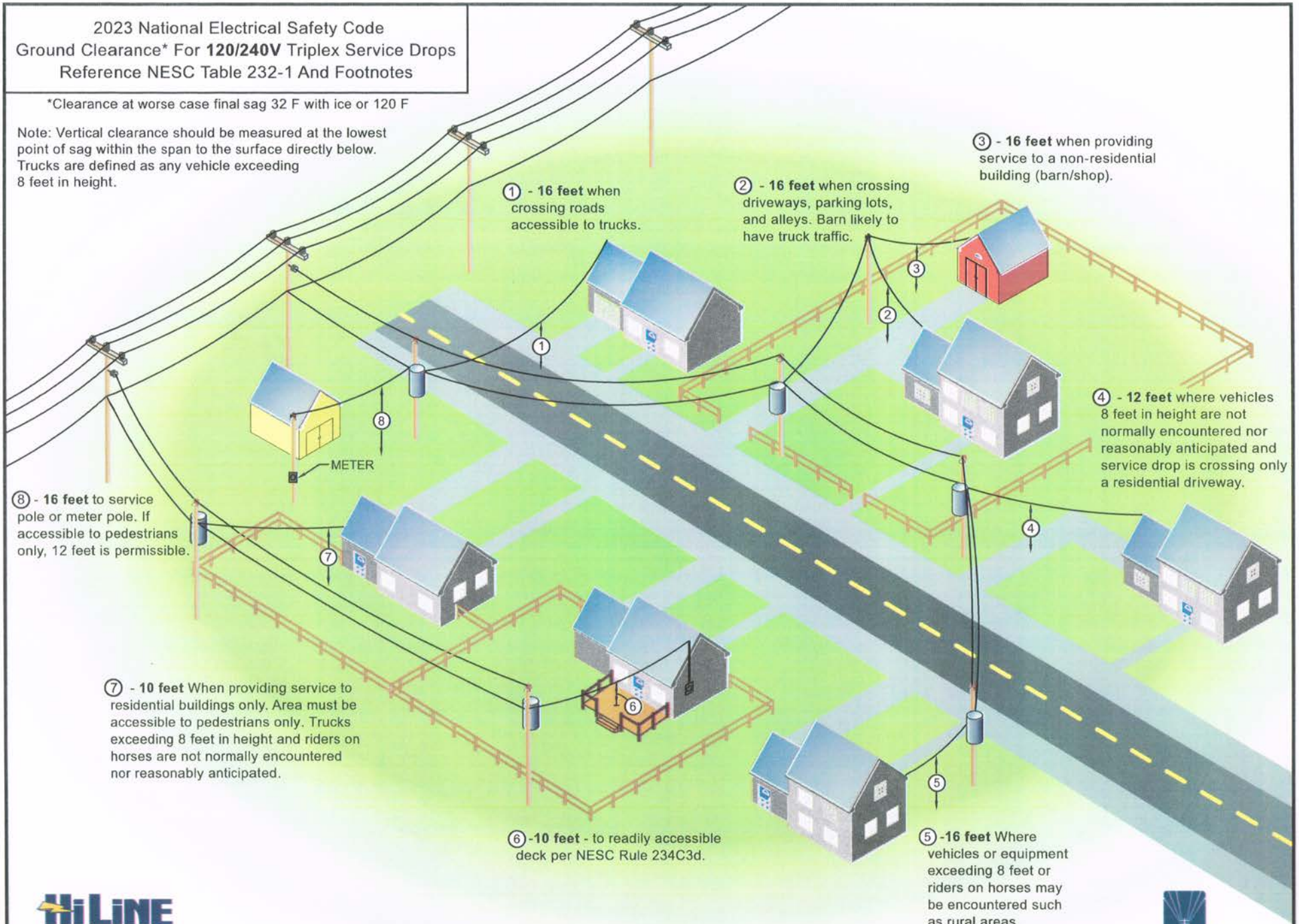
	Neutral	TPX	7.2/12.5kV	14.4/25kV	19.9/35kV
A-To Walls**	4.5 ft	5.0 ft	7.5 ft		
B - Accessible Areas**	4.5 ft	5.0 ft	7.5 ft		

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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.

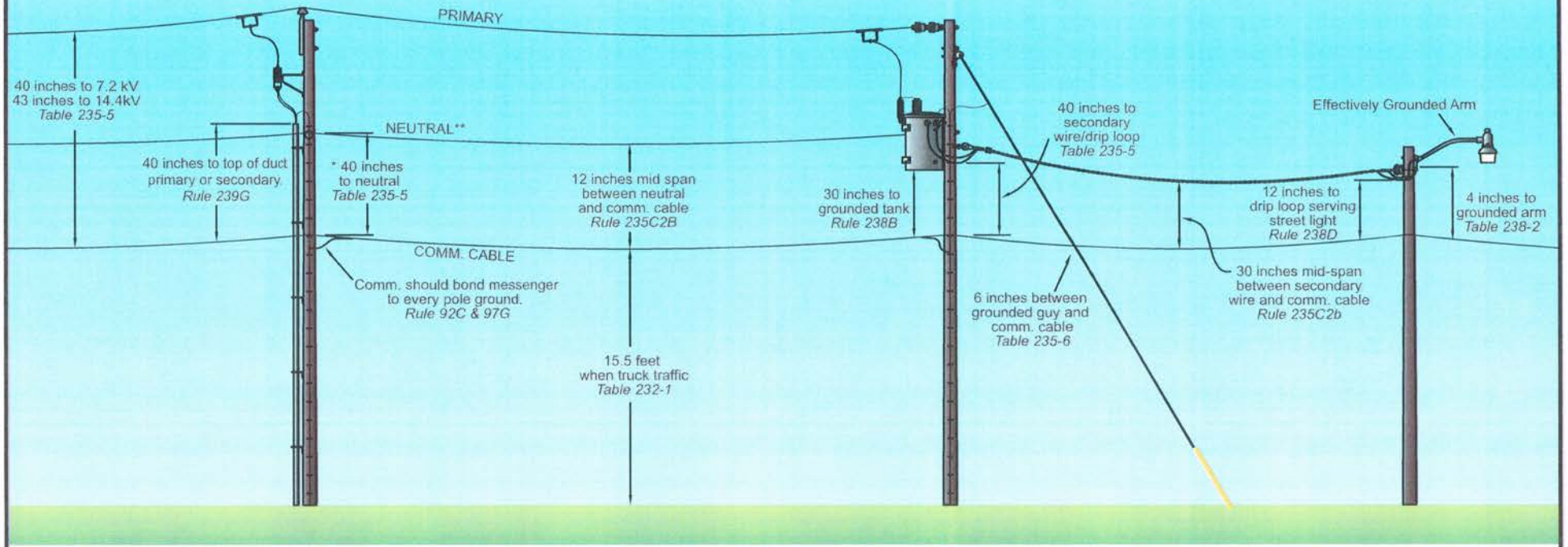
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Summary of 2023 NESC Clearances to Communication Cables - *see NESC for details and exceptions*



* 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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